

Proposal for a Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species

(2000/C 337 E/11)

(Text with EEA relevance)

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(Submitted by the Commission on 8 June 2000)

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 Community has approved the United Nations Convention on the Law of the Sea⁽¹⁾, which contains principles and rules relating to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Community participates in efforts arising in international waters to conserve fish stocks.
- (2) Pursuant to Council Decision 86/238/EEC of 9 June 1986⁽²⁾, the European Community has been a Contracting Party to the International Commission for the Conservation of Atlantic Tunas, hereinafter called 'the ICCAT Convention', since 14 November 1997.
- (3) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and adjoining seas by setting up an International Commission for the Conservation of Atlantic Tunas, hereinafter called the 'ICCAT', and adopting recommendations on conservation and management in the Convention area which become binding on the Contracting Parties.
- (4) The ICCAT has recommended a number of technical measures for certain stocks of highly migratory species in the Atlantic and the Mediterranean, specifying *inter alia* authorised sizes and weights of fish, and restrictions on fishing within certain areas and time-periods, with certain gears, and on capacity. These recommendations are binding on the Community and should therefore be implemented.
- (5) Certain technical measures adopted by the ICCAT were incorporated into Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures

for the conservation of fishery resources in the Mediterranean⁽³⁾ and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽⁴⁾. In the interests of clarity, these measures should be brought together in this Regulation and the relevant Articles of the above Regulations should be repealed.

- (6) To take into account traditional fishing practice in certain areas, specific provisions on the capture and retention on board of certain tuna species should be adopted.
- (7) The Community has approved the Agreement for the establishment of the Indian Ocean Tuna Commission⁽⁵⁾. This agreement provides a useful framework for closer international cooperation and rational use of tunas and related species in the Indian Ocean by setting up the Indian Ocean Tuna Commission, hereinafter called the 'IOTC', and adopting recommendations on conservation and management in the IOTC area which become binding on the Contracting Parties.
- (8) The IOTC has adopted a recommendation laying down technical measures for certain stocks of highly migratory species in the Indian Ocean. This recommendation is binding on the Community and should therefore be implemented.
- (9) The European Community has signed the Agreement on the International Dolphin Conservation Program⁽⁶⁾ and decided to apply it on a provisional basis⁽⁷⁾ pending its approval. The Community should therefore apply the provisions laid down in this Agreement.
- (10) The objectives of the Agreement include the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Eastern Pacific Ocean to levels approaching zero, by setting annual limits, and the long term sustainability of the tuna stocks in the Agreement Area.
- (11) Some provisions of this Agreement were incorporated into Regulation (EC) No 850/98. These provisions should be incorporated into this Regulation.

⁽³⁾ OJ L 171, 6.7.1994, p. 1.

⁽⁴⁾ OJ L 125, 27.4.1998, p. 1.

⁽⁵⁾ OJ L 236, 5.10.1995, p. 24.

⁽⁶⁾ OJ L 132, 27.5.1999, p. 1.

⁽⁷⁾ OJ L 147, 12.6.1999, p. 23.

⁽¹⁾ OJ L 179, 23.6.1998, p. 1.

⁽²⁾ OJ L 162, 18.6.1986, p. 33.

(12) The Community has fishing interests in the Eastern Pacific Ocean and has applied to accede to the Inter-American Tropical Tuna Commission, hereinafter 'IATTC'. Pending accession, and in accordance with its obligation to cooperate with the other Parties involved in the management and conservation of resources in this region under the United Nations Convention on the Law of the Sea, the technical measures adopted by the IATTC should be applied by the Community. These measures should therefore be incorporated into Community law.

(13) In the interests of clarity and efficiency, all technical measures applicable to the fishing of certain highly migratory stocks should, now or at a later date, be brought together in a Council Regulation. Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ⁽¹⁾, as last amended by Regulation (EC) No 1239/98, may therefore be repealed and certain Articles of Regulation (EC) No 850/98 may be deleted.

(14) Drift-net fishing for tuna, swordfish and certain other species gives rise to by-catches and a risk for the populations of species other than the target species.

(15) In view of the risk of an uncontrolled expansion of the fishing effort and the inadequate selectivity of drift-nets, their use should be prohibited in fisheries for tuna, swordfish and certain other species. This ban should be introduced without delay to avoid any ecological risks.

(16) Community vessels which have fished with drift-nets for those species are subject to economic constraints necessitating a period of adjustment to the new restrictions. The ban on fishing with drift-nets by these vessels should therefore be phased in progressively over a reasonably short time.

