

Draft Regulations laid before Parliament under sections 41(2)(c) and 51(4)(a) and (5) of the Fisheries Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No. 0000

SEA FISHERIES

The Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024

Made - - - -

Coming into force - - *1st April 2024*

The Secretary of State, in exercise of the powers conferred by sections 36(1)(a) and 51(1)(a) of the Fisheries Act 2020(a), makes the following Regulations.

In accordance with section 40(1), (2) and (3) of the Fisheries Act 2020(b), the Secretary of State has obtained the consent of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to the making of these Regulations.

In accordance with section 41(1) of the Fisheries Act 2020, the Secretary of State has consulted the Scottish Ministers, the Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and such other persons likely to be affected by these Regulations as the Secretary of State considers appropriate.

In accordance with sections 41(2)(c) and 51(4)(a) and (5) of the Fisheries Act 2020, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Sea Fisheries (International Commission for the Conservation of Atlantic Tunas) (Amendment) Regulations 2024 and come into force on 1st April 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 2020 c. 22. Section 52 specifies how “international obligation of the United Kingdom” is to be interpreted. For the purposes of section 36(4), these Regulations are “regional fisheries management regulations” within the meaning of section 36(5). Section 37 contains the definitions of “regional fisheries management agreement” and “regional fisheries management organisation” for the purposes of interpreting the definition of “regional fisheries management regulations” and, in the context of the amendments made by these Regulations, the relevant regional fisheries management agreement is “The International Convention for the Conservation of Atlantic Tunas” and the relevant regional fisheries management organisation is “The International Commission for the Conservation of Atlantic Tunas”.

(b) See section 52 for the definition of “the Northern Ireland department”.

Amendment of Regulation (EC) No 1936/2001

2.—(1) Council Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish(a) is amended as follows.

- (2) In Article 2 (zones) omit point (a).
- (3) Omit Chapter 1 (control and inspection measures applicable in zone 1).
- (4) Omit Annexes 1a and 2.

Amendment of Regulation (EC) 1984/2003

3.—(1) Council Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community(b) is amended as follows.

- (2) In Article 1 (object)—
 - (a) in point (a) for “by the ‘ICCAT’” substitute “under the International Convention for the Conservation of Atlantic Tunas”;
 - (b) in point (b) for “by the ‘IOTC’” substitute “under the Indian Ocean Tuna Commission”.
- (3) For Article 2 (scope) substitute—

“Article 2

Scope

- 1. This Regulation applies in relation to swordfish and bigeye tuna which is imported into the United Kingdom, transhipped at a United Kingdom port, or exported, or re-exported, from the United Kingdom.
- 2. This Regulation does not apply to—
 - (a) the import, transhipment, export or re-export of swordfish or bigeye tuna fish parts other than the meat and for these purposes “fish parts other than the meat” include heads, eyes, roes, guts and tails;
 - (b) bigeye tuna caught by purse seiners or by baitboats which is destined to be processed and canned at a cannery in the ICCAT Convention area or in the IOTC Area of Competence.
- 3. In this Article—
 - (a) “purse seiner” means a fishing boat that uses a purse seine and “purse seine” has the same meaning as in Article 6 of Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures(c);
 - (b) “baitboat” means a fishing boat using pole and line fishing with bait in the water to attract schools of tuna.”.

- (4) For Article 3 (definitions) substitute—

“Article 3

Definitions

In this Regulation—

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- (a) EUR 2001/1936, amended by S.I. 2019/739. S.I. 2019/739 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1) and was amended before it came into force by S.I. 2020/1542.
 - (b) EUR 2003/1984, amended by S.I. 2019/753. S.I. 2019/753 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1542.
 - (c) EUR 2019/1241; amended by S.I. 2019/1312. S.I. 2019/1312 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2020/1542.

- (a) “bigeye tuna” means fish of the species *Thunnus obesus* caught in the ICCAT Convention area or in the IOTC Area of Competence and falling within any of the commodity codes of the customs tariff of the United Kingdom^(a) as listed in Annex III;
- (b) “enactment” has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018^(b);
- (c) “export” means, in relation to swordfish or bigeye tuna caught by a UK fishing boat and—
 - (i) landed into the United Kingdom, the subsequent movement of that fish outside of the United Kingdom, or
 - (ii) not landed into the United Kingdom, the landing of the fish into, or the transshipment of the fish (which has not been landed) in, the territory of any other State;
- (d) “fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020;
- (e) ‘ICCAT’ means the International Commission for the Conservation of Atlantic Tunas;
- (f) “ICCAT authorised fishing boat” means a fishing boat which is included on the ICCAT record of fishing vessels authorised to target ICCAT species in the ICCAT Convention area, as amended from time to time^(c);
- (g) “ICCAT Convention area” means the area covered by the International Convention for the Conservation of Atlantic Tunas;
- (h) “import” means the movement of swordfish or bigeye tuna into the United Kingdom and includes such movement into the United Kingdom or into British fishery limits^(d) for transshipment purposes but the term does not include the landing of swordfish or bigeye tuna into the United Kingdom by a UK fishing boat;
- (i) “IOTC Area of Competence” means the area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission;
- (j) “licensing authority” means either the Marine Management Organisation, the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and where the term is used in respect of—
 - (i) a UK fishing boat it means the authority that granted the boat’s licence under section 15 of the Fisheries Act 2020 (the term ‘licensed’ is interpreted accordingly) which, for a UK fishing boat registered to a port—
 - (aa) in England, means the Marine Management Organisation;
 - (bb) in Scotland, means the Scottish Ministers;
 - (cc) in Wales, means the Welsh Ministers;
 - (dd) in Northern Ireland, means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, or
 - (ii) a particular area it means—
 - (aa) for England, the Marine Management Organisation;
 - (bb) for Scotland, the Scottish Ministers;
 - (cc) for Wales, the Welsh Ministers;

(a) “The customs tariff” is defined in section 8(2) of the Taxation (Cross-border Trade) Act 2018 (c. 22) and was established by S.I. 2020/1430. S.I. 2020/1430 was amended by S.I. 2023/433.

(b) 2018 c. 16. The definition of “enactment” in section 20(1) was amended by paragraph 44(2)(c) of Part 2 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020.

(c) The ICCAT record of fishing vessels is published on the ICCAT website: www.iccat.int/en/vesselsrecord.asp.

(d) By virtue of section 1(1) of the Fishery Limits Act 1976 (c. 86) “British fishery limits” are designated by S.I. 2013/3161. Section 1(1) of that Act was substituted by paragraph 2(2) of Part 1 of Schedule 4 to the Marine and Coastal Access Act 2009 (c. 23).

- (dd) for Northern Ireland, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,
- and any reference to a licensing authority carrying out a particular function is to be interpreted as including any person or body to whom the licensing authority has delegated the function in question;
- (k) “re-export” means any movement from the United Kingdom of swordfish or bigeye tuna which had been previously imported into the United Kingdom;
 - (l) “re-export certificate” means a document—
 - (i) in the case of swordfish, which is completed with all the information required under, and is in the form specified in, Annex X and otherwise conforms to the requirements of this Regulation;
 - (ii) in the case of bigeye tuna—
 - (aa) caught in the ICCAT Convention area, which is completed with the information required under, and is in the form specified in, Annex XI and otherwise conforms to the requirements of this Regulation;
 - (bb) caught in the IOTC Area of Competence, which is completed with the information required under, and is in the form specified in, Annex XII and otherwise conforms to the requirements of this Regulation;
 - (m) “statistical document” means a document—
 - (i) in the case of swordfish, which is completed with all the information required under, and is in the form specified in, Annex V and otherwise conforms to the requirements of this Regulation;
 - (ii) in the case of bigeye tuna—
 - (aa) caught in the ICCAT Convention area, which is completed with the information required under, and is in the form specified in, Annex VI and otherwise conforms to the requirements of this Regulation;
 - (bb) caught in the IOTC Area of Competence, which is completed with the information required under, and is in the form specified in, Annex VII and otherwise conforms to the requirements of this Regulation;
 - (n) “swordfish” means fish of the species *Xiphias gladius* caught in the ICCAT Convention area and falling within any of the commodity codes of the customs tariff of the United Kingdom as listed in Annex II;
 - (o) “UK fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020.”.

(5) In Article 4 (statistical document for importation)—

- (a) for paragraph 1 substitute—
 - “1. It is prohibited for a person to import swordfish or bigeye tuna unless—
 - (a) the fish is accompanied by—
 - (i) a statistical document which has been validated by—
 - (aa) the licensing authority of the UK fishing boat transshipping the fish in accordance with Article 7a, or
 - (bb) the competent authorities of the State that licensed the fishing boat landing or transshipping the fish or the exporting State in accordance with the requirements of paragraph 2, and
 - (ii) in the case of fish which has previously been imported into another State, a re-export certificate which has been validated by the competent authorities of the re-exporting State, and

- (b) in the case of fish which was caught, not including by-catch, in the ICCAT Convention area by a fishing boat of 20 metres in length overall^(a) or greater, the fish was caught by an ICCAT authorised fishing boat.”;
 - (b) in paragraph 2—
 - (i) for “shall” substitute “must”;
 - (ii) omit point (a);
 - (iii) in point (b)(i) omit “third”;
 - (iv) omit point (c);
 - (c) in paragraph 3 for the words from “shall” to the end, substitute “must be delivered to the licensing authority for the area into which the fish is being imported”;
 - (d) omit paragraph 4;
 - (e) in paragraph 5—
 - (i) for the words from “fish” to “shall be” substitute “swordfish or bigeye tuna is”;
 - (ii) for “paragraphs 1 and 2” substitute “this Regulation”;
 - (f) after paragraph 5, insert—
 - “6. A person who contravenes the prohibition in paragraph 1 is guilty of an offence.
 - 7. Where a fishing boat lands or tranships in contravention of the prohibition in paragraph 1, the master, the owner and the charterer (if any) are each guilty of an offence.”.
- (6) For Article 5 (statistical document for exportation) substitute—

“Article 5

Statistical document for exportation

1. It is prohibited for a person to export swordfish or bigeye tuna unless—
 - (a) in the case of a UK fishing boat landing a catch of swordfish or bigeye tuna directly into, or transshipping the catch in, the territory of another State outside the United Kingdom, the licensing authority for that UK fishing boat has validated a statistical document which accompanies the fish in accordance with the requirements of paragraph 4, or
 - (b) in the case of fish which was previously landed into the United Kingdom by a UK fishing boat, the licensing authority for the UK fishing boat which caught the fish or the licensing authority for the area from which the fish is being exported has validated a statistical document which accompanies the fish in accordance with the requirements of paragraph 4.
2. Where a UK fishing boat lands swordfish or bigeye tuna into, or tranships in, the territory of another State, the master of the boat must complete a statistical document for the fish and request its validation by the boat’s licensing authority.
3. Where a person exports swordfish or bigeye tuna from the United Kingdom, the person must complete a statistical document for the fish and request its validation by the licensing authority for the UK fishing boat that caught the fish or by the licensing authority for the area from which the fish is being exported.
4. Upon a request made under paragraph 2 or 3, the licensing authority must not validate the statistical document unless the authority is satisfied—

(a) The length overall of a fishing boat is defined in Article 2 of Regulation (EU) 2017/1130 of the European Parliament and of the Council defining characteristics for fishing vessels (EUR 2017/1130); amended by S.I. 2019/739.

