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COUNCIL REGULATION (EC) No 858/94

of 12 April 1994

introducing a system for the statistical monitoring of trade in bluefin tuna (Thunnus thynnus) within the Community

(OJ L 99, 19.4.1994, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Regulation (EC) No 1446/1999 of 24 June 1999	L 167	1	2.7.1999

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COUNCIL REGULATION (EC) No 858/94

of 12 April 1994

introducing a system for the statistical monitoring of trade in bluefin tuna (Thunnus thynnus) within the Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the European Parliament [2],

Whereas there should be an appropriate policy for the management and conservation of tuna in the Atlantic Ocean and adjacent seas; whereas the International Convention for the conservation of atlantic tunas, hereinafter referred to as the 'Iccat Convention', which came into force on 21 March 1969, is the appropriate international forum for development of that policy;

Whereas, by Council Decision 86/238/EEC of 9 June 1986 [3], the Community approved its accession to the Iccat Convention, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentaries of the States Parties to the Convention signed at Paris on 10 July 1984; whereas the Community participates in the work of the Iccat only as an observer, pending completion of ratification procedures;

Whereas, in the context of measures to regulate stocks of bluefin tuna, at its eighth extraordinary meeting, held in Madrid from 8 to 13 November 1992, the Iccat adopted a resolution designed to make compulsory the presentation of a statistical document when bluefin tuna are imported into the territory of a Contracting Party; whereas that resolution states that the document is to be drawn up by the country whose flag the vessel making the catch is flying;

Whereas those Community Member States which are currently parties to the Iccat Convention are required to respect and apply Iccat resolutions; whereas, for the sound operation of the internal market and in order to ensure the uniform application throughout the Community of this resolution, appropriate rules must be adopted at Community level;

Whereas those Community rules should provide for the recording of certain details on catches and for the issuing of a statistical document containing certain information; whereas that document should be completed by the appropriate operators and be presented and checked when bluefin tuna is entered for free circulation in the customs territory of the Community;

Whereas Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [4], and, in particular, Article 31 thereof, provides for sanctions to be imposed when Community measures adopted under the common fisheries policy are infringed;

Whereas the statistical information obtained under this system must be sent to the Commission so that it can forward the information to the Iccat Commission,

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[1] OJ No C 174, 25. 6. 1993, p. 11.
[2] OJ No C 268, 4. 10. 1993, p. 191.
[3] OJ No L 162, 18. 6. 1986, p. 33.
[4] OJ No L 261, 20. 10. 1993, p. 1.

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HAS ADOPTED THIS REGULATION:

Article 1

The following shall be subject to the rules on statistical recording laid down in this Regulation:

— catches of bluefin tuna (Thunnus thynnus) by a Community vessel or Community producer,

— the entry for free circulation (including direct landings) in the Community of bluefin tuna (Thunnus thynnus) falling within CN codes 0302 39 and 0303 49 coming from third countries.

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— re-exports to third countries of bluefin tuna (*Thunnus thynnus*) falling within CN codes ex 0302 39, ex 0303 49, ex 0304 20 45, ex 1604 14 16 and ex 1604 14 18.

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Article 2

1. Any quantity of bluefin tuna caught by a Community vessel or taken by a Community producer must be recorded for statistical purposes.

2. The Member States concerned shall lay down the practical procedures for the recording referred to in paragraph 1 which must include the following details:

— the name of the vessel or, where the catch has not been made by a vessel, the name of the producer,

— the place of the catch: East Atlantic, West Atlantic (according to the geographical division established in point 1 of Annex II), Mediterranean, other,

— the type of fishing gear used, according to the gear code established in point 3 of Annex II,

— the quantity (live weight in tonnes, including discards),

— the signature of the master or the shipowner or, where the catch has not been made by a vessel, of the producer.

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Article 2a

1. All quantities of bluefin tuna caught by a vessel flying the flag of a Member State and exported to a third country shall be accompanied by the statistical document in Annex I.

2. Statistical documents drawn up pursuant to paragraph 1 may be authenticated by the competent authorities of the Member States whose flag the vessels flies or by those of a different Member State where the products concerned are landed, provided the corresponding quantities of bluefin tuna are exported outside the Community from the territory of the Member State of landing.

3. Without prejudice to Article 5(1), Member States which authenticate statistical documents pursuant to paragraph 1 shall inform the Member State whose flag the vessels flies by forwarding to them a copy of the documents they have authenticated within two months of the date of authentication.

4. Once this Regulation enters into force, each Member State shall communicate to the Commission the information on its competent authorities referred to in paragraph 2; the Commission shall forward this information to the other Member States.

