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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The purpose of the proposal is to transpose into EU law the control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC), to which the European Union (EU) has been a contracting party since 2006. The IATTC is the regional fisheries management organisation (RFMO) responsible for managing tuna and tuna-like fishery resources in the Eastern Pacific Ocean (EPO) set out by the Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (the IATTC Convention). The EU has an average of three purse-seiners and thirty-some long-liners operating in the IATTC Convention area. The main stocks targeted by the EU fleet are tropical tunas and swordfish.

All IATTC Convention Contracting Parties are members of the IATTC. The IATTC adopts conservation and management measures ('Resolutions') by consensus, in accordance with Article IX.7 of the IATTC Convention. The Commission, on behalf of the EU, draws up negotiating guidelines based on a five-year mandate set by Council Decision and on scientific advice. In accordance with the mandate, these guidelines are presented, discussed and endorsed at the Council Working Party, and further adjusted, to take account of real-time developments, at coordination meetings with Member States held at IATTC annual meetings.

The IATTC Convention states that the Resolutions adopted by the IATTC are binding (Articles IX.7) and that the contracting parties shall take the measures necessary to ensure the implementation of and compliance with the Convention and any conservation and management measures adopted pursuant thereto, including the adoption of the necessary laws and regulations (Article XVIII.1). IATTC Resolutions, though aimed mainly at the IATTC Contracting Parties, also impose obligations on operators (e.g. the vessel master).

At its annual meetings, the IATTC adopts new measures or amends the existing ones. They enter into force as IATTC Resolutions forty-five days after its adoption and following its notification by the IATTC's Executive Secretary to the Contracting Parties. After the annual meeting, the Commission informs the Council about the measures adopted by the IATTC along with the planned date for their entry into force. Article 3(5) of the Treaty on European Union stipulates that the EU must abide strictly by international law, which includes compliance with IATTC Resolutions.

This proposal relates to the measures adopted by the IATTC since 2008. IATTC Resolutions can be amended annually at the IATTC annual meetings. Together with the adoption of new Resolutions, a historical overview show that any part of the existing IATTC Resolutions may be also amended at those meetings. It is incumbent on the EU to ensure compliance with these measures, as international obligations, as soon as they enter into force. This proposal is therefore designed to transpose the existing IATTC Resolutions; it also includes a mechanism to facilitate the implementation of the IATTC measures in the future.

On average the legislative process necessary to transpose into EU law conservation and management measures adopted by RFMOs requires an average of 18 months since the first drafting of the Commission proposal to the adoption of the final act by the Council and the European Parliament. Delegated powers ensure that, respecting the directives provided by the Co-legislator, the Union is able to quickly transpose into the Union law conservation measures adopted by the EU that would result beneficial for the EU fleet, reinforce the

playing level field and further support the long-term sustainable management of the stocks. This proposal provides for delegated powers granted to the Commission under Article 290 of the Treaty on the Functioning of the European Union (TFEU), to cater for amendments to measures, which are expected to be frequent and to make sure that Union fishing vessels are put on equal footing with vessels of other Contracting Parties to the IATTC such as: the technical specifications for shark lines, transshipment declaration form, closure periods, Fish Aggregating Device (FAD) reporting timelines, provisions concerning design and deployment of FADs, data collection deadlines, areas and mitigation measures for the protection of seabirds, scientific observer coverage, information related to the Regional Vessel Register, reference to table for provision of data for the logbooks and unloading records, the Big Eye Tuna Statistical Document, reporting deadlines, the turtle mortality guidelines.

The reporting deadlines set out in this proposal were decided based on the deadlines set out by the IATTC Resolutions. The aim is to ensure that the EU submits its reports to the IATTC in the timely manner.

- **Consistency with existing policy provisions in the policy area**

The provisions of some IATTC Resolutions were last transposed through Title IV of Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) N° 973/2001.

For reasons of clarity, simplification and legal certainty, it is therefore preferable to amend the Council Regulation (EC) No 520/2007 by deleting its Title IV and to take account of the changes which were made since its adoption but which have not yet been covered by EU law. IATTC Resolutions concerning fishing periods for purse-seine vessels and limits of FADs are transposed in the Council Regulation (EU) 2019/124<sup>1</sup>.

The proposal is fully aligned with Part VI (External Policy) of Regulation (EU) No 1380/2013 on the Common Fisheries Policy CFP, which states that the EU shall conduct its external fisheries in accordance with its international obligations, basing EU fishing activities on regional fisheries co-operation, and working with the European Fisheries Control Agency to ensure the compliance.

The proposal complements Regulation (EU) 2017/2403 concerning the management of the external fleet, which states that EU fishing vessels are subject to a series of RFMO fishing authorisations under the conditions and rules of specific RFMOs and Council Regulation (EC) No 1005/2008 on illegal, unreported and unregulated fishing.

This proposal does not cover EU fishing opportunities decided by the IATTC. Under Article 43(3) of the Treaty on the Functioning of the European Union (TFEU), it is the Council's prerogative to adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.

- **Consistency with other Union policies**

Not applicable.

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<sup>1</sup> OJ, L 29, 30.01.2019, p. 1.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The proposal is based on Article 43(2) TFEU, as it sets out provisions necessary for the pursuit of the objectives of the common fisheries policy objectives.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the Union (Article 3(1)(d) TFEU). The subsidiarity principle, therefore, does not apply.

- **Proportionality**

The proposal will ensure that Union law is in line with its international obligations adopted by the IATTC and that the Union complies with the decisions taken by the RFMOs to which the Union is a Contracting Party. The proposal transposes the obligations without exceeding what is necessary to achieve the objective pursued.

