

Commission Decision of 6 April 2010 amending Decision 2009/296/EC establishing a specific control and inspection programme related to the recovery of bluefin tuna in the Eastern Atlantic and the Mediterranean (notified under document C(2010) 2060) (2010/210/EU)

*Article 1*

Decision 2009/296/EC is amended as follows:

1. Article 8 is amended as follows:
  - (a) Paragraph 1 is replaced by the following:
    1. Member States whose inspectors discover any infringement, while carrying out an inspection of the activities listed in Article 2, shall inform the following Parties of the date of inspection and the details of the infringement:
      - a the relevant flag Member State and the Commission, and where appropriate;
      - b the Member State where the farming installation or the enterprise engaged in the processing and/or trade of bluefin tuna products is established.
  - (b) Paragraph 3 is replaced by the following:
    3. Member States whose inspectors observe an activity or condition that may constitute a serious infringement, as defined in Section I(1) of Annex VI to Council Regulation (EC) No 302/2009<sup>(1)</sup>, shall immediately notify the Commission who will then notify directly the authorities of the flag State fishing vessel, as well as the ICCAT Secretariat.
  - (c) In paragraph 4, the first sentence is replaced by the following:

‘In case a serious infringement, as defined in Section I(1) of Annex VI to Regulation (EC) No 302/2009, is discovered onboard a Community fishing vessel, the flag Member State shall ensure that, following the inspection, the fishing vessel flying its flag ceases all fishing activities.’
  - (d) Paragraph 5 is replaced by the following:
    5. Member States shall cooperate to ensure that, if prosecution of an infringement is transferred to the Member State of registration in accordance with Article 86 of Council Regulation (EC) No 1224/2009<sup>(2)</sup>, the security and continuity of any evidence of the infringement cited by its inspectors is guaranteed in each case..
2. Annex I is amended as follows:
  - (a) The Section entitled ‘Inspection tasks’ is amended as follows:
    - (i) Point 1.6(e) is replaced by the following:
      - (e) that the master of the catching and the tug vessels has ensured a monitoring of all the transfer activities by video camera in the water.
    - (ii) Point 1.10(a) is replaced by the following:

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Decision of 6 April 2010 amending Decision 2009/296/EC establishing a specific control and inspection programme related to the recovery of bluefin tuna in the Eastern Atlantic and the Mediterranean (notified under document C(2010) 2060) (2010/210/EU). (See end of Document for details)

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- (a) that the relevant documentation is present and duly completed and reported (bluefin tuna catch document and re-export certificate, transfer declaration, caging declaration, transshipment declaration);
- (b) The Section entitled 'Report of inspections' is replaced by the text in the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2010.

*For the Commission*

Maria DAMANAKI

*Member of the Commission*

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- (1) OJ L 96, 15.4.2009, p. 1.
- (2) OJ L 343, 22.12.2009, p. 1.

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