

**REPORT ON THE IMPLEMENTATION OF THE DEROGATION TO VALIDATE BCDS
FOR TRADES OF BFT BETWEEN MEMBER STATES OF THE EU IN 2021
(PARAGRAPH 5B AND 5D OF ICCAT RECOMMENDATION 18-12)
(submitted by the EU, *revised version on 17 November 2022*)**

1. Introduction

As other ICCAT Contracting Parties (CPCs), the European Union (EU) has implemented the eBCD system since 26 May 2016 for the bluefin tuna (BFT) caught by the purse seine vessels and traps, and since 1 July 2016 for the fish caught by other gears. All operators fully implement the system as from January 2017.

Paragraph 5b of Recommendation 18-12 provides a derogation to validate BCDS for trades of BFT between Member States of the EU. Para 5d of Recommendation 18-12 offers an alternative approach for providing weight of tagged fish. Both provisions are up for review in 2022, and in the meantime the EU is required to provide the Commission with a report on its implementation.

2. Derogation under paragraph 5b of ICCAT Recommendation 18-12

The data presented hereunder correspond to the period 1 January 2021 to 31 December 2021. These data were partially extracted through the functionality in the eBCD system. Additional data on verification were received from the Member States administrations.

The scope of this report has been restricted to the trade events for bluefin tuna from seller in EU Member States, in order to avoid duplication, and because the selling Member State is responsible for the validation of the trade in eBCD.

In 2021, the EU Member States recorded 145,099 trade events¹ in the eBCD system involving 46,668 t. Regulation (EU) 640/2010² provides the obligation to register trade events inside of the EU Member States. Consequently, 76% of the trades recorded in the eBCD by the EU are internal trades inside single EU Member States' territories (111,093 trades). The remaining trades include 7,701 exports to other CPCs (5%), and 26,305 trades between EU Member States (18%).

The quantities involved amounted to 11,522 t (25%) for internal trades, and 29,579 t (63%) for exports. Trades between EU Member States amounted to 5,567 t, which represents 12% of the total weight traded (**Figure 1**).

Amongst the total trade, 41% (59,269) of the total trades were validated, and 59% (86,100) were exempted of validation, for a quantity of 31,171 t (87%) and 13,404 t (29%) respectively (**Figure 2**). In addition to the intra-Member State trade, the exemptions include both the derogation under paragraph 5b of Recommendation 18-12 and exemption for tagged fish according to para 13c of Recommendation 18-13.

Regarding the trade events exempted from validation, 19,851 of them concerned trades between EU Member States (derogation under para 5b) (14%), and 2,151 involved tagged fish (5%), with respective quantities of 1,650 (4%) and 2,151 t (5%) (**Figure 4**). The remaining exempted events are related to internal trades (**Figure 3**). Tagged fish concerned both trades between EU Member States and internal trades.

¹ Does not include rejected (REI), pending (PEN) and requested (REQ) trading events present in the eBCD system.

² Regulation (EU) No 640/2010 of the European Parliament and of the Council of 7 July 2010 establishing a catch documentation programme for bluefin tuna *Thunnus thynnus*.

The average quantity by trade (by eBCD) was 156 kg for trades exempted of validation in line with the derogation 5b, and of 265 kg for trades of tagged fish (**Figure 5**).

Additional details by EU-Member state are provided in the **Annex**.

3. Verifications

In terms of verifications of the information in the eBCD, as part of the standard procedure for validation, the control authorities perform verifications and crosschecks of all relevant documents including logbook data, landing declarations, sales notes, ICCAT authorizations, etc. Consistent with the EU legislation, the control authorities perform physical verifications and inspections at landing, in the market inside and at the entry in EU Member States based on risk assessment, and all catches are officially weighed at landing.

At the point of exit and entry from and into EU, verifications include crosschecks of eBCDs with airbills and sales notes, as well as physical verifications. Imports into the European Union follow customs procedures.

All eBCD subject to validation were crosschecked. Even when validation is not required, the control authorities perform crosschecks with catch declarations and the eBCDs information in conjunction with other Member States concerned, which enables efficient monitoring of operations exempted from validation. In addition, the control authorities verify the validation of catch or tags details, and analyse the coherence of the timing of the validation messages as well as the possible alert messages in eBCD.