(17) Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish ⁽²⁾ does not cover all fisheries concerned by the use of drift-nets. The general provisions of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾ concerning logbooks and landing declarations only applied to the Mediterranean as from 1 January 1999.

⁽¹⁾ OJ L 132, 23.5.1997, p. 1. Regulation as last amended by Regulation (EC) No 1239/98.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998).

⁽³⁾ OJ L 276, 10.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2945/95 (OJ L 308, 21.12.1995, p. 18).

(18) The control of fishing using drift-nets therefore poses special difficulties. Specific provisions for that activity should be defined.

(19) The consequences of fishing using drift-nets must be subject to constant assessment and, therefore, the necessary data must be collected.

(20) Where detailed rules on the implementation of this Regulation may be necessary, such rules should be adopted in accordance with Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down technical conservation measures applicable to vessels flying the flag of Member States and registered in the Community, hereinafter 'Community fishing vessels', with regard to the capture and landing of certain stocks of highly migratory species referred to in Annex I to this Regulation in the maritime waters listed in Article 2.

TITLE I

DEFINITIONS

Article 2

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

(a) Area 1

All waters of the Atlantic Ocean and adjacent seas covered by the ICCAT Convention as defined in Article 1 thereof.

(b) Area 2

All waters of the Indian Ocean covered by the Agreement for the establishment of the Indian Ocean Tuna Commission as defined in Article 2 thereof.

(c) Area 3

All waters of the Eastern Pacific Ocean as defined in Article 3 of the Agreement on the International Dolphin Conservation Program.

(d) Area 4

All seas and oceans.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

TITLE II

TECHNICAL MEASURES APPLICABLE IN AREA 1

Chapter 1

Restrictions on the use of certain types of vessels and gears

Article 3

1. During the period 1 November to 31 January in the area specified in paragraph 2, it shall be prohibited to:

- anchor floating objects,
- fish under artificial objects,
- fish under natural objects,
- fish using ancillary vessels,
- throw into the sea artificial floating objects with or without buoys,
- install buoys on floating objects found at sea,
- remove floating objects and wait for the fish attracted by these objects to gather underneath the vessel,
- tow floating objects outside the area.

2. The area referred to in paragraph 1 is bounded as follows:

- southern boundary at latitude 4°S,
- northern boundary at latitude 5°N,
- western boundary at longitude 20°W,
- eastern boundary at the coast of Africa.

3. Vessels shall be prohibited from commencing or continuing fishing in the area and during the period specified in paragraphs 1 and 2 without an observer on board.

4. Member States shall take the necessary steps to appoint observers and ensure that they are placed on board all vessels flying their flag or registered in their territory which are about to undertake fishing activities in the area referred to in paragraph 2.

5. Member States shall take the necessary steps to ensure that properly appointed observers remain on board the fishing vessels to which they have been assigned until they are replaced by other observers.

6. The master of a Community vessel operating in the area and during the period specified in paragraphs 1 and 2 shall receive the observer and cooperate with him in the performance of his duties during his stay on board.

The master of a vessel designated to receive an observer on board shall make every reasonable effort to facilitate his arrival and departure. During the observer's stay on board he shall be provided with appropriate accommodation and working facilities.

7. Member States shall send the Commission by 1 May each year at the latest a comprehensive report assessing the content and conclusions of the reports of the observers assigned to vessels flying their flag.

8. The period referred to in paragraph 1, the area referred to in paragraph 2 and the arrangements for the assignment of observers set out in Annex II may be amended by the Commission in accordance with the procedure laid down in Article 24.

Article 4

By way of derogation from Article 19, the following shall be prohibited:

- the retention on board of any quantity of skipjack, bigeye or yellowfin tuna which are caught using purse seines in waters under the sovereignty or jurisdiction of Portugal in ICES sub-area X north of 36°30'N or in CECAF areas north of 31°N and east of 17°30'W, or the fishing for the said species in the said areas with the said gears;
- the retention on board of highly migratory species which are caught using drift-nets in waters under the sovereignty or jurisdiction of Spain or Portugal in ICES sub-areas VIII, IX and X, or in CECAF areas around the Canary Islands and Madeira, or the fishing for the said species in the said areas with the said gears.