- **Choice of the instrument**

The instrument chosen is a Regulation of the European Parliament and of the Council.

## **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not relevant

- **Stakeholder consultations**

The purpose of this proposal is to transpose and implement the existing IATTC measures which are binding upon the Contracting Parties. Member States as well as industry and civil society from across the EU were consulted both during the run-up to the IATTC meetings at which these Resolutions were adopted and throughout negotiations held at the IATTC's annual meeting. Consequently, it was not considered necessary to hold a stakeholder consultation on this regulation.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not relevant. This is an implementation of a recommendation directly applicable to Member States.

- **Regulatory fitness and simplification**

This proposal is not linked to REFIT.

- **Fundamental rights**

This proposal has no consequences for the protection of citizens' fundamental rights.

#### **4. BUDGETARY IMPLICATIONS**

There are no budgetary implications.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

Chapter I contains general provisions on the proposal's subject matter, scope and objective. It also sets out definitions. This Regulation is applicable to EU vessels fishing in the area covered by the IATTC Convention.

Chapter II deals with conservation and management measures, including provisions relevant to purse-seine vessels fishing for tropical tuna, prohibition of fishing on data buoys, provisions concerning fishing in the vicinity of FADs, their deployment, design and set of rules for transhipment in port.

Chapter III sets out measures designed to protect certain marine species present in the area covered by the IATTC Convention, such as oceanic white-tip, silky, and hammerhead sharks and mobulid rays. These measures include data provision and release duties, as well as measures related to the protection of sea turtles and seabirds.

Chapter IV contains provisions on the IATTC observer scheme, including rules on what is covered by the observer programme and observers' reporting duties and obligations.

Chapter V sets vessel requirements, including those related to the IATTC Regional Vessel Register, to reporting duties and to the protocol for the sealing of wells.

Chapter VI contains information on reporting duties related to the data statistical programme, and requirements for the bigeye tuna document programme.

Chapter VII contains final provisions, including on the confidentiality of electronic reports and messages and the procedure for tabling amendments, delegated powers and amendments to existing EU legislation.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>3</sup> is to ensure exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.
- (2) The European Community approved by Council Decision 98/392/EC<sup>4</sup> the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement for the Implementation of that Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks<sup>5</sup>, which contain principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the European Union participates in efforts made in international waters to conserve fish stocks.
- (3) By Council Decision 2006/539/EC<sup>6</sup> the European Community approved the Convention for the Strengthening of the Inter-American Tropical Tuna Commission

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<sup>2</sup> OJ C , , p. .

<sup>3</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>4</sup> Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

<sup>5</sup> Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p.14).

<sup>6</sup> Council Decision of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the

(IATTC) established by the 1949 Convention between the United States of America and the Republic of Costa Rica.

- (4) IATTC has the authority to adopt decisions (Resolutions) to ensure the long-term conservation and sustainable use of the fishery resources in the IATTC Convention area. The IATTC Resolutions are binding for the Contracting Parties. Those Resolutions are essentially addressed to the Contracting Parties to the IATTC Convention, but also contain obligations for private operators (e.g. vessel masters). The IATTC Resolutions enter into force forty-five days following their adoption and, in respect of the Union, they must be implemented into Union law as soon as possible.
- (5) By Council Decision 2005/938/EC<sup>7</sup> the Union approved the Agreement on the International Dolphin Conservation Programme (the Agreement), which established the International Dolphin Conservation Programme (IDCP).
- (6) Under Article XIV of the Agreement, the IATTC is to have an integral role in coordinating the implementation of the Agreement and in implementing the measures that will be adopted within the framework of the IATTC.
- (7) Within the IDCP, the Meeting of the Parties is responsible for the adoption of measures designed to progressively reduce incidental dolphin mortalities in the tuna purse-seine fishery in the Agreement Area to levels approaching zero, through setting of annual limits. Such measures become binding upon the Union.
- (8) The most recent implementation of the IATTC conservation and enforcement recommendations was done through Council Regulation (EC) No 520/2007.<sup>8</sup>
- (9) Taking into consideration that IATTC Resolutions are likely to be amended at its annual meetings, and in order to swiftly incorporate them into Union law, to reinforce the playing level field and further support the long-term sustainable management of the stocks, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following aspects: the technical specifications for shark lines, closure periods, Fish Aggregating Devices (FADs) reporting timelines, provisions concerning design and deployment of FADs, data collection deadlines, areas and mitigation measures for the protection of seabirds, scientific observer coverage, information related to the Regional Vessel Register, reference to table for provision of data for the logbooks and unloading records, the Big Eye Tuna Statistical Document, several reporting deadlines and the turtle mortality guidelines.
- (10) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>9</sup>. In particular, to ensure equal

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1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

<sup>7</sup> Council Decision of 8 December 2005 on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme (2005/938/EC), (OJ L 348, 30.12.2005, p. 26).

<sup>8</sup> Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of

highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

<sup>9</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, Interinstitutional Agreement of 13 April 2016

participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (11) The delegation of powers provided for in this Regulation should be without prejudice to the implementation of future IATTC Resolutions into Union law through the ordinary legislative procedure.
- (12) Article 3(3), Article 4(3) and Title IV Council Regulation (EC) No 520/2007 should be deleted, as provisions of this Regulation implements all IATTC measures.