- (a) in relation to fish caught, not including by-catch, by a UK fishing boat of 20 metres in length overall or greater, that the fish was caught by an ICCAT authorised fishing boat,
- (b) that the information contained in the statistical document is complete and accurate, and
- (c) that the catching and export of the fish was carried out in compliance with relevant requirements specified in any other enactment or specified in conditions attached to the fishing boat’s licence under paragraph 1 of Schedule 3 to the Fisheries Act 2020.

5. A person who contravenes the prohibition in paragraph 1 is guilty of an offence.

6. Where a UK fishing boat lands or tranships in contravention of the prohibition in paragraph 1, the master, the owner and the charterer (if any) are each guilty of an offence.”.

(7) For Article 6 (re-export certificates) substitute—

“Article 6

Re-export certificates

1. It is prohibited for a person to re-export swordfish or bigeye tuna unless—

- (a) the licensing authority for the area from which the fish is being re-exported has validated a re-export certificate which accompanies the fish in accordance with the requirements of paragraph 3, and
- (b) the fish is also accompanied by a copy of the validated statistical document used for import of the fish under Article 4.

2. Where a person re-exports swordfish or bigeye tuna from the United Kingdom, the person must complete a re-export certificate for the fish and request its validation by the licensing authority for the area from which the fish is being re-exported.

3. Upon a request made under paragraph 2, the licensing authority must not validate the re-export certificate unless the authority is satisfied—

- (a) that the fish being re-exported corresponds to the fish originally imported under the statistical document referred to in paragraph 1(b), and
- (b) that the information contained in the re-export certificate is complete and accurate.

4. A person who contravenes the prohibition in paragraph 1 is guilty of an offence.”.

(8) In Article 7 (repeated re-exports)—

(a) in paragraph 1—

- (i) for the words from “fish” to “Article 1,” substitute “swordfish or bigeye tuna”;
- (ii) for “shall” substitute “must”;
- (iii) omit “(1) and (2)”;
- (iv) omit “Article 6(3), (4), (5) and (6) shall apply.”;

(b) in paragraph 2, for “shall” substitute “must”.

(9) For Article 7a substitute—

“Article 7a

Transshipment by large pelagic longline boats

1. This Article applies in relation to transshipments in the ICCAT Convention area by pelagic longline boats which are 24 metres in length overall or greater (in this Article “large pelagic longline boats”).

2. Where a licensing authority is validating a statistical document for a large pelagic longline boat the authority must—

- (a) ensure that transhipments are consistent with the reported catch amount by each boat, and
- (b) confirm, through information obtained under the ICCAT regional observer programme, that the transhipment has been conducted in accordance with Articles 51 to 58 of Regulation 2017/2107.

3. For imports of bigeye tuna or swordfish caught and transhipped by large pelagic longline boats which are not UK fishing boats, in addition to the requirements of Article 4, the statistical document for the fish may only be accepted—

- (a) if the fishing boat that caught the fish is an ICCAT authorised fishing boat which is authorised to tranship in the ICCAT Convention area, and
- (b) where it is accompanied by the ICCAT transhipment declaration in accordance with Article 57 of Regulation 2017/2107.

4. In this Article “Regulation 2017/2107” means Regulation (EU) 2017/2107 of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)(a).”.

(10) After the omitted Chapter 3 insert—

“CHAPTER 3A OFFENCES, PENALTIES AND ENFORCEMENT

Article 10A

Penalties for offences

1. A person who commits an offence under Article 4(6) or (7), 5(5) or (6) or 6(4) of this Regulation is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

2. The court by or before which a person is convicted of an offence under this Regulation may order the forfeiture of any fish in respect of which the offence was committed and any fishing gear used in committing the offence.

3. Where the court does not order the forfeiture of fish under paragraph 2, the court may instead impose a fine on the person not exceeding the value of the fish in respect of which the offence was committed. Any fine to which a person is liable under this paragraph is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of that offence under this Regulation or under any other enactment.

Article 10B

Offences by bodies corporate etc

1. Where an offence under this Regulation is committed by a body corporate and it is proved that the offence—

- (a) was committed with the consent or connivance of a person falling within paragraph 2, or

(a) EUR 2017/2107, amended by S.I. 2019/753.

(b) is attributable to any neglect on the part of such a person,
that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

2. The persons are—

(a) a director, manager, secretary or similar officer of the body corporate;

(b) any person purporting to act in such a capacity.

3. Where the affairs of a body corporate are managed by its members, paragraph 1 applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.

4. Where an offence under this Regulation has been committed by a Scottish partnership and it is proved that the offence—

(a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or

(b) is attributable to any neglect on the part of such a person,

that person (as well as the partnership) is guilty of an offence and liable to be proceeded against and punished accordingly.

Article 10C

Enforcement

1. A British sea-fishery officer may seize any fish in respect of which an offence has been committed under this Regulation where the fish are on the fishing boat on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat.

2. For the purpose of enforcing the provisions of this Regulation, section 8 of the Sea Fisheries Act 1968(a) (general powers of British sea-fishery officers) has effect as it has effect in relation to the provisions mentioned in subsection (1) of that section.

3. A marine enforcement officer has an enforcement function in relation to any offence or suspected offence by any person under this Regulation.

4. Section 238 of the Marine and Coastal Access Act 2009(b) (enforcement of the fisheries legislation) applies in relation to the enforcement function conferred by paragraph 3 as it applies in relation to the enforcement of “the fisheries legislation” (as defined in that section).

5. In this Article—

‘British sea-fishery officer’ means any person who by virtue of section 7 of the Sea Fisheries Act 1968(c) is a British sea-fishery officer;

‘marine enforcement officer’ has the same meaning as in section 235(1) of the Marine and Coastal Access Act 2009.”.

(11) Omit Chapter 4 (final provisions).

(12) For Annex 2 substitute—

(a) 1968 c. 77. Section 8 was amended by paragraph 17(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and section 26(2) and (3) of the Fisheries Act 1981 (c. 29).

(b) 2009 c. 23.

(c) Section 7 was amended by Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36), Part 2 of Schedule 5 to the Fisheries Act 1981, section 239 of the Marine and Coastal Access Act 2009 and by S.I. 1999/1820.

**“ANNEX II
SWORDFISH**

For the purposes of the definition of swordfish in Article 3, the commodity codes in the first column of the following table apply. The descriptions in the second column of the table are for information purposes only.

<i>Commodity Code</i>	<i>Description</i>
0301 9985 70	Live swordfish (<i>Xiphias gladius</i>)
0302 4700 00	Fresh or chilled swordfish (<i>Xiphias gladius</i>), excluding fillets and other meat
0303 5700 00	Frozen swordfish (<i>Xiphias gladius</i>), excluding fillets and other meat
0304 4500 00	Fresh or chilled fillets of swordfish (<i>Xiphias gladius</i>)
0304 5400 00	Other swordfish (<i>Xiphias gladius</i>) meat, fresh or chilled
0304 8400 00	Frozen fillets of swordfish (<i>Xiphias gladius</i>)
0304 9100 00	Other swordfish (<i>Xiphias gladius</i>) meat, frozen
0305 2000 19	Swordfish (<i>Xiphias gladius</i>), other, salted or in brine
0305 2000 76	Swordfish (<i>Xiphias gladius</i>), other, smoked
0305 2000 77	Swordfish (<i>Xiphias gladius</i>), other, dried
0305 3990 50	Fillets of swordfish (<i>Xiphias gladius</i>), dried, salted or in brine, but not smoked
0305 4980 20	Smoked swordfish (<i>Xiphias gladius</i>), including fillets, other than edible fish offal
0305 5490 10	Dried swordfish (<i>Xiphias gladius</i>), other than edible fish offal, whether or not salted but not smoked
0305 6980 50	Salted swordfish (<i>Xiphias gladius</i>) but not dried or smoked and swordfish in brine, other than edible fish offal
1604 1991 30	Prepared or preserved swordfish (<i>Xiphias gladius</i>), fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen
1604 1997 20	Prepared or preserved swordfish (<i>Xiphias gladius</i>), other
1604 2090 60	Prepared or preserved swordfish (<i>Xiphias gladius</i>), other”.

(13) For Annex 3 substitute—

“ANNEX III

BIGEYE TUNA

For the purposes of the definition of bigeye tuna in Article 3, the commodity codes in the first column of the following table apply. The descriptions in the second column of the table are for information purposes only.

<i>Commodity Code</i>	<i>Description</i>
0301 9985 75	Live bigeye tuna (<i>Thunnus obesus</i>)
0302 3410 00	Fresh or chilled bigeye tuna (<i>Thunnus obesus</i>), excluding fillets and other meat, for the industrial manufacture of prepared or preserved fish
0302 3490 00	Fresh or chilled bigeye tuna (<i>Thunnus obesus</i>), excluding fillets and other meat
0302 9100 50	Bigeye tuna (<i>Thunnus obesus</i>), other, fresh or chilled
0303 4410 00	Frozen bigeye tuna (<i>Thunnus obesus</i>), excluding fillets and other meat, for the industrial manufacture of prepared or preserved fish
0303 4490 00	Frozen bigeye tuna (<i>Thunnus obesus</i>), excluding fillets and other meat
0303 9190 10	Frozen bigeye tuna (<i>Thunnus obesus</i>), excluding fillets and other meat, other
0304 4990 40	Fresh or chilled fillets of bigeye tuna (<i>Thunnus obesus</i>)
0304 5990 20	Other bigeye tuna (<i>Thunnus obesus</i>) meat, fresh or chilled
0304 8700 20	Frozen fillets of bigeye tuna (<i>Thunnus obesus</i>)
0304 9999 50	Other bigeye tuna (<i>Thunnus obesus</i>) meat, frozen
0305 2000 21	Bigeye tuna (<i>Thunnus obesus</i>), other, salted or in brine
0305 2000 78	Bigeye tuna (<i>Thunnus obesus</i>), other, smoked
0305 2000 79	Bigeye tuna (<i>Thunnus obesus</i>), other, dried
0305 3990 40	Fillets of bigeye tuna (<i>Thunnus obesus</i>), dried, salted or in brine, but not smoked
0305 4980 60	Smoked bigeye tuna (<i>Thunnus obesus</i>), including fillets, other than edible fish offal
0305 5985 45	Dried bigeye tuna (<i>Thunnus obesus</i>), other than edible fish offal, whether or not salted but not smoked
0305 6980 40	Salted bigeye tuna (<i>Thunnus obesus</i>) but not dried or smoked and bigeye tuna in brine, other than edible fish offal
1604 1441 20	Bigeye tuna (<i>Thunnus obesus</i>) whole or in pieces but not minced, prepared or preserved in

	vegetable oil
1604 1446 21	Bigeye tuna (<i>Thunnus obesus</i>) for processing, whole or in pieces but not minced, prepared or preserved other than in vegetable oil and fillets knowns as loins
1604 1446 29	Bigeye tuna (<i>Thunnus obesus</i>) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and fillets knowns as loins
1604 1448 20	Bigeye tuna (<i>Thunnus obesus</i>) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and other than fillets knowns as loins
1604 2070 40	Bigeye tuna (<i>Thunnus obesus</i>) other than whole or in pieces but not minced, preserved
1604 2070 45	Bigeye tuna (<i>Thunnus obesus</i>) other than whole or in pieces but not minced, other than preserved”.