Article 5

1. Fishing for bluefin tuna with encircling nets shall be prohibited:

- from 1 to 31 May in the Mediterranean Sea as a whole and from 16 July to 15 August in the Mediterranean Sea excluding the Adriatic for vessels operating exclusively or predominantly in the Adriatic;
- from 16 July to 15 August in the Mediterranean Sea as a whole and from 1 to 31 May in the Adriatic for vessels operating exclusively or predominantly in the Mediterranean Sea excluding the Adriatic.

Member States shall ensure that all vessels flying their flag or registered in their territory are subject to the above rules.

For the purposes of this Regulation, the southern limit of the Adriatic Sea shall be a line drawn between the Albanian-Greek border and Cape Santa Maria di Leuca.

1. The use of aeroplanes or helicopters in support of fishing operations for bluefin tuna in the Mediterranean shall be prohibited during the period from 1 to 30 June.

3. Fishing for bluefin tuna in the Mediterranean using surface-set longlines from vessels greater than 24 metres in length shall be prohibited during the period from 1 June to 31 July each year. The applicable length shall be that defined by the ICCAT and given in Annex III.

4. The length of vessels given in Annex III may be modified by the Commission in accordance with the procedure laid down in Article 24.

Chapter 2

Minimum size

Article 6

1. A highly migratory species shall be undersized if its dimensions are smaller than the minimum dimensions specified in Annex IV for the relevant species.

2. The dimensions set out in Annex IV may be modified by the Commission in accordance with the procedure laid down in Article 24.

Article 7

Undersized fish of highly migratory species shall not be retained on board or be transhipped, landed, transported, stored, displayed or offered for sale, sold or marketed. These species shall be returned immediately to the sea.

The release for free circulation or marketing in the Community of undersized fish of highly migratory species originating in third countries shall be prohibited.

Article 8

The measurement of the size of fish of highly migratory species shall be carried out in accordance with Article 18 of Regulation (EC) No 850/98.

Chapter 3

Restrictions on the number of vessels

Article 9

1. The Commission shall determine, in accordance with the procedure laid down in Article 24, the number and total capacity in gross registered tonnage (GRT) of Community fishing vessels greater than 24 metres in length fishing for bigeye tuna as a target species. These shall be fixed as the average number and the capacity in gross registered tonnage of Community fishing vessels fishing for this species in the area during the period 1991 to 1992.

2. By 31 January each year at the latest Member States shall forward to the Commission a list of all vessels flying their flag and registered in their territory which intend to fish for bigeye tuna in Area 1 during that year.

3. The lists shall give the internal number allocated to each vessel in the fishing vessel register in accordance with Article 5 of Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community⁽¹⁾.

4. On the basis of the information provided by the Member States in accordance with paragraphs 2 and 3, the Council may, in accordance with the procedure laid down in Article 8(4)(ii) of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽²⁾, distribute among the Member States the number and capacity in gross registered tonnage (GRT) determined in accordance with paragraph 1.

5. Before 15 August each year Member States shall send the Commission the list of fishing vessels greater than 24 metres in length fishing for bigeye tuna as a target species. The Commission shall send this information to the ICCAT secretariat before 31 August each year.

6. The list referred to in paragraph 5 shall contain the following information;

- vessel name, registration number,
- previous flag, where applicable,
- international call sign, where applicable,
- vessel type, length and gross registered tonnage (GRT),
- name and address of the vessel owner(s).

Article 10

1. The Commission, in accordance with the procedure laid down in Article 24, shall determine the number of Community fishing vessels fishing for albacore tuna as a target species. The number of vessels shall be fixed as the average number of Community fishing vessels fishing for this species during the period 1993 to 1995.

2. By 31 January each year at the latest Member States shall forward to the Commission a list of all vessels flying their flag and registered in their territory which intend to fish albacore tuna in Area 1 during that year.

3. The lists shall give the internal number allocated to each vessel in the fishing vessel register in accordance with Article 5 of Regulation (EC) No 2090/98.

4. On the basis of the information sent by the Member States in accordance with paragraphs 2 and 3, the Council may, in accordance with the procedure laid down in Article 8(4)(ii) of Regulation (EEC) No 3760/92, distribute among the Member States the number and capacity in gross registered tonnage (GRT) determined in accordance with paragraph 1.

⁽¹⁾ OJ L 266, 1.10.1998, p. 27.

⁽²⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

5. Before 15 May each year Member States shall send the Commission the list of vessels flying their flag which carry out directed fishing for albacore tuna. This list shall not include those fishing vessels carrying out alternative exploratory fishing using drift-nets. The Commission shall send this information to the ICCAT secretariat before 30 May each year.