Data extraction functionalities, crosschecks and verifications through the eBCD system itself enable Member States to establish improved risk assessment procedures to specifically target trades events for crosscheck and verification.

4. Conclusion

The number of trades concerned by the derogation in para 5b of Recommendation 18-12 is significant but generally involves small quantities of bluefin tuna as it involves fillet (FL) and other (OT) presentations. Additionally, 94% of the trades recorded by EU are internal trades within EU Member States contributing to the traceability of the fish through the chain.

The derogation under para 5b of Recommendation 18-12 removes a significant administrative burden related to validation, and contributes towards achieving a more level playing field between the EU and the other ICCAT CPCs, and is also consistent with the principle of free market inside of the EU. It is important to note that at this stage no information is available in relation to a possible negative impact of these measures on the traceability of BFT products.

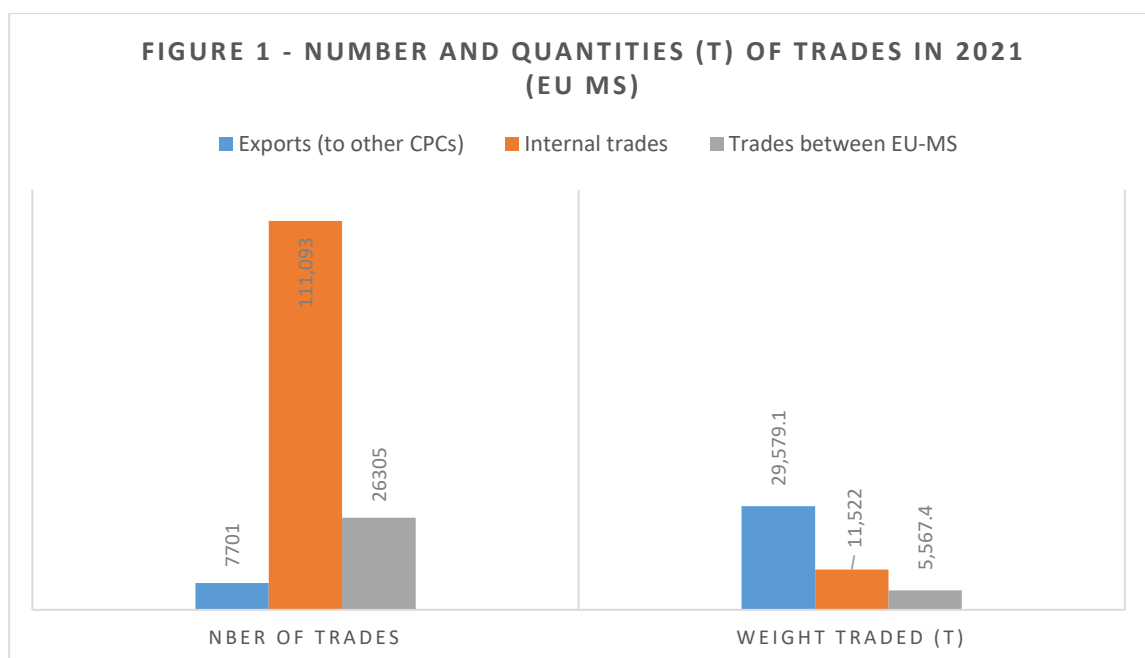


Figure 1. Number and quantities (t) of trades from EU Member states.

Exports: trades from the EU to other CPCs. Trades between EU-MS: trades between EU Member States. Internal trades: trades inside EU Member States territories.