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Article 3

1. Any quantities of bluefin tuna coming from third countries, which are entered for free circulation (including direct landings) on the Community market must be accompanied by the statistical document shown in Annex I.

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2. The statistical document shall be completed and signed, on behalf of the parties concerned, by the relevant operators, who shall be responsible for the statements made.

It must be authenticated by a duly authorized official of the flag country of the vessel which has caught the bluefin tuna or, where the catch has not been made by a vessel, of the country in the territorial waters of which the catch was made. However, for the third countries listed in point 2 of Annex II, authentication may be carried out by an authorized institution, for example a Chamber of Commerce.

3. Such statistical documents shall be supplied to the competent authorities of the Member State where the product is entered for free circulation.

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4. All quantities of bluefin tuna imported into the Community market after having been re-exported by a third country must be accompanied by a re-export licence in accordance with Annex III.

The re-export licence must have been completed, signed and authenticated in accordance with the procedures laid down in paragraph 2 for the statistical document; it shall then be supplied to the competent authorities of the Member State where the product is imported.

Article 3a

1. All quantities of bluefin tuna re-exported to a third country after having been imported into the Community must be accompanied by a re-export licence in accordance with Annex III.

2. The sections of the re-export licence which concern them shall be completed and signed by the relevant traders, who shall be responsible for the statements made. Re-export licences must be accompanied by a duly authenticated copy of the original statistical document as referred to in Article 3.

3. Re-export licences shall be authenticated by the competent authorities of the Member State from which the re-export is to take place.

4. Re-exports of bluefin tuna which have already been re-exported shall require a new re-export licence to be drawn up and authenticated; in such cases, the duly authenticated copies of the statistical documents and the original re-export licences accompanying the product must be attached to the new licence.

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Article 4

Article 31 (1), (2) and (3) of Regulation (EEC) No 2847/93 shall apply where the measures laid down in Articles 2 and 3 have not been complied with.

Article 5

1. By the end of August for the first half-year and by the end of February for the second half-year, Member States shall send the Commission the following information:

— the quantities of bluefin tuna for the half-year caught by a Community fishing vessel or taken by a Community producer, broken down by place of catch and type of fishing gear used,

— the quantities of each commercial presentation of bluefin tuna entered each half-year for free circulation (including direct landings) in its territory, broken down by third country of origin, place of catch, and type of fishing gear used.

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— the quantities of each commercial presentation of bluefin tuna entered each half-year for free circulation in its territory after having been re-exported from a third country, broken down by country of origin.

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2. The Commission shall forward the information referred to in paragraph 1 to the Iccat.

Article 6

This Regulation shall enter into force on 1 July 1994.

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

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ANNEX I

Document number	**BLUEFIN TUNA STATISTICAL DOCUMENT**

EXPORT SECTION

1. COUNTRY ISSUING THE DOCUMENT (FLAG COUNTRY)

2. NAME OF VESSEL AND REGISTRATION NUMBER

3. TRAP (where applicable)

4. POINT OF EXPORT (PLACE, COUNTRY)

5. DESCRIPTION OF FISH (one commercial presentation per line)

Gear code	Commercial presentation (a)		Area of catch (b)	Weight (kg)	Tag number
	F/FR	RD/DW/FL/OT			

(a) F = fresh, FR = frozen, RD = round, DW = dressed, FL = filleted, OT = other
(b) East Atlantic, West Atlantic, Mediterranean, other

6. EXPORTER CERTIFICATION

I certify that the above information is complete, true and correct, to the best of my knowledge and belief.