(14) In Annex 4b for “Third countries” substitute “Countries”.

(15) Omit Annexes 13, 14 and 16 to 19.

Amendment of Regulation (EU) 640/2010

4.—(1) Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus*(a) is amended as follows.

(2) In Article 1 (subject matter and scope)—

- (a) the existing text becomes paragraph 1;
- (b) after that paragraph insert—

“2. This Regulation does not apply to—

- (a) the domestic trade, import, export or re-export of bluefin tuna fish parts other than the meat and for these purposes ‘fish parts other than the meat’ include heads, eyes, roes, guts and tails;
- (b) bluefin tuna caught by recreational fishing boats where sale of the fish is prohibited.”.

(3) In Article 2 (definitions)—

- (a) in point (a)—
 - (i) for “Bluefin” substitute “bluefin”, and
 - (ii) for “falling within the codes of the Combined Nomenclature” substitute “and any reference to bluefin tuna in this Regulation means such fish, or parts of such fish, falling within any of the commodity codes of the customs tariff of the United Kingdom as;
- (b) after point (a) insert—
 - “(aa) ‘bluefin tuna catch document’ means an electronic bluefin tuna catch document unless Article 5A applies, in which case it means a paper bluefin tuna catch document;

(a) EUR 2010/640; amended by S.I. 2019/753. S.I. 2019/753 came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2019/1312 and 2020/1599; there are other amending instruments to S.I. 2019/753 (before it came into force) but none is relevant.

- (ab) ‘catch quota’ has the same meaning as in section 52 of the Fisheries Act 2020 but where the term is used in relation to a specific UK fishing boat it is to be interpreted as a reference to the particular amount of catch quota available for use by that fishing boat either as a result of the distribution of catch quota to a specific fishing boat by the boat’s licensing authority or as a result of catch quota being available to a particular group of fishing boats or to fishing boats fishing with particular gear;
- (ac) ‘designated port’ means a port or place close to the shore designated under Article 30(1) of Regulation 2016/1627 or designated by a contracting party, or a non-contracting cooperating party, to the International Convention for the Conservation of Atlantic Tunas, where landing or transshipping operations of bluefin tuna are permitted;”;
- (c) in point (b)—
 - (i) for “‘Domestic trade’” substitute “‘domestic trade’ or ‘trade domestically’”;
 - (ii) for “Area” substitute “area”;
 - (iii) for “United Kingdom catching vessel or trap” substitute “UK fishing boat”;
 - (iv) for the words from “or which” to the end, substitute “and ‘trade’ in this context includes placing on the market or offering for sale”;
- (d) after point (b) insert—
 - “(ba) ‘electronic bluefin tuna catch document’ means an entry on the electronic catch document system which is completed with the information, where relevant, specified in Annex 2 and otherwise conforms to the requirements of this Regulation;
 - (bb) ‘electronic catch document system’ means the system adopted by ICCAT for electronically recording bluefin tuna catch information;
 - (bc) ‘enactment’ has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018;”;
- (e) for points (c) and (d) substitute—
 - “(c) ‘export’ means, in relation to bluefin tuna caught in the ICCAT Convention area by a UK fishing boat and—
 - (i) landed into Great Britain, the subsequent movement of that bluefin tuna outside Great Britain, or
 - (ii) not landed into Great Britain, the landing of that bluefin tuna into Northern Ireland or the territory of any other State;
 - (ca) ‘fishing boat’ has the same meaning as in section 52 of the Fisheries Act 2020;
 - (cb) ‘Great Britain zone’ means the sea within British fishery limits^(a) but excluding any waters within—
 - (i) 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured, and
 - (ii) the Northern Ireland zone;
 - (cc) ‘ICCAT’ means the International Commission for the Conservation of Atlantic Tunas^(b);
 - (cd) ‘ICCAT Convention area’ means the area covered by the International Convention for the Conservation of Atlantic Tunas;
 - (d) ‘import’ means the movement of bluefin tuna caught in the ICCAT Convention area by any fishing boat, or by a trap, into Great Britain and includes such movement into Great Britain or the Great Britain zone for transshipment purposes but the term does not include the landing of bluefin tuna into Great Britain by UK fishing boats;

(a) By virtue of section 1(1) of the Fishery Limits Act 1976 (c. 86) “British fishery limits” are designated by S.I. 2013/3161.

(b) The Commission was established by the International Convention for the Conservation of Atlantic Tunas.

- (da) ‘licensing authority’ means either the Marine Management Organisation^(a), the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and where the term is used in respect of—
- (i) a UK fishing boat it means the authority that granted the boat’s licence under section 15 of the Fisheries Act 2020 (the term ‘licensed’ is interpreted accordingly) which, for a UK fishing boat registered to a port—
- (aa) in England, means the Marine Management Organisation;
 - (bb) in Scotland, means the Scottish Ministers;
 - (cc) in Wales, means the Welsh Ministers;
 - (dd) in Northern Ireland, means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, or
- (ii) a particular area it means—
- (aa) for England, the Marine Management Organisation;
 - (bb) for Scotland, the Scottish Ministers;
 - (cc) for Wales, the Welsh Ministers,
- and any reference to a licensing authority carrying out a particular function is to be interpreted as including any person or body to whom the licensing authority has delegated the function in question;
- (db) ‘lot’ means a quantity of bluefin tuna products of the same presentation all of which originated from the same fishing grounds and a particular fishing boat, or group of fishing boats involved in the same fishing operation, or from the same trap;
- (dc) ‘Northern Ireland zone’ has the same meaning as in section 52 of the Fisheries Act 2020;
- (dd) ‘paper bluefin tuna catch document’ means a catch document, other than an electronic bluefin tuna catch document, which is completed with the information, where relevant, specified in Annex 2, is in the form required by Article 5A and otherwise conforms to the requirements of this Regulation;”;
- (f) in point (e) for “Re-export” substitute “re-export”;
- (g) after point (e) insert—
- “(ea) ‘recreational fishing boat’ means a fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure;
- (eb) ‘Regulation 2016/1627’ means Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean^(b);
- (ec) ‘trap’ means fixed gear anchored to the seabed, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting;
- (ed) ‘UK fishing boat’ has the same meaning as in section 52 of the Fisheries Act 2020.”;
- (h) omit points (f) to (m).
- (4) For Articles 3, 4 and 5 substitute—

“Article 3

Bluefin tuna catch document: prohibitions

1. Subject to paragraphs 2, 3 and 4, it is prohibited—

(a) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009.
(b) EUR 2016/1627; amended by S.I. 2019/753.

- (a) to land or tranship any quantity of bluefin tuna at a designated port in Great Britain or in the Great Britain zone without a completed and validated bluefin tuna catch document for each fish;
- (b) for a UK fishing boat to land or tranship any quantity of bluefin tuna at a designated port outside of Great Britain or the Great Britain zone without a completed and validated bluefin tuna catch document for each fish;
- (c) for a person to trade domestically, import into, export from, or re-export from, Great Britain any quantity of bluefin tuna without a completed and validated bluefin tuna catch document for the lot.

2. The bluefin tuna catch document referred to in paragraph 1 does not require validation where Article 4(5) applies.

3. Where the total quantity of bluefin tuna landed by a UK fishing boat into a designated port in Great Britain or in the Great Britain zone is—

- (a) less than one metric tonne, or
- (b) no more than three fish,

the boat's fishing logbook or the sales note for the fish may be used as a temporary catch document pending validation of the bluefin tuna catch document for up to seven days but this temporary catch document may not be used for export of the fish.

4. Where a fishing boat is required to land any bluefin tuna caught as by-catch, the prohibition on landing the fish without a bluefin tuna catch document in paragraph 1(a) and (b) does not apply where sale of the fish is prohibited and the fish is subject to confiscation on landing.

5. Where paragraph 1(a) applies to a fishing boat and the boat is also landing or transshipping tuna of the species *Thunnus orientalis* ("Pacific tuna"), the requirement for a completed and validated bluefin tuna catch document also applies to each Pacific tuna landed or transhipped.

6. Where—

- (a) a fishing boat lands or tranships in contravention of a prohibition in paragraph 1(a) or (b), the master, the owner and the charterer (if any) are each guilty of an offence;
- (b) a person contravenes a prohibition in paragraph 1(c), the person is guilty of an offence.

Article 3A

Bluefin tuna catch document

1. Each licensing authority must seek to restrict any access it facilitates to the electronic catch document system, for the purpose of entering information—

- (a) only to UK fishing boats that the authority has licensed;
- (b) so that each electronic bluefin tuna catch document will be uniquely identifiable and unique to the UK fishing boat to which the catch relates.

2. Each licensing authority must seek to ensure that paper bluefin tuna catch documents—

- (a) are only used where Article 5A applies;
- (b) are only given to UK fishing boats that the authority has licensed;
- (c) contain unique document identification numbers which are uniquely identifiable, unique to the UK fishing boat in question and non-transferrable.

Article 4

Bluefin tuna catch document: validation

1. On each occasion where a UK fishing boat lands (except where Article 3(4) applies) or tranships any quantity of bluefin tuna, the master of the boat must complete a bluefin tuna catch document and, subject to paragraph 5, request its validation by the boat's licensing authority.
2. Upon a request made under paragraph 1, the licensing authority must not validate the bluefin tuna catch document unless the authority is satisfied—
 - (a) where appropriate following an inspection of the bluefin tuna landed, that all the information contained in the catch document has been established to be accurate;
 - (b) that the total quantity of bluefin tuna covered by the validation request is within the United Kingdom's catch quota and the catch quota for the fishing boat in question;
 - (c) that the catching and landing of the bluefin tuna in question was carried out in full compliance with all relevant requirements placed on the fishing boat in question via any other enactment or via conditions attached to the boat's licence under paragraph 1 of Schedule 3 to the Fisheries Act 2020.
3. On each occasion where a person trades domestically or exports any quantity of bluefin tuna, the person must, subject to paragraphs 5 and 6, request validation of the bluefin tuna catch document applicable to the lot by the licensing authority of the fishing boat which completed the catch document or by the licensing authority for the area from which the person is trading or exporting the fish.
4. Upon a request made under paragraph 3, the licensing authority must not validate the bluefin tuna catch document unless the authority is satisfied, following verification of information and, where appropriate, inspection of the lot, that the information contained in the catch document is accurate.
5. Validation of the bluefin tuna catch document is not required where the fish to which the catch document relates is tagged in accordance with Article 5.
6. Where the first domestic trade of a bluefin tuna lot is facilitated by a completed and validated electronic bluefin catch document, that catch document may be used for all subsequent domestic trade of that lot and no further entry on the electronic catch document system is required.