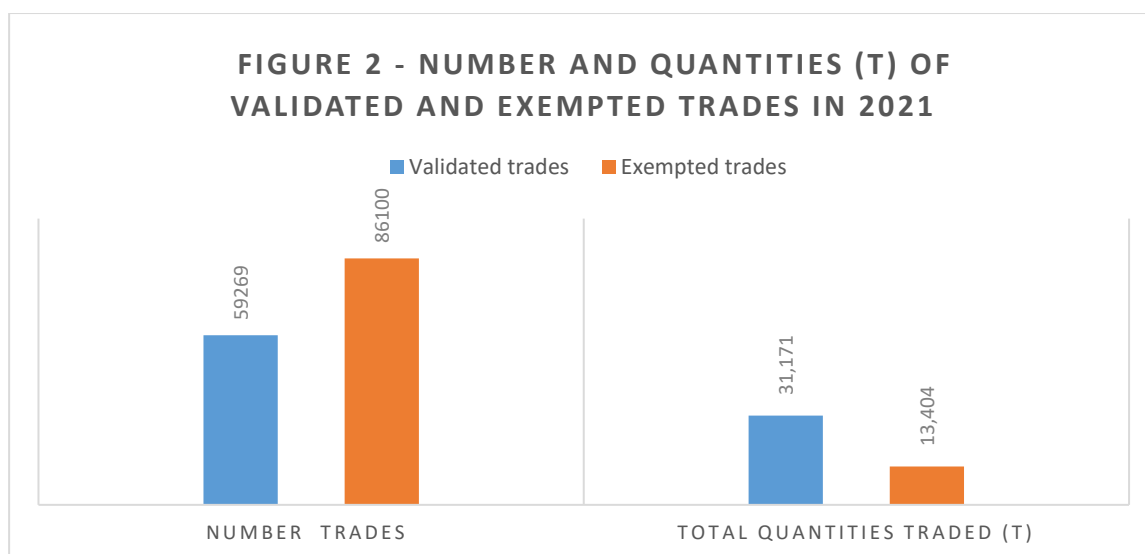


Figure 2. Number and quantities (t) of validated and exempted trades in 2021.

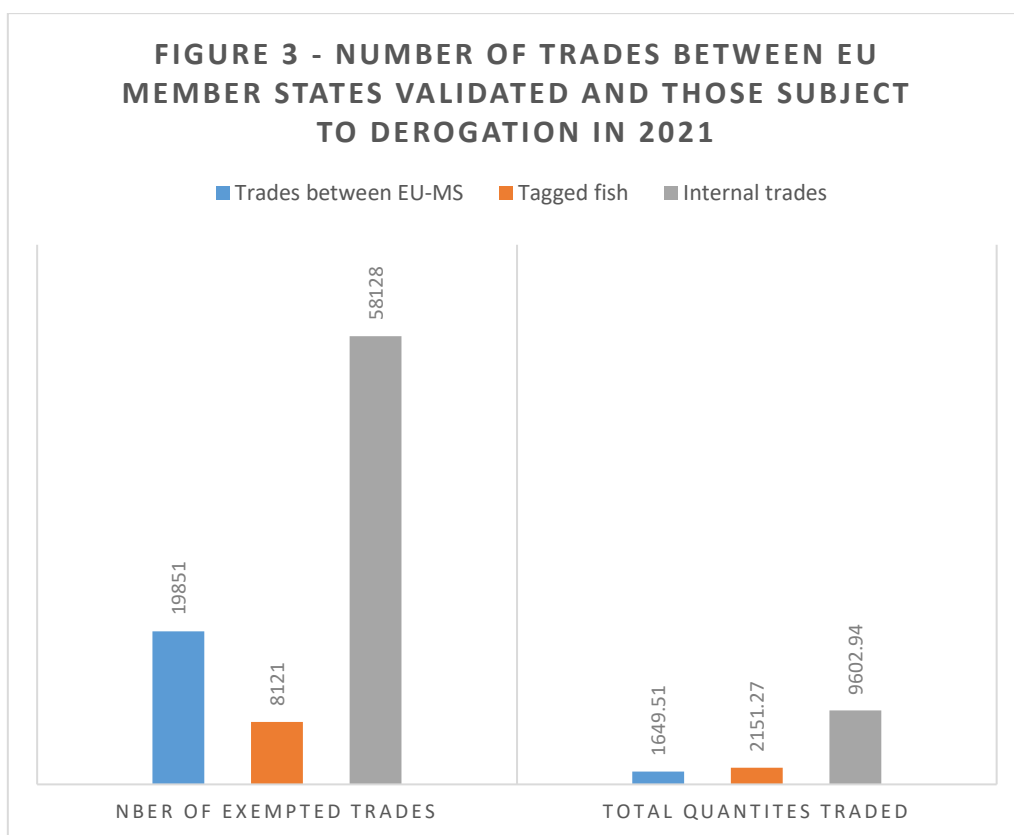


Figure 3. Number of trades between EU Member States validated and those subject to derogation in 2021.