HAVE ADOPTED THIS REGULATION:

## CHAPTER I GENERAL PROVISIONS

### *Article 1* *Subject matter*

This Regulation lays down management, conservation and control measures relating to fishing in the area covered under the Convention for the strengthening of the Inter-American Tropical Tuna Commission<sup>10</sup> and with respect to stocks of tunas and tuna-like species, other species of fish taken by vessels fishing for tunas and tuna-like species and species belonging to the same ecosystem.

### *Article 2* *Scope*

1. This Regulation applies to Union fishing vessels used or intended for use for the purposes of fishing in the area covered under the Convention.
2. Unless otherwise stated in this Regulation, it applies without prejudice to the existing Regulations in the fisheries sector, in particular Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>11</sup> and Council Regulations (EC) No 1005/2008<sup>12</sup>, (EC) No 1224/2009<sup>13</sup> and (EC) No 1185/2003.<sup>14</sup>

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on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

<sup>10</sup> Council Decision 2005/26/EC of 25 October 2004 on the signing, on behalf of the European Community, of the Convention for the strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica ('Antigua Convention') (OJ L 15, 19.1.2005, p. 9).

<sup>11</sup> Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

<sup>12</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

<sup>13</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343 22.12.2009, p. 1).



### *Article 3* *Definitions*

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

- (1) 'the Convention' means the Convention for the strengthening of the Inter-American Tropical Tuna Commission;
- (2) 'the Convention area' means the geographical area to which the Convention applies as described in its Article III of the Convention;
- (3) 'IATTC species' means stocks of tunas and tuna-like species and other species of fish taken by vessels fishing for tunas and tuna-like species in the Convention Area;
- (4) 'Union fishing vessel' means any vessel flying the flag of a Member State, used or intended for use for the purposes of commercial exploitation of fishery resources, including support vessels, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels;
- (5) 'Contracting Party' means the contracting parties to the Convention;
- (6) 'purse seine' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the ground rope, enabling the net to be pursed and closed;
- (7) 'tropical tunas' means bigeye tuna, yellowfin tuna and skipjack tuna;
- (8) 'data buoys' are floating devices, either drifting or anchored, that are deployed by governmental or recognized scientific organisations or entities for the purpose of electronically collecting environmental data, and not in support of fishing activities, and which have been notified to IATTC Secretariat;
- (9) 'Fish Aggregating Device' or 'FAD' means anchored, drifting, floating or submerged objects deployed or tracked by vessels, including through the use of radio or satellite buoys, for the purpose of aggregating target tuna species for purse seine fishing operations;
- (10) 'interaction' with data buoys includes, but is not limited to, encircling the buoy with fishing gear, tying up or attaching the vessel, fishing gear, or any part or portion of the vessel, to a data buoy, or cutting its anchor line;
- (11) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- (12) 'SAC' means the Scientific Advisory Committee established under Article XI of the Convention;
- (13) 'transshipment' means the unloading of all or any fisheries products on board a vessel to another vessel;
- (14) 'Regional Vessel Register' means the vessel register of the IATTC;
- (15) 'Resolution' means the binding measures adopted by the IATTC Commission under Article VII of the Convention;

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<sup>14</sup> Council Regulation (EC) No 1185/2003 of 26 June 2003 on the removal of fins of sharks on board vessels (OJ L 167, 4.7.2003, p. 1).

- (16) 'IATTC transshipment declaration form' means the document contained in Annex 2 to Resolution C-12-07;
- (17) 'observer' means a person who is authorised and certified by a Member State or Contracting Party to observe, monitor and collect information on board fishing vessels;
- (18) 'longline' means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on target species;
- (19) 'shark lines' means individual lines attached to the float line or to the floats directly, and used to target sharks, as depicted in Figure 1 of Resolution C-16-05;
- (20) 'Large circle hooks' are a hook with the point turned perpendicularly back to the shank to form a generally circular or oval shape, and the point of the hook not offset more than 10 degrees;
- (21) 'the Agreement' means the Agreement on the International Dolphin Conservation Programme (AIDCP)<sup>15</sup>;
- (22) 'sealed wells' means any space on board a vessel, intended for the freezing, maintenance, or storage of fish, access to which has been blocked to prevent its use for these purposes;
- (23) 'WCPFC' means the Fisheries Commission for the Western and Central Pacific Ocean established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean<sup>16</sup>;
- (24) 'Overlap area' means the area of overlapping competence between the IATTC and WCPFC geographical areas. This area is the part of the Pacific Ocean bounded by the following lines: the 50°S parallel from its intersection with meridian 150°W until the intersection with meridian 130°W, and the 4°S parallel from its intersection with meridian 150°W until the intersection with meridian 130°W.

## CHAPTER II

### CONSERVATION AND MANAGEMENT MEASURES

#### *Article 4*

##### *Closure periods for purse seine vessels for tropical tunas*

1. To implement the fishing closure for purse seine vessels, each Member State shall:
  - (a) inform the Commission by 15 June each year of which of the two closure periods from 29 July to 8 October, or from 9 November to 19 January, shall be applicable to their vessels. The Commission shall notify the IATTC Secretariat of the applicable period of closure by 15 July each year;
  - (b) inform all interested parties in its tuna industry of the closure;
  - (c) inform the Commission by 15 June each year that these steps have been taken;

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<sup>15</sup> Council Decision 2005/938/EC of 8 December 2005 on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme (OJ L 348, 30.12.2005, p. 26).