Chapter 4

Other measures

Article 11

Member States shall take steps to encourage the use of mono-filament streamer lines on swivels so that live blue marlins and white marlins may be easily released.

Article 12

Notwithstanding Article 31 of Regulation (EC) No 850/98, electric current or harpoon guns may be used to catch tuna and basking shark (*Cetorhinus maximus*) in the Skagerrak and Kattegat.

TITLE III

TECHNICAL MEASURES APPLICABLE IN AREA 2

Article 13

List of vessels

1. Before 15 June each year Member States shall send the Commission the list of vessels greater than 24 metres in length flying their flag which fished for bigeye tuna, yellowfin tuna and skipjack tuna during the previous year in Area 2. The Commission shall send this information to the ICCAT secretariat before 30 June each year.

2. The list referred to in paragraph 1 shall contain the following information;

- vessel name, registration number;
- previous flag, where applicable,
- international call sign, where applicable,
- vessel type, length and gross registered tonnage (GRT),
- name and address of the vessel owner, operator or charterer.

TITLE IV

TECHNICAL MEASURES APPLICABLE IN AREA 3

Article 14

Dolphin mortality limits (DMLs)

1. Only Community fishing vessels operating under the conditions laid down in the Agreement on the International

Dolphin Conservation Program 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 tuna in Area 3.

2. 'DML' shall mean the dolphin mortality limit laid down in Article 5 of the Agreement on the International Dolphin Conservation Program.

Article 15

Allocation of DMLs

1. Before 15 September each year Member States shall send the Commission:

- a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the whole of the following year;
- a list of vessels flying their flag which are likely to operate in the area in the course of the following year;
- a list of vessels flying their flag which have requested a DML for the first or second half of the following year;
- for each vessel requesting a DML, a certificate stating that the vessel had all the proper gears and equipment to protect dolphins and that its captain had completed an approved training course on rescuing and releasing dolphins.

2. Member States shall ensure that the applications for DMLs comply with the conditions laid down in the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC.

3. The Commission shall examine the lists and ensure that they comply with the provisions of the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC and shall send them to the Director of the IATTC.

Where this examination reveals that the application does not meet the conditions referred to in this paragraph, the Commission shall immediately inform the Member State concerned that it cannot send all or part of an application to the Director of the IATTC, stating its reasons.

4. The Commission shall send each Member State the overall DML to be distributed among the vessels flying their flag.

5. Each Member State shall send the Commission the breakdown of the DMLs among the vessels flying the flag of that Member State by 15 January each year.

6. The Commission shall send the Director of the IATTC the list and breakdown of the DMLs between Community fishing vessels by 1 February each year.

Article 16

Restrictions on capacity

1. The total capacity of Community fishing vessels authorised to fish for yellowfin tuna (*Thunnus albacares*) using purse seines shall be 7 885 metric tonnes.

2. Member States shall send the Commission a list of all vessels flying their flag and registered in their territory which intend to fish yellowfin tuna (*Thunnus albacares*) using purse seines in Area 3 during the year by 31 January each year at the latest.

3. The lists shall give the internal number allocated to each vessel in the fishing vessel register in accordance with Article 5 of Regulation (EC) No 2090/98.

4. On the basis of the information sent by the Member States in accordance with paragraphs 2 and 3, the Council may, in accordance with the procedure laid down in Article 8(4)(ii) of Regulation (EEC) No 3760/92, distribute among the Member States the capacity referred to in paragraph 1.

Article 17

Other measures

1. The use of ancillary vessels to support vessels fishing with the aid of fish aggregating devices shall be prohibited.

2. Transshipments at sea shall be prohibited.

TITLE V

TECHNICAL MEASURES APPLICABLE IN AREA 4

Article 18

By way of derogation from Article 2, Articles 19, 20, 21 and 22 shall not apply to waters covered by Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound⁽¹⁾.

Article 19

Length of drift-nets

No vessel may keep on board, or use for fishing, one or more drift-nets whose individual or total length is more than 2,5 kilometres.

⁽¹⁾ OJ L 9, 15.1.1998, p. 1. Regulation as last amended by Regulation (EC) No 1520/98 (OJ L 201, 17.7.1998, p. 1).

Article 20

1. All fishing vessels using one or more drift-nets intended for the capture of species listed in Annex V shall operate under the following conditions:

— during fishing activity, the vessel must keep the net under constant visual observation,

— floating buoys, with radar reflectors, must be moored to each end of the netting, so that its position can be determined at any time. The buoys must be permanently marked with the registration letter(s) and number of the vessel to which they belong.

