



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) 2009/0116(COD) Regulation	Procedure completed
Conservation of fishery resources: catch documentation programme for bluefin tuna, <i>Thunnus thynnus</i> Amending Regulation (EC) No 1984/2003 2002/0200(CNS)	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		01/09/2009
		Verts/ALE ROMEVA I RUEDA Raül Shadow rapporteur ALDE BILBAO BARANDICA Izaskun	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	3025	29/06/2010
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	DAMANAKI Maria	

Key events			
02/08/2009	Legislative proposal published	COM(2009)0406	Summary
14/09/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
07/04/2010	Vote in committee, 1st reading		Summary
14/04/2010	Committee report tabled for plenary, 1st reading	A7-0119/2010	
17/06/2010	Results of vote in Parliament		
17/06/2010	Debate in Parliament		
17/06/2010	Decision by Parliament, 1st reading	T7-0228/2010	Summary

29/06/2010	Act adopted by Council after Parliament's 1st reading		
07/07/2010	Final act signed		
07/07/2010	End of procedure in Parliament		
24/07/2010	Final act published in Official Journal		

Technical information

Procedure reference	2009/0116(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1984/2003 2002/0200(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/00531

Documentation gateway

Legislative proposal	COM(2009)0406	03/08/2009	EC	Summary
Committee draft report	PE438.291	02/02/2010	EP	
Amendments tabled in committee	PE439.421	15/03/2010	EP	
Economic and Social Committee: opinion, report	CES0458/2010	17/03/2010	ESC	
Committee report tabled for plenary, 1st reading/single reading	A7-0119/2010	15/04/2010	EP	
Text adopted by Parliament, 1st reading/single reading	T7-0228/2010	17/06/2010	EP	Summary
Draft final act	00017/2010/LEX	07/07/2010	CSL	
Commission response to text adopted in plenary	SP(2010)6136	01/09/2010	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2010/640](#)
[OJ L 194 24.07.2010, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

PURPOSE: to establish a catch documentation programme for bluefin tuna (*Thunnus thynnus*).

PROPOSED ACT: Council Regulation.

CONTENT: as part of the measures to regulate fisheries of bluefin tuna, improve the quality and reliability of statistical data and prevent, deter and eliminate illegal fishing, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted at its annual meeting in Marrakesh (Morocco) on 24 November 2008, Recommendation No 08-12 amending Recommendation No 07-10 on a bluefin tuna catch documentation programme. This Recommendation entered into force on 17 June 2009.

The proposal aims to establish a Community bluefin tuna catch documentation programme in order to support the implementation of conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Member States shall require a completed bluefin tuna catch document for each bluefin tuna landed at its ports, delivered to, and harvested from its farms.

Each consignment of bluefin tuna domestically traded, imported into or exported or re-exported from the territory of the Community shall be accompanied by a validated catch document, except in certain cases involving tagging as specified in the text, and, as applicable, an ICCAT transfer declaration or a validated bluefin tuna re-export certificate.

Any such landing, transfer, delivery, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated catch document or a re-export certificate shall be prohibited. The proposal states also that Member States shall ensure that each bluefin tuna consignment which is re-exported from their territory be accompanied by a validated re-export certificate. However, in cases where farmed bluefin tuna is imported live, the re-export certificate shall not apply.

The proposal contains provisions on validation and tagging as well as on communication and verification of documentation and transmission of data.

The current ICCAT bluefin tuna statistical programme, which only covers import and export, was not designed to provide a mechanism to offer direct control on bluefin tuna fisheries. In order to ensure that the provisions in the ICCAT bluefin tuna catch documentation programme are applied uniformly, the relevant provisions of Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in bluefin tuna, swordfish and bigeye tuna within the Community must be repealed and replaced by this draft Regulation.

Conservation of fishery resources: catch documentation programme for bluefin tuna, *Thunnus thynnus*

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Regulation establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis - Treaty/EC/Art.37 ? became Art. 43 (2) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an ordinary legislative procedure (COD).

