



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.06.1998  
COM(1998) 400 final

98/0221 (CNS)

Proposal for a  
COUNCIL REGULATION (EC)  
**AMENDING REGULATION (EC) No 858/94**  
**INTRODUCING A SYSTEM FOR THE STATISTICAL MONITORING OF**  
**TRADE IN BLUEFIN TUNA (THUNNUS THYNNUS) WITHIN THE**  
**COMMUNITY**  
  
(presented by the Commission)



## EXPLANATORY MEMORANDUM

In the context of measures to conserve and manage stocks of bluefin tuna (*Thunnus thynnus*), the International Convention for the Conservation of Atlantic Tunas (ICCAT) has introduced a system for the statistical monitoring of catches and imports of this species by the Contracting Parties.

The Community implemented this system by Council Regulation (EC) No 858/94 of 12 April 1994.

ICCAT has recently adopted two recommendations, one to facilitate management of this statistical monitoring system by the European Community and its Member States, the other to improve its reliability.

Thus:

- A recommendation adopted by ICCAT at its tenth extraordinary meeting, held in San Sebastian in November 1996, enables Member States of the European Community to authenticate the statistical documents relating to catches made by vessels flying the flag of another Member State.
- A recommendation adopted by ICCAT at its fifteenth ordinary meeting, held in Madrid in November 1997, extends the statistical monitoring system to re-exports of bluefin tuna.

The measures provided for by these two ICCAT recommendations should therefore be implemented by amending Regulation (EC) No 858/94 to include the new provisions needed for this purpose.

Such is the purpose of this proposal.

**PROPOSAL FOR A COUNCIL REGULATION (EC)**

**of**

**AMENDING REGULATION (EC) No 858/94**

**INTRODUCING A SYSTEM FOR THE STATISTICAL MONITORING OF  
TRADE IN BLUEFIN TUNA (THUNNUS THYNNUS) WITHIN THE  
COMMUNITY**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>

Whereas, in the context of measures to regulate stocks of bluefin tuna adopted by the International Convention for the Conservation of Atlantic Tunas, hereinafter called the 'ICCAT', to which the Community is a Party, a system for the statistical monitoring of catches and imports of bluefin tuna has been implemented by the Contracting Parties; whereas, to that end, the necessary measures were adopted in Regulation (EC) No 858/94 of 12 April 1994<sup>3</sup>;

Whereas, to facilitate management of this system by the European Community and its Member States, at its tenth extraordinary meeting, held in San Sebastian in November 1996, the ICCAT adopted a recommendation enabling Member States to authenticate the statistical documents relating to catches of bluefin tuna made by vessels flying the flag of another Member State;

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3 OJ L 99, 19.4.1994, p. 1.

Whereas, to supplement the arrangements for managing stocks of bluefin tuna, at its fifteenth ordinary meeting, held in Madrid from 14 to 21 November 1997, the ICCAT adopted a recommendation extending the statistical monitoring system to re-exports of bluefin tuna; whereas, to this end, the rules governing the various types of commercial operations including one or more re-exports to or from the customs territory of the European Community must be established, and a model re-export licence provided to this end;

Whereas implementation of these measures by the Community requires Regulation (EC) No 858/94 to be amended; whereas it is convenient at the same time to update the list of third countries in point 2 of Annex II to that Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 858/94 is amended as follows:

1. The following indent is added to Article 1:

“- re-exports to third countries of bluefin tuna (*Thunnus thynnus*) falling within CN codes ex 030239, ex 030349, ex 03042045, ex 16041411, ex 16041416 and ex 16041418”.

2. The following Article is inserted after Article 2:

“Article 2a

1. All quantities of bluefin tuna caught by a vessel flying the flag of a Member State and exported to a third country shall be accompanied by the statistical document in Annex I.
2. Statistical documents drawn up pursuant to paragraph (1) may be authenticated by the competent authorities of the Member State whose flag the vessel flies or by those of a different Member State where the products concerned are landed, provided the corresponding quantities of bluefin tuna are exported outside the Community from the territory of the Member State of landing.

