Council Regulation (EC) No 643/2007 of 11 June 2007 amending Regulation (EC) No 41/2007 as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas

COUNCIL REGULATION (EC) No 643/2007

of 11 June 2007

amending Regulation (EC) No 41/2007 as concerns the recovery plan for bluefin tuna recommended by the International Commission for the Conservation of Atlantic Tunas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(1)], and in particular Article 20 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Regulation (EC) No 41/2007[(2)] fixes for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in community waters and, for Community vessels, in waters where catch limitations are required.

(2) The Community has, since 14 November 1997, been a party to the International Convention for the Conservation of Atlantic Tunas[(3)].

(3) At its Annual Meeting in November 2006, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted Recommendation 2006[05] to establish a 15-year recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean.

(4) Under Regulation (EC) No 41/2007 the fishing opportunities and associated conditions for bluefin tuna were fixed on a provisional basis, pending an agreement on the final share of this stock under the ICCAT convention.

(5) In order to rebuild the stock, the ICCAT recovery plan provides for a graduated reduction of the Total Allowable Catch (TAC) level from 2007 to 2010, restrictions on fishing within certain areas and time period, a new minimum size for bluefin tuna, measures concerning sport and recreational fishing activities as well as control measures and the implementation of the ICCAT Scheme of Joint International Inspection to ensure the effectiveness of the recovery plan.
In order to contribute to the conservation of bluefin tuna, it is necessary to implement special measures from 2007 pending the adoption of a Council Regulation implementing multi-annual measures for the recovery of the bluefin tuna stock.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 643/2007. (See end of Document for details)*

(6) Since the fishery for bluefin tuna by Community vessels started in February 2007, it was necessary to apply the management and control measures for this fishery as agreed upon by ICCAT as from February 2007 instead of 13 June 2007 as mentioned in the ICCAT Recommendation 2006[05] in order to ensure the compliance with the recovery plan for bluefin tuna.

(7) The measures adopted under this Regulation, for the sole purpose of their financing, shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002.

(8) Regulation (EC) No 41/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 41/2007 is amended as follows:

1. the following Chapter shall be inserted:

CHAPTER Xa

SPECIAL MEASURES FOR BLUEFIN TUNA IN THE EASTERN ATLANTIC AND MEDITERRANEAN

SECTION 1

Management measures

Article 80a

Scope

This Chapter lays down the general rules for the application by the Community of special measures for Bluefin Tuna (*thunnus thynnus*) recommended by the International Commission for the Conservation of the Atlantic Tunas (ICCAT). It shall apply to bluefin tuna in the Eastern Atlantic and the Mediterranean.

Article 80b

Definitions

For the purpose of this Chapter, the following definitions shall apply:

(a) "CPCs" means Contracting Parties to the International Convention for the Conservation of the Atlantic Tuna and cooperating non-contracting parties, entities or fishing entities;

(b) "Fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of tuna resources, included fish processing vessels and vessels engaged in transhipment;

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 643/2007. (See end of Document for details)*

(c) "Joint fishing operation" means any operations between two or more vessels flying the flag of different CPCs or of different Member States where the catch of one vessel is attributed in total or in part to one or more other vessels;

(d) "Transfer activities" means any transfer of bluefin tuna

(i) from the fishing vessel to the end fattening bluefin tuna farm, including for the fish dead or escaped during the transport;

(ii) from a bluefin tuna farm or a tuna trap to a processing vessel, transport vessel or to land;

(e) "Tuna trap" means fixed gear anchored to the bottom usually containing a guide net that leads fish into an enclosure;

(f) "Caging" means that bluefin tuna is not taken on board and includes both, fattening and farming;

(g) "Fattening" means caging of bluefin tuna for a short period (usually two to six months) aiming mostly at increasing the fat content of the fish;

(h) "Farming" means caging of bluefin tuna for a period longer than one year, aiming to increase the total biomass;

(i) "Transhipment" means the unloading of all or any of the bluefin tuna on board a fishing vessel to another fishing vessel at port;

(j) "Processing vessel" means a vessel on board of which fisheries products are subject to one or more of the following operations, prior to their packaging: filleting or slicing, freezing and/or transformation;

(k) "Sport fishery" means a non-commercial fishery whose participants adhere to a national sport organisation or are issued with a national sport licence;

(l) "Recreational fishery" means a non-commercial fishery whose participants do not adhere to a national sport organisation or are not issued with a national sport licence;

(m) "Task II" means Task II as defined by the International Commission for the Conservation of the Atlantic Tunas (ICCAT) in the "Field manual for statistics and sampling Atlantic tunas and tuna-like fish" (Third edition, ICCAT, 1990).