Article 5

Tagging

A licensing authority may require any fishing boat that it has licensed to affix a tag to each bluefin tuna caught by the boat in the ICCAT Convention area. Where this requirement is imposed, the tag must—

- (a) be affixed to the fish prior to landing,
- (b) be tamper-proof, and
- (c) contain the following minimum information—
 - (i) a unique tag number which is linked to the bluefin tuna catch document;
 - (ii) information identifying the fishing boat that caught the tuna;
 - (iii) date of capture or landing;
 - (iv) the area in which the fish was caught;
 - (v) the gear used to catch the fish;
 - (vi) the type of product and the individual weight of the fish;
 - (vii) where applicable, the importer or exporter's details;

(viii) where applicable, the point of export.

Article 5A

Paper bluefin tuna catch documents

1. A paper bluefin tuna catch document may be used only in accordance with this Article.

2. Where the total quantity of bluefin tuna landed by a boat is—

- (a) less than one metric tonne, or
- (b) no more than three fish,

a paper bluefin tuna catch document may be used for up to seven days pending conversion of the catch document into an electronic bluefin tuna catch document, but the paper catch document may not be used for export of the fish.

3. A paper bluefin tuna catch document may be used for the import or domestic trade of bluefin tuna caught prior to 1st January 2017.

4. A paper bluefin tuna catch document may be used in the event that technical problems arise with the electronic catch document system which prevent the completion or validation of the relevant electronic bluefin tuna catch document provided—

- (a) the technical problems which prevent the completion or validation of the catch document arise with the electronic catch document system itself and not with a system used by the master of the fishing boat, the licensing authority or the relevant authority of the boat's flag State, to access the electronic catch document system,
- (b) the relevant procedures specified by ICCAT to be followed in the event of technical problems with the electronic catch document system have been followed and the technical problem has not been resolved, and
- (c) the paper catch document is not used for any longer than necessary once the technical problems have been resolved so as to allow the paper catch document to be converted into an electronic bluefin tuna catch document.

5. A paper bluefin tuna catch document may be used for tuna of the species *Thunnus orientalis* ("Pacific tuna") to comply with the requirement in Article 3(5).

6. A paper bluefin tuna catch document may be used for import from, or export to, another State that is not a contracting party, or a non-contracting cooperating party, to the International Convention for the Conservation of Atlantic Tunas where the State in question does not have access to the electronic catch document system and it is not reasonably practicable in the circumstances to facilitate the use of an electronic bluefin tuna catch document through ICCAT.

7. Where a paper bluefin tuna catch document is used it must—

- (a) either be in the format set out in Annex 3 or be a printout of a completed electronic bluefin tuna catch document,
- (b) be completed with the information, where relevant, specified in Annex 2, and
- (c) be issued, numbered, completed and validated in accordance with the instructions set out in Annex 4.

8. Each licensing authority must retain a copy of each paper bluefin tuna catch document it has validated or received for a minimum period of two years.”.

(5) For Article 6 (general provisions) substitute—

“Article 6

Re-export certificate

1. It is prohibited for a person to re-export any quantity of bluefin tuna without a completed and validated bluefin tuna re-export certificate for the lot.
 2. On each occasion where a person re-exports any quantity of bluefin tuna, the person must—
 - (a) complete a re-export certificate for the lot,
 - (b) request its validation by the licensing authority for the area from which the lot is being re-exported, and
 - (c) ensure the completed re-export certificate is accompanied by a copy of the validated bluefin tuna catch document(s) relating to the lot.
 3. In this Article “re-export certificate” means—
 - (a) a certificate in the form of an entry on the electronic catch document system linked to the catch document for the lot which is completed with the information, where relevant, specified in Annex 5, or
 - (b) where the provisions in Article 5A apply in relation to a paper bluefin tuna catch document for the lot or in relation to technical problems with the electronic catch document system which prevent the completion or validation of a bluefin tuna re-export certificate, a certificate in the form required by Annex 5 and completed with the information, where relevant, specified in that Annex.
 4. Where a person contravenes the prohibition in paragraph 1, the person is guilty of an offence.”.
- (6) In Article 7 (re-export validation)—
- (a) omit paragraph 1;
 - (b) in paragraph 2, for the words before point (a) substitute “Upon a request made under Article 6(2)(b), the licensing authority must not validate the re-export certificate unless the authority is satisfied—”;
 - (c) omit paragraph 3;
 - (d) after the omitted paragraph 3 insert—

“4. Each licensing authority must—

 - (a) promptly send a copy of any re-export certificate it has validated to the competent authorities of the State where the bluefin tuna is due to be imported and to the ICCAT Secretariat;
 - (b) retain a copy of each re-export certificate it has validated or received for a minimum period of two years.”.
- (7) In the heading to Chapter 4 (communication and verification)—
- (a) omit “COMMUNICATION AND”, and
 - (b) after “VERIFICATION” insert “, ENFORCEMENT AND OFFENCES”.
- (8) Omit Article 8.
- (9) In Article 9 (verification)—
- (a) in paragraph 1—
 - (i) for the words from “A fisheries” to “authorities”, in the first place it occurs, substitute “The licensing authorities must ensure that appropriate measures are put in place to attempt to”;
 - (ii) for “. The competent authorities shall request and examine” substitute “and, where identified, that”;

- (iii) after “bluefin tuna” in the second place it occurs, insert “are requested and examined”;
- (iv) omit the final sentence;
- (b) in paragraph 2—
 - (i) for “The competent authorities may also examine” substitute “Where appropriate, the examination referred to in paragraph 1 may include an examination of”;
 - (ii) before “catch” insert “bluefin tuna”;
 - (iii) omit “shall carry out”;
- (c) in paragraph 3—
 - (i) before “catch” in the first place it occurs, insert “bluefin tuna”;
 - (ii) for “a fisheries administration” substitute “the licensing authority”;
 - (iii) for “cooperate with the competent authorities” substitute “communicate with the relevant authority”;
- (d) in paragraph 4—
 - (i) for “fisheries administration” substitute “licensing authority”;
 - (ii) before “catch document” insert “bluefin tuna”;
 - (iii) for the words from “the exporting CPC” to the end, substitute—
 “—
 - (a) the relevant authority for the exporting State, where the exporting State is a contracting party, or a non-contracting cooperating party, to the International Convention for the Conservation of Atlantic Tunas, and
 - (b) where known, the relevant authority for the flag State of the fishing boat, where the flag State is a contracting party, or a non-contracting cooperating party, to the Convention.”;
- (e) in paragraph 5—
 - (i) for “a fisheries administration” substitute “the licensing authority”;
 - (ii) omit the words from “or, in the case” to the end;
- (f) in paragraph 6—
 - (i) for “a fisheries administration” substitute “the licensing authority”;
 - (ii) for “paragraph 1” substitute “this Article”;
 - (iii) before “catch” insert “bluefin tuna”;
 - (iv) for “shall” substitute “must”;
- (g) after paragraph 6 insert—
 “7. In paragraph 1 “the licensing authorities” means the Marine Management Organisation, the Scottish Ministers and the Welsh Ministers.”.
- (10) After Article 9 insert—

“Article 9A

Penalties for offences

1. A person who commits an offence under Article 3(6) or 6(4) of this Regulation is liable—
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to a fine.

2. The court by or before which a person is convicted of an offence under this Regulation may order the forfeiture of any fish in respect of which the offence was committed and any fishing gear used in committing the offence.

3. Where the court does not order the forfeiture of fish under paragraph 2, the court may instead impose a fine on the person not exceeding the value of the fish in respect of which the offence was committed. Any fine to which a person is liable under this paragraph is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of that offence under this Regulation or under any other enactment.

Article 9B

Offences by bodies corporate etc

1. Where an offence under this Regulation is committed by a body corporate and it is proved that the offence—

- (a) was committed with the consent or connivance of a person falling within paragraph 2, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

2. The persons are—

- (a) a director, manager, secretary or similar officer of the body corporate;
- (b) any person purporting to act in such a capacity.

3. Where the affairs of a body corporate are managed by its members, paragraph 1 applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.

4. Where an offence under this Regulation has been committed by a Scottish partnership and it is proved that the offence—

- (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the partnership) is guilty of an offence and liable to be proceeded against and punished accordingly.

Article 9C

Enforcement

1. A British sea-fishery officer may seize any fish in respect of which an offence has been committed under this Regulation where the fish are on the fishing boat on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat.

2. For the purpose of enforcing the provisions of this Regulation, section 8 of the Sea Fisheries Act 1968^(a) (general powers of British sea-fishery officers) has effect as it has effect in relation to the provisions mentioned in subsection (1) of that section.

3. A marine enforcement officer has an enforcement function in relation to any offence or suspected offence by any person under this Regulation.

(a) 1968 c. 77. Section 8 was amended by paragraph 17(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and section 26(2) and (3) of the Fisheries Act 1981 (c. 29).

4. Section 238 of the Marine and Coastal Access Act 2009^(a) (enforcement of the fisheries legislation) applies in relation to the enforcement function conferred by paragraph 3 as it applies in relation to the enforcement of “the fisheries legislation” (as defined in that section).

5. In this Article—

‘British sea-fishery officer’ means any person who by virtue of section 7 of the Sea Fisheries Act 1968^(b) is a British sea-fishery officer;

‘marine enforcement officer’ has the same meaning as in section 235(1) of the Marine and Coastal Access Act 2009.”.

(11) Omit Chapters 5 and 6.

(12) For Annex 1 substitute—

“ANNEX I

BLUEFIN TUNA

For the purposes of the definition of bluefin tuna in Article 2(a), the commodity codes in the first column of the following table apply. The descriptions in the second column of the table are for information purposes only.

<i>Commodity Code</i>	<i>Description</i>
0301 9410 00	Live Atlantic bluefin tuna (<i>Thunnus thynnus</i>)
0302 3511 00	Fresh or chilled Atlantic bluefin tuna (<i>Thunnus thynnus</i>), excluding fillets and other meat for the industrial manufacture of prepared or preserved fish
0302 3519 00	Fresh or chilled Atlantic bluefin tuna (<i>Thunnus thynnus</i>), excluding fillets and other meat
0303 4512 00	Frozen Atlantic bluefin tuna (<i>Thunnus thynnus</i>), excluding fillets and other meat for the industrial manufacture of prepared or preserved fish
0303 4518 00	Frozen Atlantic bluefin tuna (<i>Thunnus thynnus</i>), excluding fillets and other meat
0304 4990 30	Fresh or chilled fillets of Atlantic bluefin tuna (<i>Thunnus thynnus</i>)
0304 5990 15	Other Atlantic bluefin tuna (<i>Thunnus thynnus</i>) meat, fresh or chilled
0304 8700 10	Frozen fillets of Atlantic bluefin tuna (<i>Thunnus thynnus</i>)
0304 9999 40	Other Atlantic bluefin tuna (<i>Thunnus thynnus</i>) meat, frozen
0305 2000 18	Atlantic bluefin tuna (<i>Thunnus thynnus</i>), other, salted or in brine

^(a) 2009 c. 23.