Name Address Signature Date Licence number

7. NAME OF IMPORTER

8. AUTHENTICATION by a duly authorized official/recognized institution of the flag country

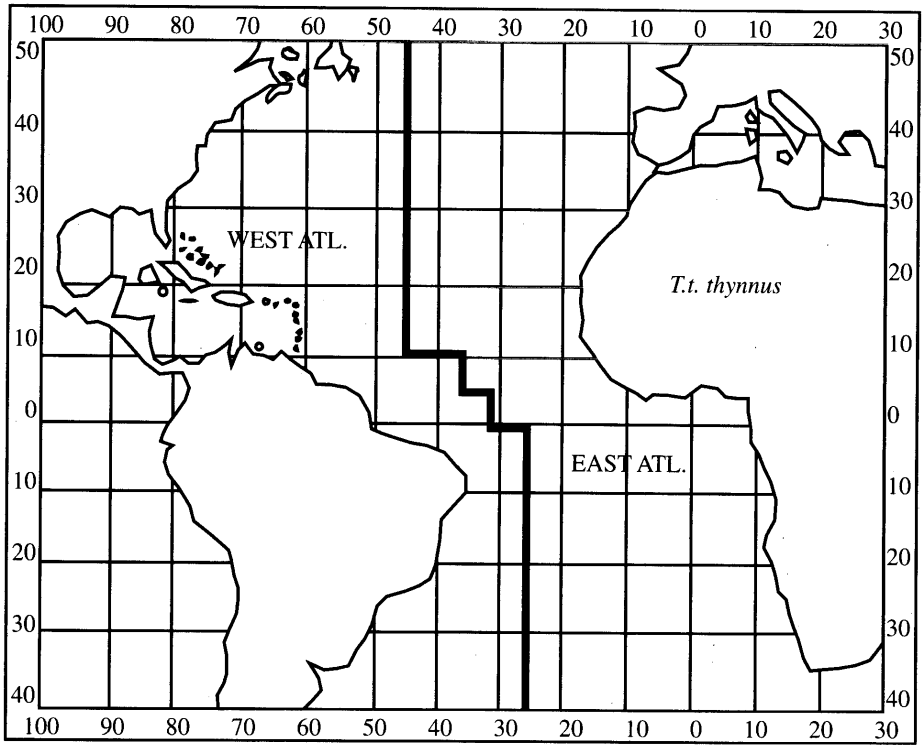
I certify that the above information is complete, true and correct, to the best of my knowledge and belief.

Name and position of the (authorized) signatory Signature Date Government seal

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ANNEX II

1. **Geographical division of the Atlantic recognized by Iccat for bluefin tuna *(Thunnus thynnus)* catches**



▶(1) 2. **Third countries recognised by ICCAT for which the statistical document can be authenticated by an institution authorized for this purpose, for example a chamber of commerce**

Angola, Brazil, Canada, Cape Verde, China, Côte d'Ivoire, Croatia, Equatorial Guinea, Gabon, Ghana, Guinea Conakry, Japan, Korea, Libya, Morocco, Russia, São Tomé and Príncipe, South Africa, Tunisia, Uruguay, USA, Venezuela. ◀

3. **Gear code**

BB	Bait
GILL	Gillnet
HAND	Hand-line
HARP	Harpoon
LL	Longline
MWT	Mid-water trawl
PS	Purse seine
RR	Rod and reed
SPHL	Sport handline
SPOR	Sport fisheries unclassified
TRAP	Trap
TROL	Troll
OT	Other type

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ANNEX III

SPECIMEN RE-EXPORT LICENCE

Document No	**ICCAT BLUEFIN TUNA RE-EXPORT LICENCE**

'EXPORT' SECTION

1. COUNTRY OF RE-EXPORT:

2. PLACE OF RE-EXPORT (town, state, province, country):

3. DESCRIPTION OF THE IMPORTED FISH:

Product F/FR	*Type (*) RD/GG/DR/FL/OT*	*Weight (kg)*	*Flag state*	*Date of importation*

(*) F = fresh, FR = frozen, RD = live weight, GG = gutted and gilled, DR = dressed, FL = fillets, OT = other.
if OT, describe the type of product:

4. DESCRIPTION OF THE RE-EXPORTED FISH:

Product F/FR	*Type (a) RD/GG/DR/FL/OT*	*Weight (kg)*		

(a) F = fresh, FR = frozen, RD = live weight, GG = gutted and gilled, DR = dressed, FL = fillets, OT = other.
if OT, describe the type of product:

5. RE-EXPORTER'S DECLARATION — *I hereby declare that the above information is, to the best of my knowledge, complete, true and correct.*

..... Name	..... Address	..... Signature	..... Date	..... Licence No (if applicable)

6. GOVERNMENT AUTHENTICATION — *I hereby certify that the above information is, to the best of my knowledge, complete, true and correct*

..... Name	..... Address	..... Signature	..... Date	..... Government stamp

'IMPORT' SECTION

IMPORTERS DECLARATION — *I hereby declare that the above information si, to the best of my knowledge, complete, true and correct.* ***(Transit country)***

..... Name	..... Address	..... Signature	..... Date	..... Licence No (where appropriate)

IMPORTERS DECLARATION — *I hereby declare that the above information is, to the best of my knowlegde, complete, true and correct.* ***(Transit country)***

..... Name	..... Address	..... Signature	..... Date	..... Licence No (where appropriate)

IMPORTERS DECLARATION — *I hereby declare that the above information is, to the best of my knowledge, complete, true and correct.* ***(Final destination)***

..... Name	..... Address	..... Signature	..... Date	..... Licence No (where appropriate)

FINAL PLACE OF IMPORT:

..... Town	..... State of province	..... Country

NOTE: If this document is filled out in a language other than English, please attach a translation into English.'