3. Without prejudice to Article 5(1), Member States which authenticate statistical documents pursuant to paragraph 1 shall inform the Member State whose flag the vessel flies by forwarding to them a copy of the documents they have authenticated.
4. Once this Regulation enters into force, each Member State shall communicate to the Commission the information on its competent authorities referred to in paragraph (2); the Commission shall forward this information to the other Member States.”

3. The following paragraph is added to Article 3:

“4. All quantities of bluefin tuna originating in a third country released for free circulation on the Community market having previously been re-exported must be accompanied by a re-export licence in accordance with Annex III.

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

4. The following Article is inserted after Article 3:

“Article 3a

1. All quantities of bluefin tuna re-exported to a third country after having been imported into the Community must be accompanied by a re-export licence in accordance with Annex III.
2. The sections of the re-export licence which concern them shall be completed and signed by the relevant traders, who shall be responsible for the statements made. Re-export licences must be accompanied by a duly authenticated copy of the original statistical document as referred to in Article 3.
3. Re-export licences shall be authenticated by the competent authorities of the Member State from which the re-export is to take place.

4. Re-exports of bluefin tuna which have already been re-exported shall require a new re-export licence to be drawn up and authenticated. In such cases, the duly authenticated copies of the statistical documents and the original re-export licences accompanying the product must be attached to the new licence.”
5. The following indent is added to Article 5(1):  
“- the quantities of each commercial presentation of bluefin tuna entered each half-year for free circulation in its territory after having been re-exported from a third country, broken down by country of origin.”
6. Annex I to this Regulation shall be added as Annex III.
7. Point 2 of Annex II is replaced by Annex II to this Regulation.

#### Article 2

This Regulation shall enter into force on

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

Done at

For the Council

"ANNEX III  
SPECIMEN RE-EXPORT LICENCE

Document No	ICCAT BLUEFIN TUNA RE-EXPORT LICENCE			
EXPORT SECTION				
1. COUNTRY OF RE-EXPORT				
2. PLACE OF RE-EXPORT (town, state, province, country)				
3. DESCRIPTION OF THE IMPORTED FISH				
<i>Product</i> F/FR	<i>TYPE<sup>A</sup></i> RD/GG/DR/FL/OT	<i>Weight</i> (kg)	<i>Flag state</i>	<i>Date of importation</i>
<i>(A)</i> : F = fresh, FR = frozen, RD = live weight, GG = gutted and gilled, DR = dressed, FL = fillets, OT = other. If OT, describe the type of product:				
3. DESCRIPTION OF THE RE-EXPORTED FISH				
<i>Product</i> F/FR	<i>TYPE<sup>A</sup></i> RD/GG/DR/FL/OT	<i>Weight</i> (kg)		
<i>(A)</i> : F = fresh, FR = frozen, RD = live weight, GG = gutted and gilled, DR = dressed, FL = fillets, OT = other. If OT, describe the type of product:				
5. RE-EXPORTER'S DECLARATION - <i>I hereby declare that the above information is, to the best of my knowledge, complete, true and correct.</i>				
Name	Address	Signature	Date	Licence No (if applicable)
6. GOVERNMENT AUTHENTICATION - <i>I hereby certify that the above information is, to the best of my knowledge, complete, true and correct.</i>				
Name and function of official		Signature	Date	Government stamp
IMPORT SECTION				
IMPORTER'S DECLARATION - <i>I hereby declare that the above information is, to the best of my knowledge, complete, true and correct. (Transit country)</i>				
Name	Address	Signature	Date	Licence No (where appropriate)
IMPORTER'S DECLARATION - <i>I hereby declare that the above information is, to the best of my knowledge, complete, true and correct. (Transit country)</i>				
Name	Address	Signature	Date	Licence No (where appropriate)
IMPORTER'S DECLARATION - <i>I hereby declare that the above information is, to the best of my knowledge, complete, true and correct. (Final destination).</i>				
Name	Address	Signature	Date	Licence No (where appropriate)
FINAL PLACE OF IMPORT:				
Town:	State or province	Country		

NOTE : IF THIS DOCUMENT IS FILLED OUT IN A LANGUAGE OTHER THAN ENGLISH, PLEASE ATTACH A TRANSLATION INTO ENGLISH."



**ANNEX II**

2. Third countries recognised by ICCAT for which the statistical document can be authenticated by an institution authorised for this purpose, for example a chamber of commerce:

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

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