^(b) Section 7 was amended by Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36), Part 2 of Schedule 5 to the Fisheries Act 1981, section 239 of the Marine and Coastal Access Act 2009 and by S.I. 1999/1820.

0305 2000 74	Atlantic bluefin tuna (<i>Thunnus thynnus</i>), other, smoked
0305 2000 75	Atlantic bluefin tuna (<i>Thunnus thynnus</i>), other, dried
0305 3990 30	Fillets of Atlantic bluefin tuna (<i>Thunnus thynnus</i>), dried, salted or in brine, but not smoked
0305 4980 10	Smoked Atlantic bluefin tuna (<i>Thunnus thynnus</i>), including fillets, other than edible fish offal
0305 5985 40	Dried Atlantic bluefin tuna (<i>Thunnus thynnus</i>), other than edible fish offal, whether or not salted but not smoked
0305 6980 30	Salted Atlantic bluefin tuna (<i>Thunnus thynnus</i>) but not dried or smoked and Atlantic bluefin tuna in brine, other than edible fish offal
1604 1441 10	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) whole or in pieces but not minced, prepared or preserved in vegetable oil
1604 1446 11	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) for processing, whole or in pieces but not minced, prepared or preserved other than in vegetable oil and fillets knowns as loins
1604 1446 19	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and fillets knowns as loins
1604 1448 10	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) whole or in pieces but not minced, prepared or preserved other than in vegetable oil and other than fillets knowns as loins
1604 2070 30	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) other than whole or in pieces but not minced, preserved
1604 2070 35	Atlantic bluefin tuna (<i>Thunnus thynnus</i>) other than whole or in pieces but not minced, other than preserved”.

(13) In Annex 4 (instructions)—

- (a) in Part 1, in section (2) for “A fisheries administration” substitute “Each licensing authority”;
- (b) in Part 2—
 - (i) in point (a) of section (1)—
 - (aa) omit the second paragraph, and
 - (bb) in the third paragraph, omit “first transfer into towed cages,”;
 - (ii) in point (b) of section (1), omit “‘Flag’: United Kingdom”;
 - (iii) in section (2), omit the first and third paragraphs;
- (c) omit Parts 3 and 4;

- (d) in Part 5—
 - (i) in section (1), in point (a) omit the first and second paragraphs;
 - (ii) in section (2) for “fisheries administration” substitute “licensing authority”;
 - (e) in Part 8—
 - (i) in section (1), in point (a) omit the second paragraph;
 - (ii) in section (2)—
 - (aa) in the first paragraph, for “fisheries administration” substitute “relevant licensing authority”;
 - (bb) in the second paragraph, for “fisheries administration” in the first place it occurs, substitute “relevant licensing authority” and for “authorities of the fisheries administration” substitute “the authorities”;
 - (cc) in the fourth paragraph, omit the words from “or trap” to “CPC”;
 - (dd) in the fifth paragraph, for “United Kingdom or re-exporting CPC” substitute “licensing authority”.
- (14) In Annex 5 (data to be included in the ICCAT bluefin tuna re-export certificate), in Part 7—
- (a) omit the words from “in the United Kingdom” to “bluefin tuna”;
 - (b) for “CPC” in the second place it occurs, substitute “State”.
- (15) Omit Annex 6.

Amendment of Regulation 2015/98

5.—(1) Commission Delegated Regulation (EU) 2015/98 on the implementation of the Union’s international obligations, as referred to in Article 15(2) of Regulation (EU) 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries^(a) is amended as follows.

- (2) In Article 1 (subject matter and scope)—
 - (a) omit “the International Convention for the Conservation of Atlantic Tunas and”;
 - (b) omit “in United Kingdom waters or”.
- (3) Omit Chapter 2 (ICCAT Convention area).

Amendment of Regulation 2016/1627

6.—(1) Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean^(b) is amended as follows.

- (2) In Article 1 (subject matter and scope)—
 - (a) in paragraph 1 for the words from “lays” to the end, substitute “specifies rules in relation to the management of bluefin tuna (*Thunnus thynnus*) fishing by fishing boats in waters of the United Kingdom zone and by UK fishing boats in waters of the ICCAT Convention area”, and
 - (b) omit paragraph 2.
- (3) Omit Article 2 (objective).
- (4) For Article 3 (definitions) substitute—

(a) EUR 2015/98; amended by S.I. 2019/753.

(b) EUR 2016/1627; amended by S.I. 2019/753.

“Article 3

Definitions

In this Regulation—

“bluefin tuna catch document” has the same meaning as in Article 2 of Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus*(**a**);

“catch quota” has the same meaning as in section 52 of the Fisheries Act 2020 but where the term is used in relation to a specific UK fishing boat it is to be interpreted as a reference to the particular amount of catch quota available for use by that fishing boat either as a result of the distribution of catch quota to a specific fishing boat by the boat’s fisheries authority or as a result of catch quota being available to a particular group of fishing boats or to fishing boats fishing with particular gear;

“contracting party” means a contracting party to the International Convention for the Conservation of Atlantic Tunas, other than the United Kingdom, or a non-contracting cooperating party to the Convention;

“designated port” means a port or place close to the shore designated under Article 30(1) or designated by a contracting party;

“fisheries authority” means either the Marine Management Organisation(**b**), the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (collectively “the fisheries authorities”) and where the term is used in respect of—

- (a) a particular port or place, it means, for a port or place—
 - (i) in Scotland or in the Scottish zone, the Scottish Ministers,
 - (ii) in Wales or in the Welsh zone, the Welsh Ministers,
 - (iii) in Northern Ireland or in the Northern Ireland zone, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, or
 - (iv) in England or in the United Kingdom zone excluding any of the zones mentioned in paragraphs (i), (ii) or (iii), the Marine Management Organisation;
- (b) a UK fishing boat, it means the fisheries authority that granted the boat’s licence under section 15 of the Fisheries Act 2020 (and the term “licensed” is interpreted accordingly) which, for a UK fishing boat registered to a port—
 - (i) in England, means the Marine Management Organisation;
 - (ii) in Scotland, means the Scottish Ministers;
 - (iii) in Wales, means the Welsh Ministers;
 - (iv) in Northern Ireland, means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland,

and any reference to a fisheries authority carrying out a particular function is to be interpreted as including any person or body to whom the fisheries authority has delegated the function in question;

“fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020(**c**);

“ICCAT” means the International Commission for the Conservation of Atlantic Tunas(**d**);

“ICCAT authorised fishing boat” means a fishing boat which is included on the ICCAT record of fishing vessels fishing actively for bluefin tuna in the ICCAT Convention area, as

(a) EUR 2010/640, amended by S.I. 2019/753.

(b) The Marine Management Organisation was established by section 1 of the Marine and Coastal Access Act 2009.

(c) 2020 c. 22.

(d) The Commission was established by the International Convention for the Conservation of Atlantic Tunas.

amended from time to time(a), and “ICCAT authorised UK fishing boat” means a UK fishing boat which is included on that record;

“ICCAT Convention area” means the area covered by the International Convention for the Conservation of Atlantic Tunas;

“the Northern Ireland zone” has the same meaning as in the Northern Ireland Act 1998(b);

“purse seiner” means a fishing boat that uses a purse seine and “purse seine” has the same meaning as in Article 6 of Regulation 2019/1241;

“recreational fishing boat” means a fishing boat used wholly for the purpose of conveying persons wishing to fish for pleasure;

“Regulation 1224/2009” means Council Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy(c);

“Regulation 2019/1241” means Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures(d);

“Regulation 1380/2013” means Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy(e);

“season” means the bluefin tuna fishing season specified in the relevant bluefin tuna fishing plan submitted by the Secretary of State to, and endorsed by, ICCAT(f);

“the Scottish zone” has the same meaning as in the Scotland Act 1998(g);

“UK fishing boat” has the same meaning as in section 52 of the Fisheries Act 2020;

“the United Kingdom zone” means the sea within British fishery limits(h) but excluding the area of the sea within 12 miles of the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured;

“the Welsh zone” has the same meaning as in the Government of Wales Act 2006(i).

Article 3A

General prohibitions: UK boats, bluefin tuna traps and farming

1. In waters of the ICCAT Convention area, it is prohibited for a UK boat to be used for the purposes of the commercial exploitation of bluefin tuna resources unless the boat is a UK fishing boat which is—

- (a) in possession of a valid licence granted under section 15 of the Fisheries Act 2020, and
- (b) not—
 - (i) a processing boat,
 - (ii) used for the purposes of towing a live bluefin tuna cage or for transporting bluefin tuna to or from a live bluefin tuna cage, or
 - (iii) used for the purposes of operating a bluefin tuna trap or transporting bluefin tuna from a bluefin tuna trap.

(a) The ICCAT record of fishing vessels is published on the ICCAT website: www.iccat.int/en/vesselsrecord.asp.

(b) 1998 c. 47; see section 98(1) and (8). S.I. 2002/791 determines the extent of the area of the sea which is to be treated as adjacent to Northern Ireland for the purposes of the definition of the Northern Ireland zone.

(c) EUR 2009/1224, amended by S.I. 2019/739 and 2019/753.

(d) EUR 2019/1241; amended by S.I. 2019/1312.

(e) EUR 2013/1380, amended by paragraph 2 of Schedule 11 to the Fisheries Act 2020, S.I. 2019/739 and 2019/753.

(f) The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

(g) 1998 c. 46; see section 126(1) and (2). S.I. 1999/1126 determines the extent of the area of the sea which is to be treated as adjacent to Scotland for the purposes of the definition of the Scottish zone.

(h) By virtue of section 1(1) of the Fishery Limits Act 1976 (c. 86) “British fishery limits” are designated by S.I. 2013/3161.

(i) 2006 c. 32; see section 158(1) and (3). Section 158(1) was amended by section 43(2) of the Marine and Coastal Access Act 2009. S.I. 2010/760 determines the extent of the area of the sea which is to be treated as adjacent to Wales for the purposes of the definition of the Welsh zone.

2. The use of bluefin tuna traps is prohibited in waters of the United Kingdom zone.

3. Bluefin tuna farming is prohibited in waters of the United Kingdom zone.

4. In this Article—

“bluefin tuna trap” means fixed gear anchored to the sea bed, usually containing a guide net that leads bluefin tuna into an enclosure or series of enclosures where it is kept prior to harvesting;

“the commercial exploitation of bluefin tuna resources” does not include the transportation of bluefin tuna products by container vessels;

“farming” means the caging of bluefin tuna in farms and the subsequent feeding with the aim of increasing their total biomass; and for this purpose “farm” means an installation used for farming bluefin tuna caught by fishing boats or by bluefin tuna traps;

“a processing boat” means a boat where fisheries products caught by other vessels, or by bluefin tuna traps, are subject to one or more of the following operations on board: filleting or slicing, freezing and/or processing; and for this purpose “processing” has the same meaning as in section 52 of the Fisheries Act 2020;

“UK boat” means a powered boat—

(a) which is registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(a), or

(b) which is British-owned (within the meaning of section 52 of the Fisheries Act 2020).