2. The master of a fishing vessel using one or more drift-nets referred to in paragraph 1 shall keep a logbook in which he must record the following information on a day-to-day basis:

— the total length of the nets on board,

— the total length of the nets used in each fishing operation,

— the quantity of each species caught during each fishing operation, including by-catches and discards at sea, in particular cetaceans, reptiles and sea-birds,

— the quantity of each species held on board,

— the date and position of such catches.

3. All masters referred to in paragraph 2 shall forward to the competent authorities of the Member State of landing a declaration giving at least the quantities of each species landed and the catch dates and areas.

4. Masters of vessels using one or more drift-nets as referred to in paragraph 1 who wish to use a landing location in a Member State shall notify the competent authorities in the Member State concerned, at least two hours before arrival in port, of the planned landing location and time of arrival.

5. All fishing vessels using one or more drift-nets referred to in paragraph 1 shall keep on board the prior authorisation to fish issued by the competent authorities of the flag Member State.

Article 21

Ban on fishing with drift-nets

1. From 1 January 2002, no vessel may keep on board, or use for fishing, one or more drift-nets intended for the capture of species listed in Annex V.

2. From 1 January 2002, it is prohibited to land species listed in Annex V which have been caught in drift-nets.

3. Until 31 December 2001, a vessel may keep on board, or use for fishing, one or more drift-nets referred to in paragraph 1 after receiving authorisation from the competent authorities of the flag Member State. In 1998, the maximum number of vessels which may be authorised by a Member State to keep on board, or use for fishing, one or more drift-nets shall not exceed 60 % of the fishing vessels which used one or more drift-nets during the period 1995 to 1997.

4. By 30 April of each year Member States shall communicate to the Commission for each target species the list of vessels authorised to carry out fishing activities using the drift-nets referred to in paragraph 3.

Article 22

In the case of failure to comply with the obligations laid down in Articles 19, 20 and 21, the competent authorities shall take appropriate measures in respect of the vessels concerned, in accordance with Article 31 of Regulation (EEC) No 2847/93.

Article 23

Restrictions on the use of purse seines

The encircling of schools or groups of marine mammals with purse seines shall be prohibited, except in the case of the vessels referred to in Article 14.

TITLE VI

FINAL PROVISIONS

Article 24

1. The Commission shall be assisted by a Committee for Fisheries and Aquaculture (hereinafter referred to as 'the Committee').

2. When reference is made to this Article, the management procedure referred to in Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 4(3) of that Decision shall be one month.

3. The Committee shall adopt its own rules of procedure.

Article 25

1. Regulation (EC) No 894/97 is hereby repealed.

2. Articles 24, 33 and 41 of Regulation (EC) No 850/98, the entries in Annex XII thereto relating to bluefin tuna and swordfish are hereby repealed.

3. Articles 3a and 5a of Regulation (EC) No 1626/94, the entries in Annex IV thereto relating to bluefin tuna and Annex V thereto are hereby repealed.

4. References to the above Regulation, Articles and Annexes shall be construed as references to this Regulation and shall be read in accordance with the table of equivalence in Annex VI.

Article 26

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 I

LIST OF SPECIES REFERRED TO IN THIS REGULATION

- Albacore: *Thunnus alalunga*
 - Bluefin tuna: *Thunnus thynnus*
 - Bigeye tuna: *Thunnus obesus*
 - Skipjack: *Katsuwonus pelamis*
 - Atlantic Bonito: *Sarda sarda*
 - Yellowfin tuna: *Thunnus albacares*
 - Blackfin tuna: *Thunnus atlanticus*
 - Little tuna: *Euthynnus* spp.
 - Southern bluefin tuna: *Thunnus maccoyii*
 - Frigate tuna: *Auxis* spp.
 - Oceanic sea breams: *Brama rayi*
 - Marlins: *Tetrapturus* spp.; *Makaira* spp.
 - Sailfish: *Istiophorus* spp.
 - Swordfish: *Xiphias gladius*
 - Sauries: *Scomberesox* spp.; *Cololabis* spp.
 - Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*
 - Cephalopods: (all species)
 - Cetaceans (whales and porpoises): *Physeteridae*; *Belaenopteridae*; *Balenidae*; *Eschrichtiidae*; *Monodontidae*; *Ziphiidae*; *Delphinidae*.
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ANNEX II

ARRANGEMENTS REFERRED TO IN ARTICLE 3**1. Assignment of observers**

- a) In order to discharge their obligation to provide observers, Member States shall appoint properly qualified and experienced personnel. In order to carry out their tasks the personnel selected must have the following qualifications:
- sufficient experience to identify fish species and fishing gear;
 - maritime navigation skills;
 - a satisfactory knowledge of ICCAT conservation measures;
 - the capacity to accomplish elementary scientific tasks, for example taking of samples where necessary and making accurate observations and records in that connection;
 - a satisfactory knowledge of the language of the flag Member State of the vessel being observed.
- b) Member States must take appropriate measures to ensure that observers are received on board fishing vessels at the agreed time and place and to facilitate their departure on completion of the observation period.