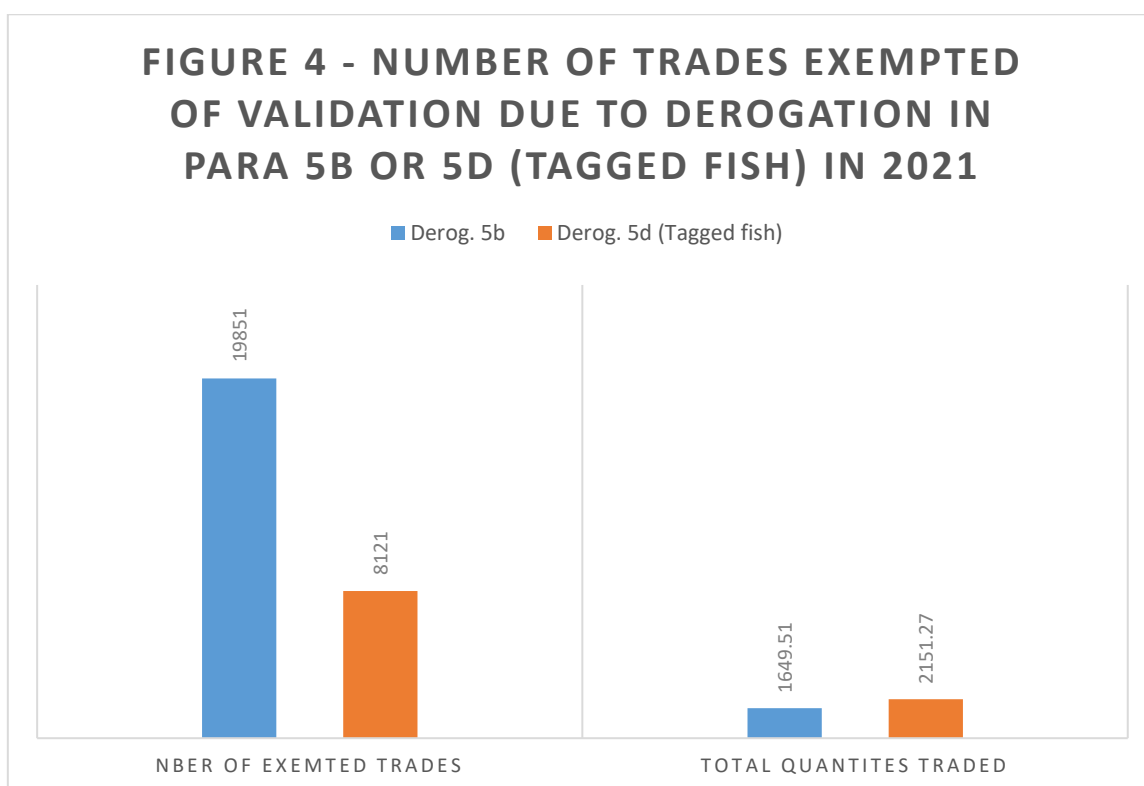


Figure 4. Number of trades exempted of validation due to derogation in para 5b or 5D (tagged fish) in 2021.

Note: trades exempted of validation due to derogation 5b do not include trades with tagged fish. Trades with tagged fish concern both trades between EU Member States and internal trades inside an EU Member State.