Article 3B

ICCAT / UK bluefin tuna research programmes

The provisions of this Regulation do not apply to a fishing boat whilst it is actively participating in a bluefin tuna scientific research programme where—

(a) the programme has been formally approved by ICCAT and the fishing boat—

(i) is specified by ICCAT as participating in the programme,

(ii) has obtained prior permission from the fisheries authority responsible for the waters in which it intends to carry out the research activities, for the dates, times and research activities in question, and

(iii) complies with all requirements placed on it by the fisheries authority referred to in paragraph (ii) as a condition of the permission granted under that paragraph, or

(b) the programme is a tag and release programme for recreational fishing boats adopted by one of the fisheries authorities and the fishing boat—

(i) is authorised by the fisheries authority for the dates, times and research activities in question, and

(ii) complies with all requirements placed on it by the fisheries authority in question.”.

(5) For Article 5 (conditions associated with management measures) substitute—

“Article 5

Prohibition on chartering for bluefin tuna fishing

1. A chartered UK fishing boat must not target bluefin tuna in the ICCAT Convention area.

2. The prohibition in paragraph 1 does not apply in relation to a chartered recreational fishing boat which is used in accordance with any requirements set out in Chapter IV.”.

(a) 1995 c. 21.

(6) In Article 6 (submission of annual fishing plans, fishing capacity management plans and farming management plans)—

- (a) in the heading—
 - (i) for the comma substitute “and”, and
 - (ii) omit “and farming management plans”;
- (b) in paragraph 1—
 - (i) for “31 January” substitute “15 February”,
 - (ii) for the words from “each Member” to “Commission” substitute “the Secretary of State must transmit to the ICCAT Secretariat”,
 - (iii) in point (a)—
 - (aa) omit “the catching vessels and traps fishing”,
 - (bb) after “tuna” insert “fishing by UK fishing boats in the ICCAT Convention area”, and
 - (cc) omit “in the eastern Atlantic and the Mediterranean”, and
 - (iv) in point (b)—
 - (aa) for “ensuring that the Member State’s” substitute “detailing the United Kingdom bluefin tuna”,
 - (bb) after “capacity” in the second place it occurs, insert “and how this”,
 - (cc) for “its” substitute “the United Kingdom’s ICCAT”, and
 - (dd) before “quota” insert “bluefin tuna”;
- (c) omit paragraphs 2 and 3.

(7) For Article 7 (annual fishing plans) substitute—

“Article 7

Annual fishing plans

Where the Secretary of State has submitted a bluefin tuna fishing plan to ICCAT in respect of a particular fishing season, the fisheries authorities must, jointly, manage their fisheries and the UK fishing boats they have licensed in a manner which is consistent with the plan, once endorsed by ICCAT(a).”.

(8) Omit Articles 8 to 10.

(9) Omit Section 1 (fishing seasons) of Chapter 3.

(10) In Article 13 (the landing obligation)—

- (a) for “The provisions of this Section shall be” substitute “Unless otherwise stated, the provisions of this Regulation are”;
- (b) omit “(EU) No”.

(11) In Article 14 (minimum conservation reference size)—

- (a) in paragraph 1 for the words from “caught” to the end, substitute “specified in Part A of Annexes 5, 6 and 7 of Regulation 2019/1241 (north sea, north western waters and south western waters) also applies to all UK fishing boats fishing anywhere in the ICCAT Convention area”;
- (b) omit paragraphs 2, 3 and 4;

(a) The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

(c) after the omitted paragraph 4 insert—

“5. In derogation from Article 15(1) of Regulation 1380/2013 (landing obligation) and subject to paragraph 6, it is prohibited for any fishing boat fishing in waters of the United Kingdom zone or for a UK fishing boat fishing in waters of the ICCAT Convention area to target, retain on board, tranship or land any bluefin tuna which is below the minimum conservation reference size applied by Regulation 2019/1241 or by paragraph 1.

6. Paragraph 5 applies to an ICCAT authorised fishing boat with the exception that such a boat may retain on board, tranship or land incidental catches of bluefin tuna below the minimum conservation reference size referred to in that paragraph provided—

(a) no single bluefin tuna is retained on board which is below 8kg or which has a fork length of less than 75cm, and

(b) no more than 5%, in number of fish, of the total number of bluefin tuna retained on board the fishing boat at any time during each fishing trip are below that minimum conservation reference size.

7. Whether bluefin tuna caught below the minimum conservation reference size are discarded or retained on board, they must all be counted against catch quota.

8. In this Article “fork length” is measured in accordance with Annex 4 of Regulation 2019/1241.”.

(12) Omit Article 15.

(13) For Article 16 (by-catches) substitute—

“Article 16

By-catches

1. By-catches of bluefin tuna caught by fishing boats in waters of the United Kingdom zone or by UK fishing boats in waters of the ICCAT Convention area must—

(a) where reasonably possible, in derogation from Article 15(1) of Regulation 1380/2013 (landing obligation), be returned alive unharmed to the sea, or

(b) for dead bluefin tuna retained on board, be stored clearly separate from any other fish species.

2. In derogation from Article 15(1) of Regulation 1380/2013, fishing boats fishing in waters of the United Kingdom zone or UK fishing boats fishing in waters of the ICCAT Convention area must not retain on board by-catches of bluefin tuna in excess of 20% of the live weight of total catches retained on board the fishing boat at the end of each fishing trip.

3. By-catches of bluefin tuna caught by UK fishing boats in the ICCAT Convention area which are retained on board must not be used for direct human consumption unless the boat is authorised to sell by-catches of bluefin tuna in its licence granted under section 15 of the Fisheries Act 2020 and sufficient catch quota is still available.

4. Whether by-catches of bluefin tuna are discarded or retained on board, they must all be counted against catch quota.”.

(14) In Article 17 (use of aerial means)—

(a) the existing text becomes paragraph 1;

(b) in that paragraph, for “shall be” substitute “in waters of the United Kingdom zone in order to assist a fishing boat with the targeting of bluefin tuna is”;

(c) after that paragraph insert—

“2. The use of such aerial means in waters outside of the United Kingdom zone but within the ICCAT Convention area is prohibited where such use is intended to assist a UK fishing boat with the targeting of bluefin tuna.”.

- (15) Omit Article 20 (record of vessels).
- (16) In Article 21 (relationship with Regulation (EC) No 1224/2009), omit “(EC) No”.
- (17) Omit Articles 22 and 23.
- (18) For Article 24 (joint fishing operations) substitute—

“Article 24

Joint fishing operations

1. It is prohibited for a UK fishing boat to take part in a joint fishing operation for bluefin tuna in the ICCAT Convention area—

- (a) with any other fishing boat other than one or more UK fishing boat(s); and
- (b) without the prior consent of the boat’s fisheries authority in accordance with this Article.

2. A UK fishing boat wishing to take part in a joint fishing operation with one or more other UK fishing boat(s) in the ICCAT Convention area must, using the form specified in Annex 6, apply to its fisheries authority at least 14 days prior to the commencement of the bluefin tuna fishing season with the following information—

- (a) the duration of the proposed joint fishing operation,
- (b) the details of each UK fishing boat intending to take part in the operation and each boat’s bluefin tuna catch quota, and
- (c) the allocation agreement between the UK fishing boats for any catches.

3. In this Article “joint fishing operation” means any operation between two or more purse seiners where the catch of one purse seiner is attributed to one or more other purse seiners in accordance with an allocation agreement.”.

- (19) In Section 2 (catches), before Article 25 (recording requirements) insert—

“Article 24A

Separate recording and reporting requirements for recreational fisheries

The provisions of this Section do not apply to recreational fishing boats.”.

- (20) In Article 25—

- (a) in paragraph 1—
 - (i) omit “(EC) No”;
 - (ii) for “Union catching vessel shall” substitute “UK fishing boat must”;
- (b) omit paragraph 2.

- (21) In Article 26 (catch reports sent by masters and trap operators)—

- (a) in the heading omit “and trap operators”;
- (b) in paragraph 1—
 - (i) for “catching vessels” substitute “UK fishing boats”;
 - (ii) for “the authorities of the flag Member State” substitute “the boat’s fisheries authority”;
 - (iii) before “Convention” insert “ICCAT”;
 - (iv) for the words from “set out in Annex V” to the end, substitute “requested by the relevant fisheries authority”;
- (c) for paragraph 3 substitute—

- “3. The reports referred to in paragraphs 1 and 2 must be transmitted to the relevant fisheries authority—
- (a) in the case of purse seiners and boats over 24 metres in length, on a daily basis by 9:00am for the preceding day, and
 - (b) in the case of any other fishing boats, on a weekly basis by midday on Tuesday for the preceding week ending at midnight on Sunday.”;
 - (d) Omit paragraphs 4 and 5.
- (22) Omit Articles 27, 28 and 29.
- (23) In Article 30 (designated ports)—
- (a) in paragraph 1, for “A fisheries administration” substitute “Each fisheries authority”;
 - (b) in paragraph 2—
 - (i) for “a port to be determined as a” substitute “each”;
 - (ii) for “a fisheries administration” substitute “the fisheries authority”;
 - (iii) at the end insert “and establish appropriate inspection and surveillance procedures in relation to such times and places”;
 - (c) omit paragraph 3;
 - (d) for paragraph 4 substitute—
- “4. It is prohibited for—
- (a) a fishing boat to land or tranship any quantity of bluefin tuna at any place in the United Kingdom or the United Kingdom zone other than at a designated port;
 - (b) a UK fishing boat to land or tranship any quantity of bluefin tuna at any place other than at a designated port.”.
- (24) In Article 31 (landings)—
- (a) in paragraph 1—
 - (i) omit “(EC) No” in both places it occurs;
 - (ii) for “shall apply” substitute “applies”;
 - (iii) for “Union fishing vessels” substitute “ICCAT authorised UK fishing boats”;
 - (iv) omit the words from “included” to the end of the first sentence;
 - (v) for “shall” in the second place it occurs, substitute “must”;
 - (vi) for “competent authority of the Member State (including the flag Member State)” substitute “fisheries authority for the port”;
 - (vii) for “CPC” substitute “the competent authority of the contracting party”;
 - (b) in paragraph 2—
 - (i) for “Union fishing vessels” substitute “ICCAT authorised UK fishing boats”;
 - (ii) for the words from “included” to “shall” substitute “must”;
 - (iii) for “competent authority of the Member State (including the flag Member State)” substitute “fisheries authority for the port”;
 - (iv) for “CPC” substitute “competent authority of the contracting party”;
 - (c) in paragraph 3—
 - (i) for the words from “Member States” to “1 and 2,” substitute “a fisheries authority applies a shorter notification period by virtue of regulations made under Article 17(6) of Regulation 1224/2009, instead of the notification periods specified in paragraphs 1 and 2”;
 - (ii) for “at the thus applicable time of notification” substitute “in accordance with the shorter notification period”;
 - (d) for paragraph 4 substitute—

“4. The fisheries authority for a United Kingdom port must keep a record of all prior notifications for a period of at least one year from the date of the notification.”;

(e) in paragraph 5—

- (i) for “shall” in the first place it occurs, substitute “of bluefin tuna at United Kingdom designated ports must”;
- (ii) for “relevant control authorities of the port Member State” substitute “fisheries authority for the port”;
- (iii) for “shall” in the second place it occurs, substitute “must”;
- (iv) for “involving quota, fleet size and fishing effort” substitute “specified in the relevant bluefin tuna fishing plan submitted by the Secretary of State to, and endorsed by, ICCAT prior to the start of the annual fishing season(a)”;
- (v) omit the words from “Full details” to the end;

(f) in paragraph 6—

- (i) omit “(EC) No”;
- (ii) for “masters of a Union catching vessel” substitute “the master of an ICCAT authorised UK fishing boat”;
- (iii) for “shall” substitute “must”;
- (iv) for the words from “the competent” in the first place it occurs, to the end, substitute—

“—

- (a) the boat’s fisheries authority or the fisheries authority for the port of landing, or
- (b) if the landing has taken place in a port of a contracting party, the boat’s fisheries authority and to the competent authority of the port State.”;

(g) for paragraph 7 substitute—

“7. The fisheries authority for a UK designated port must ensure that all catches of bluefin tuna landed at the port are weighed upon landing.”.