<sup>16</sup> Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

- (d) ensure that for the entire duration of the closure all purse seine vessels that fly their flag do not fish in the Convention area.
2. Where a Union fishing vessel is unable to proceed to sea outside the applicable closure period referred to in paragraph 1(a), due to *force majeure* event consisting of disabling of a fishing vessel in the course of fishing operations by mechanical or structural failure, fire or explosion, during a period of at least 75 consecutive days, the Member State may send to the Commission an exemption request for the closure period, together with the evidence necessary to demonstrate that the vessel did not proceed to sea due to *force majeure*. The request shall be sent to the Commission at the latest two weeks after the cessation of the cause of the *force majeure*. The Commission shall assess and, where applicable, forward the request to the IATTC Secretariat for consideration by the IATTC at the latest one month after the cessation of the cause of the *force majeure*.
3. Where the Commission notifies the Member State of the approval by the IATTC of the request referred to in paragraph 2:
- (a) in the event that the vessel has not observed a closure period in the same year where the cause of the *force majeure* occurred, the vessel shall observe a reduced closure period of 40 consecutive days in one of the two closure periods of that year instead of the full closure set out in paragraph 1(a) and the Commission shall immediately notify the IATTC Secretariat of the chosen period of closure, or
- (b) in the event that the vessel has already observed a closure period in the same year during which the cause of the *force majeure* occurred, it shall observe a reduced closure period of 40 consecutive days the following year in one of the two closure periods for that year, to be notified to the Commission no later than 15 July.
4. Any vessel that benefits from the exemption of paragraph 3 shall carry an authorised observer on-board.
5. In addition to the closure of paragraph 1, the fishery for tropical tunas within the area of 96° and 110°W and between 4°N and 3°S shall be closed from 9 October to 8 November of each year.

## Article 5

### *Prohibition of fishing on data buoys*

1. Masters of Union fishing vessels shall ensure that their vessels do not interact with data buoys in the Convention area.
2. It is prohibited to deploy fishing gear within one nautical mile of an anchored data buoy in the Convention area.
3. It is prohibited to take on board a data buoy, unless a Member State, a Contracting Party or the owner responsible for that buoy specifically authorises or requests to do so.
4. If fishing gear becomes entangled with a data buoy, the entangled fishing gear shall be removed with as little damage to the data buoy as possible.
5. Scientific research programmes formally notified to the IATTC may operate Union fishing vessels within one nautical mile of a data buoy, provided that the vessel does not interact with the data buoy or deploy fishing gear, as set out in paragraphs 1 and 2.

*Article 6*  
*Fish Aggregating Devices (FADs)*

1. FADs shall be activated exclusively on board Union purse seine vessels.
2. A FAD is considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner, or operator.
3. Union fishing vessels shall report daily information on all active FADs to the Commission at intervals submitted with a time delay of at least 60 days, but with a time interval of not more than 90 days between each report. The Commission shall immediately forward that information to the IATTC Secretariat.
4. The operators of Union vessels shall collect and report any interaction with FADs to Member States. For each interaction they shall record the following information:
  - (a) position of the FAD;
  - (b) date and hour of deployment of the FAD;
  - (c) IATTC FAD identification (*i.e.* FAD marking or beacon identification; type of buoy; or any information allowing identification of the owner);
  - (d) FAD type (such as anchored FAD, drifting natural FAD, drifting artificial FAD);
  - (e) FAD design characteristics (dimension and material of the floating part and of the underwater hanging structure);
  - (f) type of activity (set, deployment, hauling, retrieving, loss, intervention on electronic equipment, etc.);
  - (g) if the activity is a set, the results of the set in terms of catch and bycatch; and
  - (h) characteristics of any attached buoy or positioning equipment (positioning system, whether equipped with sonar, etc.).
5. The data collected for the previous calendar year shall be submitted by Member States to the Commission no later than 75 days prior to each regular meeting of the SAC. The Commission shall forward that information no later than 60 days before the meeting of the SAC.
6. 6. The identification and the design and deployment of FADs by Union vessels shall comply with, respectively, Annex I and II of Resolution C-19-01.

*Article 7*  
*Transshipments in port*

All transshipments in the Convention area of IATTC species shall take place in port.

CHAPTER III

## PROTECTION OF MARINE SPECIES

### SECTION 1

#### ELASMOBRANCH SPECIES

##### *Article 8*

###### *Oceanic whitetip sharks*

1. It is prohibited to retain onboard, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*).
2. Whitetip sharks shall be to the extent practicable promptly released unharmed when brought alongside the vessel.
3. Member States, shall record, *inter alia* through the observer programs, the number of discards and releases of whitetip sharks, indicating the status (dead or alive), including those released under paragraph 2.

##### *Article 9*

###### *Mobulid rays*

1. It is prohibited to retain onboard, tranship, land, store, sell or offer for sale any part or whole carcass of Mobulid rays (which includes *Manta* rays and *Mobula* rays) caught in the Convention area.
2. If Mobulid rays are unintentionally caught and frozen as part of a purse seine vessel operation, the vessel shall surrender the whole Mobulid ray to the responsible authorities at the point of landing. Mobulid rays surrendered in this manner may not be sold or bartered but may be donated for purposes of domestic human consumption.
3. Mobulid rays that are caught unintentionally shall be promptly released unharmed, to the extent practicable, as soon as they are seen in the net, on the hook, or on the deck. Release shall be done in a manner that will result in the least possible harm to the Mobulid rays captured without compromising the safety of any persons, following the guidelines detailed in Annex 1 of IATTC Resolution C-15-04.
4. Member States, shall record, *inter alia* through the observer programs, the number of discards and releases of Mobulid rays, indicating the status (dead or alive), including those surrendered under paragraph 2.