Article 80c

Quota

1 Each Member State may allocate its bluefin tuna quota to its fishing vessels and traps authorised to fish actively for bluefin tuna.

2 Private trade arrangements between nationals of a Member State and a CPC in order to use a fishing vessel flying the flag of that Member State for fishing in the framework of a tuna quota of a CPC, shall be concluded only under authorisation by the Member State concerned which shall inform the Commission.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 643/2007. (See end of Document for details)*

Article 80d

Joint fishing operations

1 Any joint fishing operations for bluefin tuna involving vessels flying the flag of one or more Member State(s) shall only be authorised with the consent of the flag Member State or flag Member States concerned

2 At the moment of the application for the authorisation, each Member State shall take the necessary measures to obtain from its fishing vessel participating in the joint fishing operation detailed information concerning the duration of the joint operation, the identity of the operators involved and the allocation key between the vessels for the catches involved.

3 Each Member State shall transmit the information referred to in paragraph 2 to the Commission. The Commission shall promptly forward that information to the ICCAT Secretariat.

SECTION 2

Technical measures

Article 80e

Closed fishing season

By way of derogation from the provision laid down in Article 6 of Regulation (EC) No 520/2007[(4)]:

(a) Bluefin tuna fishing shall be prohibited in the east Atlantic and Mediterranean by large-scale pelagic longline vessels over 24 m during the period from 1 June to 31 December 2007, with the exception of the area delimited by west of 10° W and north of 42° N;

(b) Purse seine fishing for bluefin tuna shall be prohibited in the east Atlantic and Mediterranean during the period from 1 July to 31 December 2007;

(c) Bluefin tuna fishing by bait boats shall be prohibited in the east Atlantic and Mediterranean during the period from 15 November 2007 to 15 May 2008;

(d) Bluefin tuna fishing by pelagic trawlers shall be prohibited in the east Atlantic during the period from 15 November 2007 to 15 May 2008.

Article 80f

Use of planes

By way of derogation from the provision laid down in Article 6 of Regulation (EC) No 520/2007 the use of airplanes or helicopters for searching for bluefin tuna in the Convention Area shall be prohibited.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EC) No 643/2007. (See end of Document for details)*

Article 80g

Minimum size

1 By way of derogation from Article 8 and Annex IV of Regulation (EC) No 520/2007, the minimum size for bluefin tuna in the east Atlantic and in the Mediterranean Sea shall be 30 kg or 115 cm with effect at the latest from 30 June 2007.

2 By derogation to paragraph 1 and without prejudice to Article 80i, a minimum size for bluefin tuna (*Thunnus thynnus*) of 8 kg or 75 cm shall apply for the following bluefin tunas, with effect at the latest from 30 June 2007:

a bluefin tuna caught in the eastern Atlantic by bait boats, trolling boats and pelagic trawlers;

b bluefin tuna caught in the Adriatic Sea for farming purposes.

3 The additional specific conditions for bluefin tuna caught in the eastern Atlantic by bait boats, trolling boats and pelagic trawlers are set out in Part I of Annex XVIa.

Article 80h

Sampling plan for bluefin tuna

1 By way of derogation from the provisions laid down in Article 11 of Regulation (EC) No 520/2007, each Member State shall establish a sampling programme for the estimation of the numbers-at-size of the bluefin tuna captured.

2 Sampling by size in cages shall be carried out on a sample of 100 specimens per 100 tonnes of live fish or on a sample of 10 % of the total number of fish placed in a cage. The size sample, on basis of length or weight, shall be taken during harvesting at the farm, and on the dead fish during transport in accordance with the method adopted by the ICCAT for notifying data in the framework of Task II.

3 Additional methods and samplings shall be developed for fish reared for more than one year.

4 Sampling shall be carried out during a harvest taken at random and shall cover all cages. The data shall be notified to the ICCAT by 31 May 2008 for sampling carried out the previous year in 2007.

Article 80i

By-catch

1 A by-catch of maximum 8 % of bluefin tuna weighing less than 30 kg and no less than 10 kg shall be authorised for all fishing vessels, fishing actively or not for bluefin tuna.

2 The percentage mentioned in paragraph 1 shall be calculated either on the basis of the total by-catch in number of fish per landing of the total bluefin tuna catches of these vessels, or on basis of its weight equivalence in percentage.