(25) In Article 32 (transhipment)—

(a) in paragraph 1

- (i) for “Transhipment at sea of” substitute “It is prohibited for a UK fishing boat to tranship”;
- (ii) before “Convention” insert “ICCAT”;
- (iii) for “shall be prohibited in all circumstances” substitute “unless at a designated port”;

(b) omit paragraphs 2 and 3;

(c) after the omitted paragraph 3, insert—

“3A. It is prohibited for a UK fishing boat to tranship bluefin tuna at a designated port without the prior authorisation of the boat’s fisheries authority.”;

(d) in paragraph 4—

- (i) for “Prior to entry into any port” substitute “For any transhipment operations at a UK designated port or involving a UK fishing boat at a designated port outside of the UK”;
- (ii) for “shall” substitute “must”;
- (iii) for “48” substitute “72”;

(a) The fishing plans of contracting parties are published on the ICCAT website: www.iccat.int. A copy of the UK’s bluefin tuna fishing plan is available on request from the Department for Environment, Food and Rural Affairs.

- (iv) for “competent authorities of the CPC” substitute “fisheries authority for the designated port or the competent authority of the contracting party”;
 - (v) for “following:” substitute “information required by the transshipment declaration set out in Annex 3.”;
 - (vi) omit points (a) to (e);
 - (e) omit paragraphs 5 and 6;
 - (f) in paragraph 7—
 - (i) for “shall” substitute “at a designated port in the United Kingdom must”;
 - (ii) for the words from “competent authorities” to “shall” substitute “fisheries authority for the port which must”;
 - (g) in paragraph 8—
 - (i) omit “(EC) No”;
 - (ii) for “masters of a Union fishing vessel shall” substitute “the master of a UK fishing boat which has transhipped any quantity of bluefin tuna must”;
 - (iii) for the words from “competent” to “flying” substitute “boat’s fisheries authority in the format specified in Annex 3 and within 5 days of the date of the transshipment”;
 - (iv) for the final sentence substitute “The master must link the transshipment declaration with the relevant electronic bluefin tuna catch document for the bluefin tuna in question.”.
- (26) Omit Sections 4 (transfer operations) and 5 (caging operations).
- (27) For Article 49 (vessel monitoring system) substitute—

“Article 49

Vessel monitoring system

Where an ICCAT authorised UK fishing boat is required under Article 9(2) of Regulation 1224/2009 to have installed on board a vessel monitoring system (“VMS”), in addition to any requirements specified in relation to the VMS of that boat under Regulation 1224/2009 the following requirements apply—

- (a) the boat must begin transmission of VMS data at least 5 days prior to the start of the season for which it is an ICCAT authorised fishing boat and continue such transmission until at least 5 days after the end of that season;
- (b) the boat must not interrupt transmission of VMS data when in port;
- (c) where the boat is a purse seiner, the frequency of transmission of VMS data must be at least once every hour.”.

(28) In Article 50 (national observer programme)—

- (a) for paragraph 1 substitute—

“1. A fisheries authority which has one or more ICCAT authorised UK fishing boat in the fleet of UK fishing boats it has licensed must, jointly with any other fisheries authority that has such a fishing boat in its licensed fleet, establish a United Kingdom observer programme for ICCAT authorised UK fishing boats. Those authorities must jointly put in place the provisions necessary to ensure appropriate observer coverage is maintained across the fleet of ICCAT authorised UK fishing boats in any given fishing season having regard to minimum observer requirements specified by ICCAT.”;

- (b) omit paragraphs 2 to 6;
- (c) after the omitted paragraph 6 insert—

“7. An ICCAT authorised UK fishing boat must, when requested by the boat’s fisheries authority in relation to a specific fishing trip, allow a UK observer on board for the duration of the trip.

8. Where a UK observer is on board a UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the observer to enable the observer to carry out their duties. The master, owner or crew of a UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe a UK observer in relation to the performance of their duties.

9. In this Article “a UK observer” means an observer appointed by a fisheries authority for the purpose of monitoring the compliance of a UK fishing boat with the requirements of this Regulation.”.

(29) In Article 51 (ICCAT regional observer programme)—

(a) omit paragraph 1;

(b) for paragraphs 2 and 3 substitute—

“2. Where a fisheries authority has licensed an ICCAT authorised UK fishing boat and that boat is also a purse seiner, the fisheries authority must take steps to ensure that an ICCAT regional observer is present on board the boat for all fishing operations in the ICCAT Convention area.

3. An ICCAT authorised UK fishing boat which is also a purse seiner is prohibited from fishing in the ICCAT Convention area without an ICCAT regional observer on board.”;

(c) omit paragraphs 4 and 5;

(d) for paragraph 6 substitute—

“6. Where an ICCAT regional observer is on board a UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the observer to enable the observer to carry out their duties. The master, owner or crew of a UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an ICCAT regional observer in relation to the performance of their duties.

7. In this Article “ICCAT regional observer” means an observer appointed by ICCAT under the terms of the ICCAT regional observer programme.”.

(30) For Article 52 (ICCAT Scheme of Joint International Inspection) substitute—

“Article 52

ICCAT scheme of Joint International Inspection

1. Where an ICCAT authorised UK fishing boat is fishing for bluefin tuna in the ICCAT Convention area but outside British fishery limits, the boat may be inspected by an ICCAT inspection vessel.

2. Where an ICCAT inspection vessel requests an inspection under paragraph 1, the master of the UK fishing boat must, where it is safe to do so, comply with all reasonable requests of the ICCAT inspection vessel in order to facilitate an inspection of the boat.

3. Where an inspector from an ICCAT inspection vessel boards an ICCAT authorised UK fishing boat, the master and crew must, so far as practicable taking into account the safety of the boat and its crew, provide reasonable assistance to the inspector to enable the inspection. The master, owner or crew of an ICCAT authorised UK fishing boat must not obstruct, intimidate, interfere with, influence, bribe or attempt to bribe an inspector from an ICCAT inspection vessel in relation to the performance of their duties.

4. In this Article an “ICCAT inspection vessel” means a vessel designated by ICCAT as an inspection vessel under the ICCAT scheme of joint international inspection.”.

(31) Omit Articles 53 and 54.

(32) In Article 55 (cross-check)—

(a) in paragraph 1—

- (i) for “Member State shall” substitute “fisheries authority must”;
- (ii) for “VMS” substitute “vessel monitoring system”;
- (iii) for “its fishing vessels” substitute “any ICCAT authorised UK fishing boat it has licensed”;
- (iv) for “transfer or” substitute “as well as any”;
- (v) for “BCDs” substitute “bluefin tuna catch documents”;
- (vi) omit the words from “, in accordance” to the end;

(b) in paragraph 2—

- (i) for “Member State shall” substitute “fisheries authority must”;
- (ii) for “, transhipments or cagings” substitute “and transhipments of bluefin tuna at United Kingdom designated ports”;
- (iii) omit “fishing vessels”;
- (iv) omit “transfer or”;
- (v) omit “or caging declaration”;
- (vi) omit the words from “, in accordance” to the end.

(33) Omit Section 8 (marketing).

(34) After Chapter 5 (control measures) insert—

“CHAPTER 5A OFFENCES, PENALTIES AND ENFORCEMENT

Article 56A

Offences

1. A person who—

- (a) contravenes a restriction or prohibition in Article 3A(2) or (3), 16(3), 17, 50(8), 51(6) or 52(3);
- (b) fails to comply with an obligation in Article 25(1), 26(1) or (2), 31(1) or (2), 32(8), 50(8), 51(6) or 52(2) or (3),

is guilty of an offence.

2. Where—

- (a) a UK boat is used for the commercial exploitation of bluefin tuna in contravention of Article 3A(1);
- (b) a fishing boat—
 - (i) is used in contravention of a restriction in Article 3A(2), 5(1), 14(5) or (6), 16(2) or (3), 24(1), 30(4), 32(1) or (3A) or 51(3);
 - (ii) fails to comply with an obligation in Article 16(1), 31(6), 32(4), 49 or 50(7),

the master, the owner and the charterer (if any) are each guilty of an offence.

Article 56B

Offences by bodies corporate etc

1. Where an offence under this Regulation is committed by a body corporate and it is proved that the offence—

- (a) was committed with the consent or connivance of a person falling within paragraph 2, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.

2. The persons are—

- (a) a director, manager, secretary or similar officer of the body corporate;
- (b) any person purporting to act in such a capacity.

3. Where the affairs of a body corporate are managed by its members, paragraph 1 applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.

4. Where an offence under this Regulation has been committed by a Scottish partnership and it is proved that the offence—

- (a) has been committed with the consent or connivance of a partner of the firm or a person purporting to act as such a partner, or
- (b) is attributable to any neglect on the part of such a person,

that person (as well as the partnership) is guilty of an offence and liable to be proceeded against and punished accordingly.

Article 56C

Penalties for offences

1. A person who commits an offence under this Regulation is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

2. The court by or before which a person is convicted of an offence under this Regulation may order the forfeiture of any fish in respect of which the offence was committed and any fishing gear used in committing the offence.

3. Where the court does not order the forfeiture of fish under paragraph 2, the court may instead impose a fine on the person not exceeding the value of the fish in respect of which the offence was committed. Any fine to which a person is liable under this paragraph is in addition to any other penalty (whether pecuniary or otherwise) to which the person is liable in respect of that offence under this Regulation or under any other enactment.

4. In paragraph 3 ‘enactment’ has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018.

Article 56D

Enforcement

1. A British sea-fishery officer may seize any fish in respect of which an offence has been committed under this Regulation where the fish are on the fishing boat on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat.

