

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2021/0058(COD)	Procedure completed
Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence Amending Regulation 2001/1936 2000/0253(CNS) Amending Regulation 2003/1984 2002/0200(CNS) Amending Regulation 2007/520 2006/0030(CNS)	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
		 MATO Gabriel	16/04/2021
		Shadow rapporteur	
		 PIZARRO Manuel	
		 BILBAO BARANDICA Izaskun	
		 ROOSE Caroline	
		 ILČIĆ Ladislav	
		 PIMENTA LOPES João	
Council of the European Union European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	SINKEVIČIUS Virginijus	
European Economic and Social Committee			

Key events			
11/03/2021	Legislative proposal published	COM(2021)0113	Summary
24/03/2021	Committee referral announced in Parliament, 1st reading		

28/10/2021	Vote in committee, 1st reading		
04/11/2021	Committee report tabled for plenary, 1st reading	A9-0312/2021	Summary
30/11/2021	Committee decision to open interinstitutional negotiations with report adopted in committee		
13/12/2021	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
15/12/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
12/07/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE734.362 GEDA/A/(2022)004888	
03/10/2022	Debate in Parliament		
04/10/2022	Results of vote in Parliament		
04/10/2022	Decision by Parliament, 1st reading	T9-0336/2022	Summary
24/10/2022	Act adopted by Council after Parliament's 1st reading		
23/11/2022	Final act signed		
02/12/2022	Final act published in Official Journal		

Technical information

Procedure reference	2021/0058(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2001/1936 2000/0253(CNS) Amending Regulation 2003/1984 2002/0200(CNS) Amending Regulation 2007/520 2006/0030(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/9/05595

Documentation gateway

Legislative proposal	COM(2021)0113	11/03/2021	EC	Summary
Committee draft report	PE692.783	17/06/2021	EP	
Amendments tabled in committee	PE696.293	19/07/2021	EP	
Committee report tabled for plenary, 1st reading/single reading	A9-0312/2021	04/11/2021	EP	Summary

Coreper letter confirming interinstitutional agreement		GEDA/A/(2022)004888	29/06/2022	CSL	
Text agreed during interinstitutional negotiations		PE734.362	05/07/2022	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0336/2022	04/10/2022	EP	Summary
Draft final act		00038/2022/LEX	23/11/2022	CSL	
Commission response to text adopted in plenary		SP(2022)623	07/12/2022	EC	

Final act

[Regulation 2022/2343](#)
[OJ L 311 02.12.2022, p. 0001](#)

Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence

PURPOSE: to transpose into EU law the control, conservation and management measures adopted by the Indian Ocean Tuna Commission (IOTC), to which the EU has been a contracting party since 1995.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Indian Ocean Tuna Commission (IOTC) is the regional fisheries management organisation (RFMO) responsible for the management of tuna and tuna-like resources in the Indian Ocean. The IOTC adopts annual conservation and management measures (CMMs) through resolutions that are binding on Contracting Parties and non-Contracting Cooperating Parties to the IOTC, including the EU.

Several new resolutions were adopted at its last annual meeting, which took place in June 2019. The proposal aims to transpose the most recent version of the IOTC resolutions and to establish a mechanism to transpose and implement them in the future.

CONTENT: the proposal for the amendment of Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 lays down provisions on management, conservation and control measures for fisheries in the Indian Ocean Tuna Commission (IOTC) Area of Competence. It covers measures adopted by the IOTC since 2008, as amended (in some cases) at its annual meetings.

The proposal contains provisions on:

- conservation and management measures, including provisions on fishing for tropical (e.g. yellowfin and bigeye) tunas, blue sharks, the deployment and design of fish aggregating devices, the prohibition of fishing on data buoys, and transshipment at port;
- measures to protect certain marine species (elasmobranchs, including sharks and rays) and to ensure the conservation of cetaceans, sea turtles and seabirds
- control measures, fishing authorisations, a regional observer mechanism and requirements for fishing vessel registers, communication, vessel monitoring system, management standards and vessel marking and chartering of fishing vessels
- controls on catch and effort data, obligations relating to access agreements, reporting obligations under the statistical document programme and requirements relating to the statistical document programme for bigeye tuna
- inspection and port State measures, as well as provisions on enforcement, infringements and illegal fishing;
- data reporting, confidentiality of reports and electronic messages.
- measures to protect certain marine species (elasmobranchs, including sharks and rays) and ensure the conservation of cetaceans, marine turtles and seabirds;
- control measures, fishing authorisations, a regional observer scheme and requirements relating to fishing vessel records, communication, a vessel monitoring system, vessel management standards and marking, and the chartering of fishing vessels;
- catch and effort data controls and lays down obligations relating to access agreements, reporting duties under the data statistical programme and requirements for the bigeye tuna document programme;
- port state measures and inspection, and lays down provisions on enforcement, infringements and illegal fishing;
- data reporting, the confidentiality of electronic reports and messages.

The proposal provides for delegated powers to the Commission to provide for (probably frequent) amendments to IOTC measures and to ensure that EU fishing vessels are treated on an equal footing with those of other contracting parties.

These measures include, for example, mitigation measures for marine turtles caught by certain fishing gears, information requirements for vessels fishing for tuna and swordfish, minimum observer and sampler coverage of certain fisheries, chartering conditions, a minimum level of information on intergovernmental agreements and foreign flagged vessels, and reporting deadlines.

Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence

The Committee on Fisheries adopted the report by Gabriel MATO (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

The proposal aims to transpose the measures that the Indian Ocean Tuna Commission (IOTC) has adopted since 2008, as amended (in some cases) at its annual meetings. The EU must ensure compliance with these measures, as international obligations, as soon as they enter into force.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

European Fisheries Control Agency (EFCA)

Members recalled the Agency's mission, namely: (i) to assist Member States in providing the Commission and third parties with information on fishing activities and control and inspection activities; and (ii) at the request of the Commission, to assist the Union and the Member States in their relations with third countries and with international regional fisheries organisations of which the Union is a member.

Therefore, Members consider that the EFCA should be the body that receives information from Member States on inspection and control and the fight against illegal, unreported and unregulated (IUU) fishing, such as inspection reports and observer programme notifications for control purposes and transmits this information to the IOTC Secretariat.

Fishing with fish aggregating devices (FADs)

As from 1 January 2022, EU fishing vessels should endeavour to use biodegradable FADs with a view to transitioning to the use of biodegradable FADs, with the exception of materials used for instrumented buoys. Member States should endeavour to conduct trials using biodegradable materials to facilitate the transition to the exclusive use of only biodegradable material for drifting FADs construction by their fleets.

EU fishing vessels should also endeavour to adopt FADs designed to reduce marine turtle entanglement in accordance with international standards.

Oceanic sharks

EU fishing vessels should not retain on board, tranship, land, store, sell or offer for sale any part or whole carcass of oceanic whitetip sharks.

Members stressed that, where possible, Member States and the Commission should endeavour to conduct research on oceanic whitetip sharks taken in the Area, to identify potential nursery areas and the impact of climate change on their abundance.

This provision should not apply to artisanal fisheries operating exclusively in their respective Exclusive Economic Zones (EEZs) for local consumption.

Mobulid rays

Members introduced an amendment stipulating that in the case of mobulid rays that are unintentionally caught by artisanal fishing, the vessel should report the information on the accidental catch to the responsible governmental authorities, or other competent authority, at the point of

landing. Mobulid rays unintentionally caught may only be used for purposes of local consumption. This derogation should expire on 1 January 2022.

Register of active vessels fishing for yellowfin tuna

This year, at its annual meeting, the IOTC adopted a measure for the yellowing tuna, adding a reporting duty to the Union and the contracting parties that is not part of the Commission's proposal. Members therefore called on Member States with vessels fishing for yellowfin tuna to submit to the Commission, by 1 February each year at the latest, a list of all fishing vessels flying their flag that have fished for yellowfin tuna in the area during the previous year.

Fishing vessels operating under flags of convenience

With regard to large-scale tuna longline vessels flying flags of convenience, Member States should inform the general public of the fishing activities of tuna longline vessels operating under flags of convenience, which reduce the effectiveness of IOTC conservation and management measures and urge them not to purchase fish harvested by such vessels.