##### *Article 10*

###### *Silky sharks*

1. It is prohibited to retain on board, tranship, land, store, sell or offer for sale any part or whole, carcasses of silky sharks (*Carcharhinus falciformis*) caught by purse seine vessels in the Convention Area.
2. However, if silky sharks are unintentionally caught and frozen as part of purse-seine vessel's operations, if the governmental authorities are present at the point of landing, the whole silky shark must be surrendered to them. If the governmental authorities are unavailable, the whole silky shark surrendered may not be sold or

bartered but may be donated for purposes of domestic human consumption. Silky sharks surrendered in this manner shall be reported to the IATTC Secretariat.

3. Longline vessels that catch sharks incidentally, shall limit bycatch of silky sharks to a maximum of 20% of the total catch by fishing trip in weight.
4. Union fishing vessels shall not fish in silky shark pupping areas identified by the IATTC.

### *Article 11*

#### *Whale sharks*

1. Union fishing vessels shall not set a purse seine net on a school of tunas associated with a live whale shark (*Rhincodon typus*), if the animal is sighted prior to the commencement of the set.
2. In the event that a whale shark is not deliberately encircled in the purse-seine net, the captain of the vessel shall:
  - (a) ensure that all reasonable steps are taken to ensure its safe release; and
  - (b) report the incident to the Member State, including the number of individuals concerned, details of how and why the encirclement happened, where it occurred, steps taken to ensure safe release, and an assessment of the life status of the animal(s) on release (including whether any were released alive but subsequently died).
3. Whale sharks shall not be towed out of a purse seine net.

### *Article 12*

#### *Safe release of sharks by purse seine vessels*

1. Union vessels shall promptly release sharks (whether alive or dead) caught that are not retained unharmed, to the extent practicable, as soon as they are seen in the net or on the deck, without compromising the safety of any persons.
2. If a shark is alive when caught by purse seine vessels and is not retained, the shark shall be released by using the following procedures, or equally effective means:
  - (a) sharks are released out of the net by directly releasing them from the brailer into the ocean. Sharks that cannot be released without compromising the safety of persons before being landed on deck shall be returned to the water as soon as possible, either utilizing a ramp from the deck connecting to an opening on the side of the vessel, or through escape hatches. If ramps or escape hatches are not available, the sharks are lowered with a sling or cargo net, using a crane or similar equipment, if available;
  - (b) the use of gaffs, hooks, or similar instruments is prohibited for the handling of sharks. No shark may be lifted by the head, tail, gill slits, or spiracles, or by using bind wire against or inserted through the body, and no holes may be punched through the bodies of sharks (e.g. to pass a cable through for lifting the shark);

### *Article 13*

#### *Prohibition to use shark lines by longline vessels*

Union longline fishing vessels shall not use shark lines.

### *Article 14*

#### *Data collection on shark species*

1. Masters of Union fishing vessels shall collect and submit catch data for silky and hammerhead sharks to the Member States, who shall and send submit it to the Commission by 31 March each year. The Commission shall forward that information to the IATTC Secretariat.
2. Observers on Union vessels shall record the number and status (dead/alive) of silky sharks and hammerhead sharks caught and released.

## SECTION 2

### OTHER SPECIES

### *Article 15*

#### *Seabirds*

1. Longline vessels that use hydraulic, mechanical, or electrical systems and that fish for species covered by the Convention area north of 23°N and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S shall apply at least two of the mitigation measures contained in the table in Annex to this Regulation including at least one from Column A. Vessels shall not use the same measure from Column A and Column B.
2. Notwithstanding paragraph 1, side-setting with bird curtains and weighted branch lines shall be only applied in the area north of 23°N until research establishes the utility of this measure in waters south of 30°S. The use of side-setting with a bird curtain and weighted branch lines from column A will be counted as two mitigation measures.
3. If the tori line is selected from both Column A and Column B this equates to simultaneously using two (i.e. paired) tori lines.

### *Article 16*

#### *Sea turtles*

1. Union vessels shall promptly release, in a manner that causes the least harm to the extent practicable, all sea turtles, without compromising the safety of any persons and that at least one member of its crew is trained in techniques for handling and release of sea turtles to improve survival after release.
2. Member States shall continue to participate in and promote research to identify techniques to further reduce sea turtle bycatch in all gear types used in the EPO.
3. The master of a purse seine vessel shall:
  - (a) avoid encirclement of sea turtles to the extent practicable and carry on board, and employ when appropriate, safe-handling tools for the release of sea turtles and take

all reasonable steps, in the event a sea turtle is sighted in a purse seine net to ensure its safe release;

- (b) take the actions necessary to monitor FADs for the entanglement of sea turtles, and ensure the release of all sea turtles entangled in FADs;
  - (c) record all observed interactions involving sea turtles during purse seine fishing operations and report such information to the national authorities.
4. Master of longline vessels shall:
- (a) carry on-board and, when sea turtle interactions occur, employ the necessary equipment (e.g. de-hookers, line cutters, and scoop nets) for the prompt release of sea turtles incidentally caught;
  - (b) when the majority of hooks fish at depths shallower than 100 meters shall employ one as this two mitigation measures: large circle hooks or the use only finfish for bait;
  - (c) report any interactions to the national authorities.
5. Member States shall support research and development of modified FAD designs to reduce sea turtle entanglement as well as take measures to encourage the use of designs found to be successful at such reduction.

#### *Article 17*

##### *Protection of dolphins*

Only Union fishing vessels operating under the conditions laid down in the Agreement, which have been allocated a Dolphin Mortality Limit (DML) shall be authorised to encircle schools or groups of dolphins with purse seines when fishing for yellowfin tunas in Convention area.