2. For the purpose of enforcing the provisions of this Regulation, section 8 of the Sea Fisheries Act 1968^(a) (general powers of British sea-fishery officers) has effect as it has effect in relation to the provisions mentioned in subsection (1) of that section.

3. A marine enforcement officer has an enforcement function in relation to any offence or suspected offence by any person under this Regulation.

4. Section 238 of the Marine and Coastal Access Act 2009^(b) (enforcement of the fisheries legislation) applies in relation to the enforcement function conferred by paragraph 3 as it applies in relation to the enforcement of “the fisheries legislation” (as defined in that section).

5. In this Article—

‘British sea-fishery officer’ means any person who by virtue of section 7 of the Sea Fisheries Act 1968^(c) is a British sea-fishery officer;

‘marine enforcement officer’ has the same meaning as in section 235(1) of the Marine and Coastal Access Act 2009.”.

(35) Omit Chapter 6 (final provisions).

(36) Omit Annex 1 (specific conditions applicable to the fisheries referred to in Article 14(2)).

(37) In Annex 2 (logbook)—

(a) in Part A (catching vessels), omit the section titled “Minimum information for fishing logbooks in case of transfer into cages”;

(b) omit Parts B, C and D.

(38) Omit Annexes 4 (ICCAT transfer declaration) and 5 (catch report form).

(39) In Annex 6 (joint fishing operation), in the form, for “CPC” substitute “UK”.

(40) Omit—

(a) Annex 7 (ICCAT regional observer programme),

(b) Annex 8 (ICCAT scheme of joint international inspection),

(c) Annex 9 (minimum standards for video recording procedures),

(d) Annex 10 (standards and procedures for the programmes and reporting obligations referred to in Article 46(2) to (7) and Article 47(1)),

(e) Annex 11 (release protocol),

(f) Annex 12 (treatment of dead fish), and

(g) Annex 13 (correlation table).

Amendment of Regulation 2019/1154

7.—(1) Regulation (EU) 2019/1154 of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish^(d) is amended as follows.

(2) Omit Articles 1 to 36.

(3) Omit Articles 38 and 39 and the Annexes.

(a) 1968 c. 77. Section 8 was amended by paragraph 17(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and section 26(2) and (3) of the Fisheries Act 1981 (c. 29).

(b) 2009 c. 23.

(c) Section 7 was amended by Schedule 5 to the Northern Ireland Constitution Act 1973 (c. 36), Part 2 of Schedule 5 to the Fisheries Act 1981, section 239 of the Marine and Coastal Access Act 2009 and by S.I. 1999/1820.

(d) EUR 2019/1154.

Amendment of Regulation 2019/1241

8.—(1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures^(a) is amended as follows.

(2) In Annex 4 (measurement of the size of a marine organism)—

(a) after paragraph 9 insert—

“10. The size of bluefin tuna (*Thunnus thynnus*) is measured as the projected straight distance between the tip of the snout and the fork of the tail fin (“fork length”) as shown in Figure 10 and labelled as “FL”.”;

(b) after Figure 9 (swordfish) insert the text and image (Figure 10 Bluefin tuna) contained in the Schedule to these Regulations.

(3) In Annex 5 (north sea) in Part A (minimum conservation reference sizes), at the end of the table insert the following row—

“Bluefin tuna (<i>Thunnus thynnus</i>)	115 cm or 30 kg ^(e)
--	--------------------------------

^(e) For extensions to and exemptions from the minimum conservation reference size (including derogations from Article 15 of Regulation (EU) No 1380/2013 (EUR 2013/1380)), see Article 14 of Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean Regulation (EUR 2016/1627).”.

(4) In Annex 6 (north western waters) in Part A (minimum conservation reference sizes), at the end of the table insert the following row—

“Bluefin tuna (<i>Thunnus thynnus</i>)	115 cm or 30 kg ^(g)
--	--------------------------------

^(g) For extensions to and exemptions from the minimum conservation reference size (including derogations from Article 15 of Regulation (EU) No 1380/2013 (EUR 2013/1380)), see Article 14 of Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean Regulation (EUR 2016/1627).”.

(5) In Annex 7 (south western waters) in Part A (minimum conservation reference sizes), at the end of the table insert the following row—

“Bluefin tuna (<i>Thunnus thynnus</i>)	115 cm or 30 kg ^(h)
--	--------------------------------

^(h) For extensions to and exemptions from the minimum conservation reference size (including derogations from Article 15 of Regulation (EU) No 1380/2013 (EUR 2013/1380)), see Article 14 of Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean Regulation (EUR 2016/1627).”.

Amendment of the Common Fisheries Policy and Aquaculture (Amendment etc) (EU Exit) Regulations 2019

9.—(1) The Common Fisheries Policy and Aquaculture (Amendment etc) (EU Exit) Regulations 2019^(b) are amended as follows.

(2) In regulation 15 (Council Regulation (EC) No 520/2007 laying down technical measures for the conservation of certain stocks of highly migratory species) omit paragraphs (3) to (10).

(a) EUR 2019/1241; amended by S.I. 2019/1312.

(b) S.I. 2019/753; which came into force on IP completion day by virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 and was amended before it came into force by S.I. 2019/1312; there are other amending instruments (before it came into force) but none is relevant.

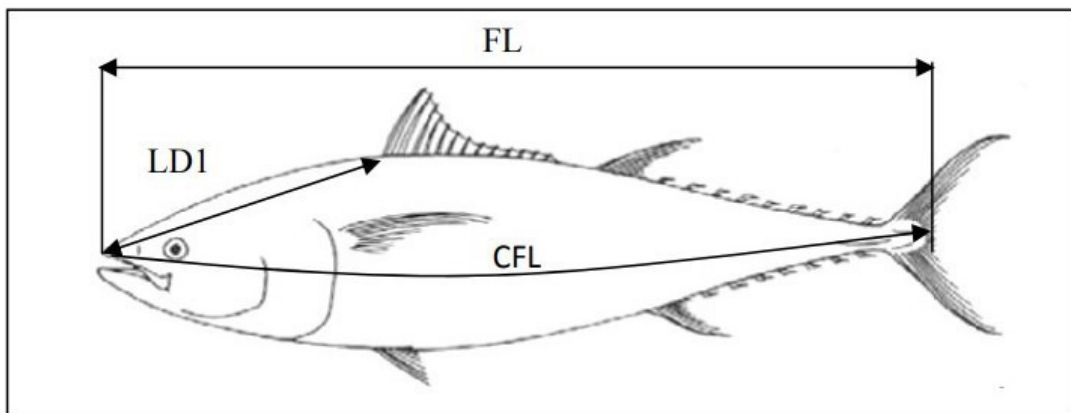
Date

Name
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE
Measurement of bluefin tuna

Regulation 8(2)

Figure 10 Bluefin tuna
(*Thunnus thynnus*)



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the International Convention for the Conservation of Atlantic Tunas (“the Convention”), to which the United Kingdom is a contracting party.

The United Kingdom was formerly subject to the requirements of the Convention as a member State of the European Union. Following EU exit, the UK has become a contracting party to the Convention as an independent coastal State.

On IP completion day, EU law relating to the implementation of the requirements of the Convention became retained EU law in the UK. These Regulations update and amend retained EU law to account for further requirements under the Convention, to remove unnecessary provisions, to remove ambiguity in some of the retained EU law and to ensure that legislation relating to the Convention correctly implements the UK’s obligations and provides appropriate enforcement powers for the relevant UK authorities.

These Regulations cover the following retained EU law—

- (a) Council Regulation (EC) No 1936/2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (EUR 2001/1936) (“Regulation 1936/2001”). Regulation 2 removes the remaining provisions relating to the Convention from Regulation 1936/2001 as those provisions relate to bluefin tuna farming which does not form part of the UK’s fishing activity in relation to bluefin tuna.
- (b) Council Regulation (EC) No 1984/2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community (EUR 2003/1984) (“Regulation 1984/2003”). Regulation 3 amends Regulation 1984/2003 to ensure it correctly reflects the Convention requirements for a statistical document to accompany imports of swordfish and bigeye tuna into the UK and to include associated offence, penalty and enforcement provisions.
- (c) Regulation (EU) No 640/2010 of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* (EUR 2010/640) (“Regulation 640/2010”). Regulation 4 comprehensively updates Regulation 640/2010 to provide for the Convention requirements regarding the mandatory use of electronic bluefin tuna catch documents (whereas previously Regulation 640/2010 only provided for the old requirement to use paper catch documents). Associated offence, penalty and enforcement provisions for breaches of the new requirements are also included which follow existing enforcement provisions.

The provisions of Regulation 640/2010 apply in relation to Great Britain only but the Windsor Framework (Retail Movement Scheme: Public Health, Marketing and Organic Product Standards and Miscellaneous Provisions) Regulations 2023 (S.I. 2023/959) apply Regulation 640/2010 in relation to the movement of certain consignments of bluefin tuna from Great Britain to Northern Ireland in accordance with the Northern Ireland Retail Movement Scheme established under the Windsor Framework. The Windsor Framework (Enforcement etc.) Regulations 2023 (S.I. 2023/1056) apply Northern Ireland enforcement provisions (with any necessary modifications) in respect of the application of Regulation 640/2010 to such consignments.

- (d) Commission Delegated Regulation (EU) No 2015/98 on the implementation of the Union’s international obligations under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (EUR 2015/98) (“Regulation 2015/98”). Regulation 5 amends Regulation 2015/98 to remove provisions relating to the interaction of the landing obligation and the requirements of the Convention. This is to remove duplication with the amendments made by these Regulations to Regulation 2016/1627 (see below) whereby specific provisions relating to the interaction of the landing obligation and the requirements of the Convention have been included alongside the provisions to which they directly relate.

- (e) Regulation (EU) 2016/1627 of the European Parliament and of the Council on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean (EUR 2016/1627) (“Regulation 2016/1627”). Regulation 6 comprehensively updates Regulation 2016/1627 to ensure that it correctly reflects the UK’s obligations under the Convention and, in particular, takes account of the UK’s allocation of bluefin tuna catch quota (previously the UK was not allocated any bluefin tuna catch quota under the Convention). The amendments ensure that relevant Convention requirements will be applied to UK fishing boats fishing for bluefin tuna under the new quota allocation and include associated offence, penalty and enforcement provisions which follow existing enforcement provisions.
- (f) Regulation (EU) 2019/1154 of the European Parliament and of the Council on a multiannual recovery plan for Mediterranean swordfish (EUR 2019/1154) (“Regulation 2019/1154”). Regulation 7 revokes the substantive provisions of Regulation 2019/1154 as these relate to swordfish in the Mediterranean.
- (g) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (EUR 2019/1241) (“Regulation 2019/1241”). Regulation 8 amends Regulation 2019/1241 to insert the minimum conservation reference size for bluefin tuna for consistency with minimum conservation reference sizes for other species which are included in the Regulation.

In addition to amending retained EU law, these Regulations also amend the Common Fisheries Policy and Aquaculture (Amendment etc) (EU Exit) Regulations 2019 (S.I. 2019/753) (see regulation 9) to remove an obsolete provision.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

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