Commission Delegated Regulation (EU) 2019/2200 of 10 July 2019 amending Delegated Regulation (EU) 2015/98 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 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

COMMISSION DELEGATED REGULATION (EU) 2019/2200

of 10 July 2019

amending Delegated Regulation (EU) 2015/98 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC[(1)], and in particular Article 15(2) thereof,

Whereas:

(1) To protect juvenile bluefin tuna, paragraph 34 of Recommendation 18-02 of the International Commission for the Conservation of Atlantic Tunas (ICCAT) stipulates a minimum size for bluefin tuna caught in the eastern Atlantic and Mediterranean. Catches and by-catches of bluefin tuna below this minimum size, including those caught by sports or recreational vessels, shall not be kept on board the vessel in question, transhipped, transported, stored, landed, sold, displayed or offered for sale.

(2) Furthermore, under paragraph 37 of Recommendation 18-02, vessels fishing bluefin tuna must also discard incidental catches below the minimum if size that exceed 5 % of their total bluefin tuna catch.

(3) Paragraph 40 of Recommendation 18-02 stipulates that sports or recreational vessels be prohibited from catching, retaining on board, transhipping or landing more than one bluefin tuna per vessel per day. Necessary measures shall be put in place to ensure, to the greatest extent possible, the release of bluefin tuna caught for sport or recreation, especially juvenile bluefin tuna.

(4) Paragraph 38 of Recommendation 18-02 stipulates that vessels not authorised to actively fish bluefin tuna may keep on board bluefin tuna catches not exceeding a maximum level of by-catch limit per vessel and per fishing trip. This by-catch limit

must not exceed 20 % of the total catches. Member States must specify this limit in their annual fishing plans.

(5) To ensure consistency between Recommendation 18-02 and EU law, the landing obligation in Article 15(1) of Regulation (EU) No 1380/2013 should not apply to Union vessels operating in bluefin tuna fisheries.

(6) Commission Delegated Regulation (EU) 2015/98[(2)] should be amended to include new provisions reflecting the fishing conditions stipulated in ICCAT Recommendation 18-02.

(7) Recommendation 18-02 is applicable from 21 June 2019. This Regulation should therefore enter into force on the same day, enabling EU vessels to fish under the same conditions as other ICCAT contracting parties,

HAS ADOPTED THIS REGULATION:

Article 1

1 Article 4 of Delegated Regulation (EU) 2015/98 is amended as follows:

a paragraph 6 is replaced by the following:

6. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, catching vessels not fishing actively bluefin tuna shall not retain on board bluefin tuna exceeding 20 % of the total catch by weight or number of pieces. The level of authorised by-catches of bluefin tuna shall be specified by Member States in the annual fishing plan referred to in Article 7 of Regulation (EU) 2016/1627 of the European Parliament and of the Council[(3)] and shall never exceed that percentage. The calculation based on the number of pieces shall only apply to tuna and tuna-like species managed by ICCAT.;

b paragraphs 8 and 9 are replaced by the following:

8. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day in recreational fisheries. Member States shall take the necessary measures to ensure and facilitate the release of bluefin tuna caught alive in the framework of recreational fishing.

9 By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, it shall be prohibited to catch, retain on board, tranship or land more than one bluefin tuna per vessel per day in sport fisheries. Member States shall take the necessary measures to ensure and facilitate the release of bluefin tuna caught alive in the framework of sport fisheries.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 21 June 2019.

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