Authorisation of entry, landing and transhipment in ports

Port Member States should deny entry to fishing vessels included in the IOTC list of IUU vessels, Community IUU vessel list or in any other IUU vessel list of other regional fisheries management organisation.

Annexes to the Regulation

The Commission does not include any of the relevant IOTC annexes in its proposal. For reasons of legal certainty, the operators concerned must be able to know exactly the extent of the obligations imposed on them. Therefore, without changing the content of the annexes as such, Members proposed a solution so that the relevant IOTC annexes form part of the EU legislation.

Management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence

The European Parliament adopted by 596 votes to 4, with 22 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

The European Parliament's position at first reading under the ordinary legislative procedure amends the proposal as follows.

Subject matter

The Regulation transposes into Union law the management, conservation and control measures established by the Indian Ocean Tuna Commission (IOTC) which are binding on the Union.

The Regulation contains provisions on:

- conservation and management measures (CMMs), including provisions on fishing for tropical tunas (e.g. yellowfin and bigeye), swordfish, bluefin, fishing using aircraft and artificial lights, deployment and design of fish aggregating devices, prohibition of fishing on oceanographic buoys and transhipment in port;
- measures to protect certain marine species (elasmobranchs, including sharks and rays) and to ensure the conservation of cetaceans, sea turtles and seabirds;
- control measures, fishing authorisations, a regional observer mechanism and requirements for fishing vessel registers, communication, vessel monitoring system, management standards and vessel marking and chartering of fishing vessels;
- controls on catch and effort data, obligations relating to access agreements, reporting obligations under the statistical document programme and requirements relating to the statistical document programme for bigeye tuna;
- inspection and port state measures, as well as enforcement, infringement and illegal fishing (IUU) provisions;
- data reporting, confidentiality of reports and electronic messages.

European Fisheries Control Agency (EFCA)

The amended text recalled that the EFCA should, at the request of the Commission, assist the Union and the Member States in their relations with third countries and with international regional fisheries organisations of which the Union is a member.

Where necessary for the implementation of the Union's obligations, the EFCA should, at the request of the Commission, coordinate the control and inspection activities carried out by the Member States, on the basis of international control and inspection programmes, which may include programmes implemented in IOTC CMMs.

Therefore, there are provisions to include the EFCA, when designated by the Commission, as the body designated by the Commission that receives from Member States and transmits to the IOTC Secretariat information relating to control and inspection, such as at sea inspection reports and notifications of the control observers scheme.

Fishing with fish aggregating devices (FADs)

Union fishing vessels should use non-entangling design and materials for the construction of FADs. Union fishing vessels should endeavour to use biodegradable FADs with a view to transitioning to the use of biodegradable FADs, with the exception of materials used for instrumented buoys. Operators shall endeavour to conduct trials using biodegradable materials to facilitate the transition to the use of only biodegradable material for drifting FADs construction by their fleets.

Transhipment declaration

In order to permit operators to effectively carry out their activities falling within the scope of this Regulation and to avoid obstacles in communication with the competent port authorities, the transhipment declaration should be submitted in one of the official languages of the IOTC.

Impact of climate change

When conducting research on certain species in the IOTC area, such as oceanic sharks, thresher sharks and blue sharks, Member States and the Commission should also consider the impact of climate change on the abundance of these species.

Register of active vessels fishing for yellowfin tuna

Member States with vessels fishing for yellowfin tuna should submit to the Commission by 1 February each year a list of all fishing vessels flying their flag that have fished for yellowfin tuna in the area during the previous year.

Fishing vessels operating under flags of convenience

With regard to large-scale tuna longline vessels flying flags of convenience, Member States will have to inform their general population of the fishing activities of tuna longline vessels operating under flags of convenience, which reduce the effectiveness of IOTC conservation and management measures urge their general public not to purchase fish harvested by such vessels.

Authorisation of entry, landing and transhipment in ports

Port Member States will have to refuse access to their ports to fishing vessels on the IOTC IUU vessel list, on the IUU vessel list of another Regional Fisheries Management Organisation (RFMO) or on the EU IUU list.

The Regulation provides for delegated powers to the Commission to provide for amendments to the IOTC measures and to ensure that EU fishing vessels are treated on an equal footing with those of other contracting parties.