Conservation of fishery resources: catch documentation programme for bluefin tuna, *Thunnus thynnus*

The Committee on Fisheries adopted the report drawn up by Raül ROMEVA i RUEDA (Greens/EFA, ES) on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

Amendments: the committee recalls that the Commission proposal is intended to incorporate into Union legislation the Bluefin Tuna Catch Documentation (BCD) Programme, adopted by ICCAT in 2007 and amended in 2008. However, before this BCD Programme could be so incorporated, it was amended at the 2009 meeting of ICCAT at Recife, Brazil. The report thus incorporates the latest developments at the

Recife meeting. Changes resulting from the Recife meeting are the focus of the amendments to the present report.

The major innovations of the Recife meeting, and hence the subject of the amendments in the present report, relate to:

- the general requirement to harvest caged fish the year of capture or prior to the beginning of the following year's purse seine season (exceptions are allowed);
- chartered fishing vessels can no longer be used;
- the addition of a new Annex with detailed instructions on the issuing, completion and validation of the BCD.

Comitology: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the transposition of new conservation measures adopted by ICCAT, thus updating and supplementing the annexes to this Regulation.

Subject matter: the Regulation establishes a Community bluefin tuna catch documentation programme incorporating the provisions of the ICCAT bluefin tuna catch documentation programme with a view to identifying the origin of all bluefin tuna.

General provisions: the report adds that farm Member States shall ensure that bluefin tuna catches are placed in separate cages or series of cages and partitioned on the basis of the Member State or CPC of origin. By way of derogation, farm Member States shall ensure that bluefin tuna caught in the context of a joint fishing operation are placed in separate cages or series of cages and partitioned on the basis of joint fishing operations. Farm Member States shall ensure that bluefin tuna are harvested from farms in the year in which they were caught, or before the beginning of the purse seiners fishing season if harvested in the following year. Where harvesting operations are not completed within that period, farm Member States shall complete and transmit an annual carry-over declaration to the Commission within 10 days of the end of that period. Such declaration shall include: quantities (expressed in kg) and number of fish intended to be carried over; year of catch, size composition, flag Member State or CPC, ICCAT number and name of the catching vessel, references of the catch document corresponding to the catches carried over, name and ICCAT number of the fattening facility, cage number, and information on harvested quantities (expressed in kg), when completed. The Commission shall forward the declarations to the ICCAT Secretariat within 5 days. Quantities carried over shall be placed in separate cages or series of cages in the farm on the basis of the catch year.

Review: the Commission shall review the Regulation following the recommendations adopted by ICCAT, taking into account the updated scientific opinions on stocks size which will be submitted at its meetings and shall put forward any amendments that may be necessary.

Annex IIIa: the new Annex contains instructions for the issuing, numbering, completion and validation of the catch document.

Conservation of fishery resources: catch documentation programme for bluefin tuna, *Thunnus thynnus*

The European Parliament adopted by 564 votes 9, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003.

Parliament adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend Commission proposal as follows:

Amendments adopted by the ICCAT: Parliament incorporates, into Union legislation, the last recommendation adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted in Recife on 15 November 2009 and which entered into force on 1 June 2010.

The measures adopted include, inter alia:

- Member States shall require a completed bluefin tuna catch document for each bluefin tuna landed or transhipped at their ports, caged as specified in Annex IIIa, and harvested from their farms;
- each lot of bluefin tuna domestically traded, imported into, exported or re-exported from the territory of the Union shall be accompanied by a validated catch document and, where applicable, an ICCAT transfer declaration or a validated bluefin tuna re-export certificate (referred to as "re-export certificate");
- any such landing, transhipment, caging, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated catch document and, where applicable, a re-export certificate shall be prohibited;
- farm Member States shall ensure that bluefin tuna are harvested from farms in the same year in which they were caught, or before the beginning of the purse seiners fishing period, if harvested in the following year. Where harvesting operations are not completed within that period, farm Member States shall complete and transmit an annual carry-over declaration to the Commission within ten days of the end of that period;
- the addition of a new Annex III with detailed instructions on the issuing, completion and validation of the BCD.

