
STATUTORY INSTRUMENTS

2024 No. 439

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

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⁽¹⁾ 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⁽²⁾;
- (b) “baitboat” means a fishing boat using pole and line fishing with bait in the water to attract schools of tuna.”.

(1) 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.

(2) 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.

(4) For Article 3 (definitions) substitute—

“Article 3

Definitions

In this Regulation—

- (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(3) as listed in Annex III;
- (b) “enactment” has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018(4);
- (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(5);
- (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(6) 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

(3) “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.

(4) 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.

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

(6) 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).

- (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;
 - (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 transhipping the fish in accordance with Article 7a, or

- (bb) the competent authorities of the State that licensed the fishing boat landing or transhipping 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⁽⁷⁾ 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 transhipping 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.

(7) 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](#).

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) 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 transshipments are consistent with the reported catch amount by each boat, and
 - (b) confirm, through information obtained under the ICCAT regional observer programme, that the transshipment 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 transshipment 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)(8).”.
- (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;

(8) [EUR 2017/2107](#), amended by [S.I. 2019/753](#).

(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 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
- (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.

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2. For the purpose of enforcing the provisions of this Regulation, section 8 of the Sea Fisheries Act 1968⁽⁹⁾ (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⁽¹⁰⁾ (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⁽¹¹⁾ 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—

“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

⁽⁹⁾ 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).

⁽¹⁰⁾ 2009 c. 23.

⁽¹¹⁾ 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.

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<i>Commodity Code</i>	<i>Description</i>
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

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<i>Commodity Code</i>	<i>Description</i>
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.