### CHAPTER IV SCIENTIFIC OBSERVERS

#### *Article 18*

##### *Scientific observers on longline vessels*

- 1. Member States shall ensure that at least 5% of the fishing effort made by their vessels greater than 20 metres length overall, carry a scientific observer.
- 2. Scientific observers shall record the catches of targeted fish species, species composition and any other available biological information as well as any interactions with non-target species such as sea turtles, seabirds and sharks.
- 3. Scientific observers on board Union vessels shall submit to the Member State authorities a report on these observations at the latest 15 days after the end of each fishing trip. That report shall be sent to the Commission in accordance with Article 25(5) of this Regulation.



## Article 19

### *Scientific observers' safety at sea*

1. Provisions of this Article are without prejudice to obligations of observers and responsibilities of the master of a fishing vessel set out in the Annex II of the Agreement.
2. The master of a fishing vessel shall:
  - (a) take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
  - (b) endeavor to ensure that observers alternate vessels between their assignments;
  - (c) ensure that the vessel on which an observer is placed provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible;
  - (d) ensure that all necessary cooperation is extended to observers in order for them to carry out their duties safely, including providing access, as required, to the retained catch, and catch which is intended to be discarded.
3. Member States shall take measures to ensure the safety of observers and crew members in accordance with the IATTC Resolution C-11-08 on improving observer safety at sea, as well as relevant Union and international labour standards<sup>17</sup>.
4. Member States shall ensure that observers fulfil qualifications criteria set out in the Annex II to the Agreement.
5. In the event that an observer dies, is missing or presumed fallen overboard, the master of a fishing vessel shall ensure that the fishing vessel:
  - (a) immediately ceases all fishing operations;
  - (b) immediately commences a search and rescue operation if the observer is missing or presumed fallen overboard, and searches for at least 72 hours, unless instructed by the flag Member State to continue searching;
  - (c) immediately notifies the flag Member State and the observer provider;
  - (d) immediately alerts other vessels in the vicinity by using all available means of communication;
  - (e) cooperates fully in any search and rescue operation and after such search and rescue operation has been terminated, orders the vessel to the nearest port for further investigation, as agreed by the flag Member State and the observer provider;
  - (f) provides the report on the incident to the observer provider and the authorities of the flag Member State; and
  - (g) cooperates fully in any official investigations into the incident, and preserves any potential evidence and the personal effects and quarters of the deceased or missing observer.

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<sup>17</sup> In particular the European Framework Directive on Safety and Health at Work (Directive 89/391 EEC), Directive 2017/159/EU of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation (ILO), the ILO Work in Fishing Convention, 2007 (No.188) and the ILO Violence and Harassment Convention, 2019 (No.190)

6. In the event that an observer dies, the master of a fishing vessel shall ensure that, to the extent practicable, the body is well preserved for the purposes of an autopsy and investigation.
7. In the event that an observer suffers from a serious illness or injury that threatens his or her life or long-term health or safety, the master of a fishing vessel shall ensure that a fishing vessel:
  - (a) immediately ceases fishing operations;
  - (b) immediately notifies the flag Member State and the observer provider;
  - (c) takes all reasonable actions to care for the observer and provide any medical treatment available and possible on board the vessel, and where appropriate seek external medical advice;
  - (d) where directed by the observer provider, if not already directed by the Member State, facilitates the disembarkation and transport of the observer to a medical facility equipped to provide the required care as directed by the Member State or the observer provider, as soon as practicable; and
  - (e) cooperates fully in any official investigations into the cause of the illness or injury.
8. Without prejudice to the obligations applicable to the master of the vessel, for the purposes of paragraphs 5 to 7, the Member State shall ensure that the appropriate Maritime Rescue Coordination Centre, observer provider, and the IATTC Secretariat are immediately notified and provided a report on actions undertaken.
9. In the event that there are reasonable grounds to believe an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered and the observer or the observer provider requests the flag Member State for the removal of the observer from the fishing vessel, the master of that fishing vessels shall:
  - (a) immediately take action to preserve the safety of the observer and mitigate and resolve the situation on board;
  - (b) immediately notify the flag Member State and the observer provider of the situation, including the status and location of the observer;
  - (c) facilitates the safe disembarkation of the observer in a manner and place, as agreed by the flag Member State and the observer provider, that allows access to any needed medical treatment; and
  - (d) cooperates fully in any official investigations into the incident.
10. In the event that there are reasonable grounds to believe that an observer has been assaulted, intimidated, threatened, or harassed such that their health or safety is endangered but neither the observer nor the observer provider requests that the observer be removed from the fishing vessel, the master of that fishing vessel shall:
  - (a) immediately take action to preserve the safety of the observer and mitigate and resolve the situation on board as soon as possible;
  - (b) immediately notify the flag Member State and the observer provider of the situation; and
  - (c) cooperate fully in all official investigations into the incident.