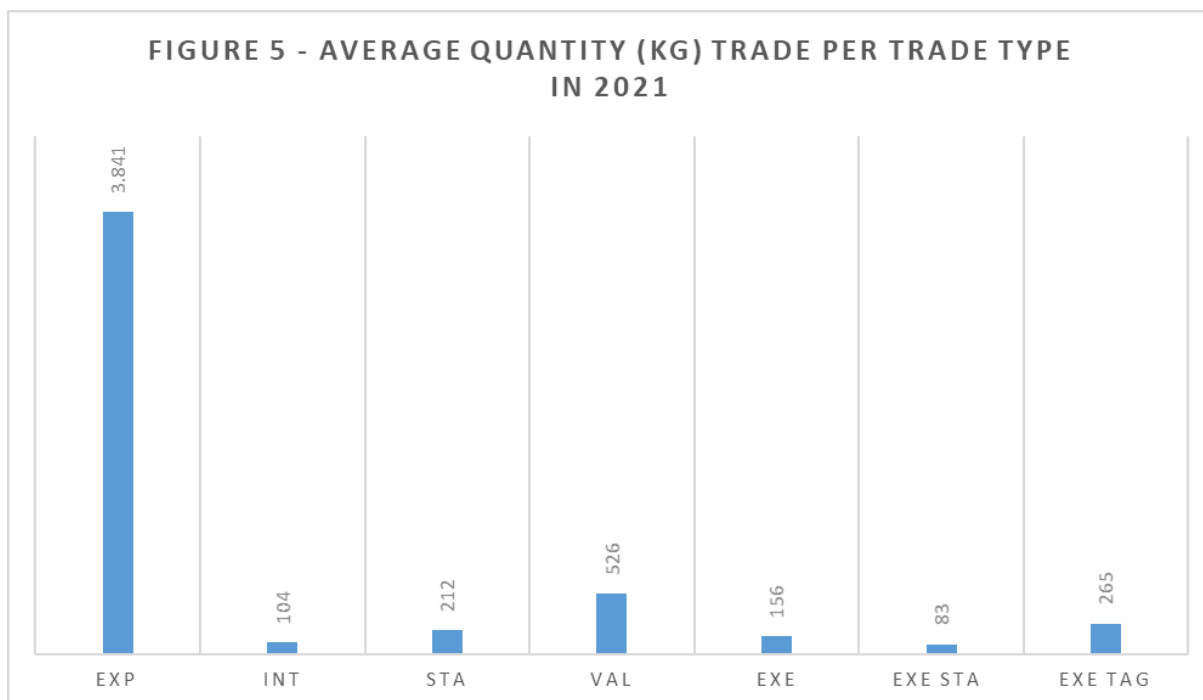


Figure 5. Average quantity (kg) trade per trade type in 2021.

EXP (trades from the EU to other CPCs), STA (trades between EU Member States), INT (internal trades inside EU Member States territories), VAL (trades validated), EXE (trades exempted of validation), EXE STA (trades between EU Member States exempted of validation – derogation 5b), EXE TAG (exempted trades of tagged fish).

Details by EU-Member state

(1) Total number and weight of trades:

	<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
Total trades	135	55,882	26,386	4,512	2,701	50,683	2,278	2,522
Weight (t)	69	14,970	5,474	354	5,189	7,106	12,790	716

(2) Number of trades and amount of tonnage for which an exemption from validation (EXE)³ was used:

		<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
EXE	Trades	135	42,779	25,553	4,512	163	12,604	1	353
	(t)	69	4,958	1,894	354	5,668	443	0	17

(3) Number and amount of tonnage of trades exempted of validation subject to derogation in para 5b (STA) and trades involving tagged fish (TAG):

		<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
EXE STA	Trades	31	8,482	8,099	2,957	3	278	-	1
	(t)	63	426	595	257	147	9	-	152
EXE TAG ⁴	Trades	69	3,379	3,660	1,013	-	-	-	-
	(t)	2	1,397	510	242	-	-	-	-

(4) Exports from the EU to other CPCs (EXP):

		<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
EXP	Trades	-	5,634	95	896	116	79	844	37
	(t)		7,251	3,497	58	4,371	2,122	12,057	223

(5) Total volume of trades between EU Member States not including internal trades (STA):

		<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
STA	Trades	31	11,604	8,930	2,957	358	1,322	631	472
	(t)	63	797	680	257	697	2,492	250	331

³ Include trades between EU Member States, trades of tagged fish and internal trades of non-tagged fish.⁴ Tagged fish may concern both trades between EU Member States and internal trades inside an EU Member State; number of trade events equates to one or several tagged fish.

(6) Internal trades inside Member States territories (INT):

		<i>Cyprus</i>	<i>Spain</i>	<i>France</i>	<i>Greece</i>	<i>Croatia</i>	<i>Italy</i>	<i>Malta</i>	<i>Portugal</i>
INT	Trades	<u>104</u>	<u>38,644</u>	<u>17,361</u>	<u>659</u>	<u>2,227</u>	<u>49,282</u>	<u>803</u>	<u>2,013</u>
	(t)	<u>6</u>	<u>6,922</u>	<u>1,296</u>	<u>39</u>	<u>121</u>	<u>2,492</u>	<u>483</u>	<u>162</u>