Comitology: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the transposition of new conservation measures adopted by ICCAT, thus updating and supplementing the Annexes to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Review: the Commission shall review the Regulation following the recommendations adopted by ICCAT, taking into account the updated scientific opinions on stocks size which will be submitted at its meetings and shall put forward any amendments that may be necessary.

Conservation of fishery resources: catch documentation programme for bluefin tuna, *Thunnus thynnus*

PURPOSE: to establish a catch documentation programme for bluefin tuna (*Thunnus thynnus*).

LEGISLATIVE ACT: Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Council Regulation (EC) No 1984/2003.

CONTENT: the Council adopted a regulation establishing a catch documentation programme for bluefin tuna, following a first-reading agreement with the European Parliament under the ordinary legislative procedure.

As part of the measures to regulate stocks of bluefin tuna, to improve the quality and reliability of statistical data and in order to prevent, deter and eliminate illegal fishing, ICCAT adopted amendments to the bluefin tuna catch documentation programme at its annual meeting in Recife (Brazil) on 15 November 2009. These amendments entered into force on 1 June 2010 and need to be implemented by the EU.

The regulation implements conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), by incorporating the provisions of the ICCAT bluefin tuna catch documentation programme with a view to identifying the origin of all bluefin tuna.

The adopted measures include, inter alia, the following elements:

Bluefin tuna catch document: Member States shall require a completed bluefin tuna catch document for each bluefin tuna landed or transhipped at their ports, caged as specified in Annex IV, and harvested from their farms. A new Annex IV sets out instructions for the issuing, numbering, completion and validation of the catch document.

Under the Regulation, any such landing, transhipment, caging, harvest, domestic trade, import, export or re-export of bluefin tuna without a completed and validated catch document and, where applicable, a re-export certificate shall be prohibited.

Farm Member States shall ensure that bluefin tuna caught in the context of a joint fishing operation are placed in separate cages or series of cages and partitioned on the basis of joint fishing operations. They shall ensure that bluefin tuna are harvested from farms in the same year in which they were caught, or before the beginning of the purse seiners fishing period, if harvested in the following year. Where harvesting operations are not completed within that period, farm Member States shall complete and transmit an annual carry-over declaration to the Commission within ten days of the end of that period.

A validated catch document shall include, as appropriate, the information set out in Annex II. A catch document model is set out in Annex III.

Tagging: Member States may require their catching vessels or traps to affix a tag to each bluefin tuna, preferably at the time of kill, but not later than at the time of landing. Tags shall have unique Member State specific numbers and be tamper-proof. The tag numbers shall be linked to the catch document.

Re-export validation: Member States shall ensure that each lot of bluefin tuna which is re-exported from their territory is accompanied by a validated re-export certificate. The re-export certificate shall be validated by the competent authority of the re-exporting Member State.

Communication and conservation of validated documents: Member States shall communicate, by electronic means, a copy of all validated catch documents or re-export certificates, except in certain cases, as soon as possible and in any event within five working days of the date of validation, or without delay where the expected duration of the transportation should not take more than five working days, to the following: (a) the Commission; (b) the competent authorities of the Member State or CPC where the bluefin tuna will be domestically traded, or farmed or imported, and (c) the ICCAT Secretariat.

Delegated acts: the Commission is empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the transposition of new conservation measures adopted by ICCAT, thus updating and supplementing the Annexes to this Regulation.

Review: the Commission shall review this Regulation following the recommendations adopted by ICCAT, taking into account the updated scientific opinions on stocks size which will be submitted at its meetings, and shall submit proposals for any amendments that may be necessary.

ENTRY INTO FORCE: 13/08/2010.