11. Where, after disembarkation from a fishing vessel of an observer, an observer provider identifies, such as during the course of debriefing the observer, a possible incident involving assault or harassment of the observer while on board the fishing vessel, the observer provider shall notify, in writing, the flag Member State and the IATTC Secretariat.
12. Upon receiving the notification received in paragraph 10, the flag Member State shall:
  - (a) investigate the event based on the information provided by the observer provider, prepare an incident report on this basis and take any appropriate action in response to the results of the investigation;
  - (b) cooperate fully in any investigation conducted by the observer provider, including providing the incident report of its investigation to the observer provider and appropriate authorities; and
  - (c) notify the observer provider and the IATTC of the results of its investigation and any actions taken.
13. National observer providers shall:
  - (a) immediately notify the flag Member State in the event that an observer dies, is missing or presumed fallen overboard in the course of observer duties;
  - (b) cooperate fully in any search and rescue operation;
  - (c) cooperate fully in any official investigations into any incident involving an observer;
  - (d) facilitate the disembarkation and replacement of an observer in a situation involving the serious illness or injury of that observer as soon as possible;
  - (e) facilitate the disembarkation of an observer in any situation involving the assault, intimidation, threats to, or harassment of that observer to such an extent that the observer wishes to be removed from the vessel, as soon as possible; and
  - (f) provide the flag Member State with a copy of the observer report on alleged incidents involving assault or harassment of the observer upon request.
14. Relevant observer providers and Member States shall cooperate in each other's investigations, including providing their incident reports for any incidents indicated in paragraphs 5 through 11 to facilitate any investigations as appropriate.

## CHAPTER V

### VESSEL REQUIREMENTS

#### *Article 20*

##### *Regional Vessel Register*

1. Member States shall provide the Commission with the following information with respect to each vessel under its jurisdiction to be included in the Regional Vessel Register:

- (a) name of Union fishing vessel, registration number, previous names (if known), and port of registry;
  - (b) a photograph of the vessel showing its registration number;
  - (c) previous flag (if known and if any);
  - (d) International Radio Call Sign (if any);
  - (e) name and address of owner or owners;
  - (f) date and place of building;
  - (g) length, beam, and moulded depth;
  - (h) freezer type and freezer capacity, in cubic meters;
  - (i) number and capacity of fish holds, in cubic meters and, in the case of purse seine vessels, capacity breakdown by fish hold if possible;
  - (j) name and address of operator(s) and manager(s), if any;
  - (k) type of vessel;
  - (l) type of fishing method or methods;
  - (m) gross tonnage;
  - (n) power of main engine or engines;
  - (o) the main target species;
  - (p) International Maritime Organization (IMO) number.
2. Each Member State shall promptly notify the Commission of any modifications to the information concerning elements listed in paragraph 1. The Commission shall forward that information to the IATTC Secretariat without delay.
  3. Each Member State shall also promptly notify the Commission of:
    - (a) any additions to the record;
    - (b) any deletions from the record by reason of:
      - (i) the voluntary relinquishment or non-renewal of the fishing authorization by the owner or operator of the vessel;
      - (ii) the withdrawal of the fishing authorization issued to the vessel;
      - (iii) the fact that the vessel is no longer entitled to fly its flag;
      - (iv) the scrapping, decommissioning or loss of the vessel; and
      - (v) any other reason, not listed above are applicable.
  4. Member States shall notify the Commission by 30 May each year of the Union vessels on the Regional Vessel Register flying their flag that were actively fishing in the Convention area for species covered by the Convention from 1 January to 31 December of the previous year. The Commission shall forward that information to the IATTC Secretariat without delay.
  5. The Commission shall request Member States to provide complete data for its vessels in accordance with paragraph 1 if the Member State does not provide all the required information.

## *Article 21*

### *Sealed wells*

1. A well that is sealed shall be physically sealed in a tamper-proof manner, and in such a way that it does not communicate with any other space on the vessel and that its use for any other storage is prevented.
2. Member States shall take the necessary measures to inspect and verify the wells sealed for the first time.
3. Any vessel with one or more of its wells sealed to reduce the well volume recorded on the regional vessel register shall be required to carry an observer from the AIDPC on board.
4. It shall be possible to open a sealed well only in case of an emergency. If a sealed well is opened at sea, the observer shall be present both when the well is opened and when it is resealed.
5. All refrigeration equipment in the sealed well shall be rendered inoperative.
6. The vessel master shall notify observers of any sealed wells on-board. Observers shall report to the IATTC Secretariat any instances of sealed wells being used for storing fish.

## CHAPTER VI DATA AND STATISTICAL PROGRAMME

## *Article 22*

### *Provision of Data*

1. Member States shall ensure that all pertinent catch information is provided to the Commission on an annual basis, for all of their vessels fishing for species under the purview of the Convention.
2. Member States shall provide the data, by species and fishing gear, where practical, via vessel logbooks and unloading records, and otherwise in aggregated form as in the table set out in IATTC Resolution C-03-05, with Level 3 catch and effort data as a minimum requirement, and, whenever possible, Levels 2 and 1 catch and effort data and length- frequency data.
3. The aggregated data table referred to in paragraph 2 for each year shall be provided to the Commission by 31 May of the following year. The Commission shall forward that information to the IATTC Secretariat by 30 June.

## *Article 23*

### *Bigeye tuna statistical document*

1. All bigeye tunas imported into the territory of the Union shall be accompanied by the bigeye tuna statistical document or the IATTC bigeye tuna re-export certificate, as appropriate, established by the IATTC<sup>18</sup>. Bigeye tuna caught by purse seiners and bait boats and destined principally for further processing by tuna canneries are not subject to this statistical document requirement.
2. The IATTC bigeye tuna statistical document must be validated by the authorities of the Member State of the vessel that harvested the tuna. The IATTC bigeye tuna re-

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<sup>18</sup> Appendix to the Resolution C-03-01.

export certificate must be validated by the authorities of the Member State that re-exported the tuna.