2. Tasks of observers

The main task of observers is to monitor compliance with the ban referred to in Article 1. In particular, designated observers will:

- a) monitor the fishing operations of the vessels concerned and record them in a report;
- b) send a report containing a summary of the observer's main findings, including the biological data collected, to the competent authorities in the Member States concerned within 20 days following the observation period.

3. Relations with the masters of fishing vessels

- a) The master must be given sufficient notice of the date and place at which the observer is to be received and of the likely duration of the observation period.
- b) The master of the vessel may request a copy of the observer's report.
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ANNEX III

ICCAT definition of length of vessels:

- for any fishing vessel built after 18 July 1982, 96 % of the total length on a waterline at 85 % of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;
- for any fishing vessel built before 18 July 1982, registered length as entered on the national registers or other record of vessels.

ANNEX IV

MINIMUM SIZES

Species	Minimum size
Swordfish (<i>Xiphias gladius</i>) ⁽¹⁾ ⁽²⁾	25 kg or 125 cm (lower mandible)
Bluefin tuna (<i>Thunnus thynnus</i>) ⁽³⁾	6,4 kg or 70 cm
Yellowfin tuna (<i>Thunnus albacares</i>) ⁽⁴⁾	3,2 kg
Bigeye tuna (<i>Thunnus obesus</i>) ⁽⁵⁾	3,2 kg

⁽¹⁾ This minimum size applies only to the Atlantic Ocean.

⁽²⁾ However, the rules laid down in Article 7 shall not apply to fish, representing up to 15 % in terms of individual fish numbers, weighing below 25 kg or less than 125 cm in length which are caught accidentally.

⁽³⁾ However, the rules laid down in Article 7 shall not apply to fish, representing up to 15 % in terms of individual fish numbers, weighing between 3.2 kg and 6.4 kg which are caught accidentally.

⁽⁴⁾ However, the rules laid down in Article 7 shall not apply to fish, representing up to 15 % in terms of individual fish numbers, weighing below 3.2 kg which are caught accidentally.

⁽⁵⁾ However, the rules laid down in Article 7 shall not apply to fish, representing up to 15 % in terms of individual fish numbers, weighing below 3.2 kg which are caught accidentally.

ANNEX V

- Albacore: *Thunnus alalunga*
- Bluefin tuna: *Thunnus thynnus*
- Bigeye tuna: *Thunnus obesus*
- Skipjack: *Katsuwonus pelamis*
- Atlantic Bonito: *Sarda sarda*
- Yellowfin tuna: *Thunnus albacares*
- Blackfin tuna: *Thunnus atlanticus*
- Little tuna: *Euthynnus* spp.
- Southern bluefin tuna: *Thunnus maccoyii*
- Frigate tuna: *Auxis* spp.
- Oceanic sea breams: *Brama rayi*
- Marlins: *Tetrapturus* spp.; *Makaira* spp.
- Sailfish: *Istiophorus* spp.
- Swordfish: *Xiphias gladius*
- Sauries: *Scomberesox* spp.; *Cololabis* spp.
- Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*
- Cephalopods: (all species).

ANNEX VI

TABLE OF EQUIVALENCE

Regulation (EC) No 894/97	This Regulation
Article 11	Article 19
Article 11a	Article 21
Article 11b	Articles 20 and 22
Article 11c	Articles 2 and 18
Annex VIII	Annex V
Regulation (EC) No 850/98	This Regulation
Article 24	Article 4
Article 33(1)	Article 23
Article 33(2)	Article 2
Article 33(3)	Article 14(1)
Article 41	Article 12
Annex XII relating to bluefin tuna and swordfish	Annex IV
Regulation (EC) No 1626/94	This Regulation
Article 3a	Article 5
Article 5a	Article 5
Annexe IV relating to bluefin tuna	Annex IV
Annex V	Annex III