3. The Member States that import bigeye tuna shall report to the Commission the trade data collected by their authorities each year by 1 April for the period of 1 July to 31 December of the preceding year and by 1 October for the period of 1 January to 30 June of the current year. The Commission shall forward that information to the IATTC Secretariat without delay.
4. Member States that export bigeye tuna shall examine the trade data upon receiving the import data referred to in paragraph 3 above and report the results to the Commission. The Commission shall forward that information to the IATTC Secretariat without delay.
5. Member States shall validate statistical documents involving a transshipment at port undertaken by longline vessels flying their flags where the transshipment was conducted in accordance with this Regulation and on the basis of the information obtained through the IATTC Observer Program.
6. Member States that validate a statistical document involving transshipments undertaken by a longline vessel flying their flags shall ensure that the information is consistent with the catches reported by each longline vessel.
7. All tunas and tuna-like species and sharks landed in, or imported into the Union, either unprocessed or after having been processed on board, and which are transhipped, shall be accompanied by the IATTC transshipment declaration form until the first sale has taken place.

## CHAPTER VII

### FINAL PROVISIONS

#### *Article 24*

##### *Overlap area*

1. Union fishing vessels listed exclusively in the IATTC register shall apply the conservation and management measures of the IATTC when fishing in the overlap area.
2. In the case of vessels listed in the vessel registers of both the WCPFC and the IATTC, prior to fishing in the overlap area flag Member States shall notify the Commission under which of the two conservation and management measures adopted by those organisations their vessels shall operate when fishing in the overlap area. The notification shall be valid for a period of not less than three years.

#### *Article 25*

##### *Reporting*

1. Member States shall submit to the Commission, by 15 June of each year for the preceding year, a national report on its compliance scheme and actions taken to implement IATTC measures, including any controls it has imposed on its fleets and any monitoring, control and compliance measures it has established to ensure compliance with such controls.
2. Member States shall report annually by 15 April for the preceding year, data for catches, effort by gear type, landing and trade of sharks by species, data regarding

whitetip sharks of Article 8(3), mobulid rays of Article 9(4) and silky sharks of Article 10. The Commission shall forward that information to the IATTC Secretariat by 1 May.

3. Member States shall report annually by 15 June for the preceding year, on the implementation of Article 15 and interactions with seabirds during fisheries activities managed under the Convention, including by-catches of seabirds, details of seabird species, and all relevant information available from observers and other monitoring programmes. The Commission shall forward that information to the IATTC Secretariat by 30 June.
4. Member States shall report annually by 15 June for the preceding year, on the implementation of Article 16 and the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations (2009)<sup>19</sup> for turtles, including information collected on interaction with turtles during fisheries activities managed under the Convention. The Commission shall forward that information to the IATTC Secretariat by 30 June.
5. Member States shall submit a scientific observer report for longline vessels referred to in Article 18(3) by 15 March for the preceding year. The Commission shall forward that information to the IATTC Secretariat by 30 March.

#### *Article 26*

##### *Alleged non-compliance reported by the IATTC*

1. If the Commission receives from the IATTC Secretariat any information indicating a suspected non-compliance with the Convention or IATTC Resolutions by a Member State or by Union fishing vessels, the Commission shall transmit that information to the concerned Member State without delay.
2. The Member State shall launch an investigation in relation to the allegations of non-compliance and provide the Commission with the findings of such investigation and any actions taken to address any non-compliance concerns at least 75 days in advance of the annual meeting of the Committee for the Review of Implementation of Measures ('Compliance Committee').
3. The Commission shall forward that information to the IATTC Secretariat at least 60 days in advance of the Compliance Committee meeting.

#### *Article 27*

##### *Confidentiality*

In addition to the obligations laid down in Articles 112 and 113 of Regulation (EC) No 1224/2009, Member States, masters of fishing vessels, observers, shall ensure confidential treatment of electronic reports and messages transmitted to and received from the IATTC Secretariat pursuant to Article 10(2), Article 19(5), Article 19(8) and Article 21(6) of this Regulation.

#### *Article 28*

##### *Empowerment for amendments*

1. The Commission is empowered to adopt delegated acts amending this Regulation, in accordance with Article 29, to adapt it to measures adopted by the IATTC that bind the Union and its Member States concerning:
  - (a) transshipment declaration form referred to in Article 3(17);

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<sup>19</sup> <http://www.fao.org/docrep/012/i0725e/i0725e.pdf>

- (b) reference to depiction of shark lines of Article 3(19);
  - (c) closure periods referred to in Article 4(1)(a) and in Article 4(5);
  - (d) FADs reporting timelines provided for in Article 6(3);
  - (e) information to be collected when fishing with FADs listed by Article 6(4);
  - (f) provisions concerning design and deployment of FAD provided for in Article 6(6);
  - (g) the data collection deadline referred to in Article 14(1);
  - (h) areas and mitigation measures for the protection of seabirds of Article 15(1) and (2);
  - (i) scientific observer coverage of Article 18(1);
  - (j) information related to the Regional Vessel Register listed in Article 20(1);
  - (k) reference to table for provision of data for the logbooks and unloading records provided for in Article 22(2);
  - (l) reference to Big Eye Tuna Statistical Document of Article 23(1);
  - (m) reporting deadlines provided for in Article 25;
  - (n) reference to turtle mortality guidelines of in Article 25(4);
  - (o) Annex to this Regulation.
2. Amendments in accordance with paragraph 1 shall be strictly limited to the implementation of amendments or new IATTC Resolutions into Union law.

## *Article 29*

### *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 28 shall be conferred on the Commission for a period of five years from [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 28 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify simultaneously the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council



within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 30*

*Amendments to Council Regulation (EC) No 520/2007*

Article 3(3), Article 4(3) and Title IV of Council Regulation (EC) No 520/2007 are deleted.

*Article 31*

*Entry into force*

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

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*