Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The Community has by Decision 98/392/EC[(1)] approved the United Nations Convention on the Law of the Sea which contains principles and rules relating to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Community participates in efforts made in international waters to conserve fish stocks.

(2) Pursuant to Decision 86/238/EEC[(2)] the Community has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas, hereinafter 'the ICCAT Convention', since 14 November 1997.

(3) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and adjoining seas through the setting up of an International Commission for the Conservation of Atlantic Tunas, hereinafter the 'ICCAT', and the adoption of recommendations on conservation and management in the Convention area which become binding on the Contracting Parties.

(4) ICCAT has recommended a number of technical measures for certain stocks of highly migratory species in the Atlantic and the Mediterranean, specifying inter alia authorised sizes and weights of fish, and restrictions on fishing within certain areas and time periods, with certain gears, and on capacity. These recommendations are binding on the Community and should therefore be implemented.

(5) The Community has by Decision 95/399/EC[(3)] approved the Agreement for the establishment of the Indian Ocean Tuna Commission. The Agreement provides an appropriate framework for closer international cooperation and the rational use of tunas and related species in the Indian Ocean by setting up the Indian Ocean Tuna

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Commission, hereinafter the 'IOTC', and adopting recommendations on conservation and management in the IOTC area which become binding on the Contracting Parties.

(6) The IOTC has adopted a recommendation laying down technical measures for certain stocks of highly migratory species in the Indian Ocean and in particular the limiting of capacity. That recommendation is binding on the Community and should therefore be implemented.

(7) The Community has by Decision 2005/938/EC[(4)] approved the Agreement on the International Dolphin Conservation Programme. It should therefore apply the provisions laid down in that Agreement.

(8) The objectives of the Agreement include a progressive reduction of incidental dolphin mortalities in the tuna purseseine fishery in the Eastern Pacific Ocean to levels approaching zero, by setting annual limits, and the long-term sustainability of the tuna stocks in the Agreement Area.

(9) The Community has fishing interests in the Eastern Pacific Ocean and has participated in the procedure for the adoption of the Convention for the strengthening of the Inter-American Tropical Tuna Commission, hereinafter the 'Antigua Convention'. By Decision 2005/26/EC[(5)] it signed the Antigua Convention and launched the procedure for becoming a party to it. Pending the entry into force of the Antigua Convention, the Community, as a cooperating non-contracting party to the Inter-American Tropical Tuna Commission, hereinafter the 'IATTC', has decided to apply the technical measures adopted by the IATTC. These measures should therefore be incorporated in Community law.

(10) Pursuant to Decision 2005/75/EC[(6)] and with effect from 25 January 2005 the Community is a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, hereinafter the 'WCPFC Convention'.

(11) The WCPFC Convention provides a framework for regional cooperation with a view to ensuring the long-term conservation and sustainable exploitation of highly migratory fish stocks in the Western and Central Pacific Ocean through the setting up of a Fisheries Commission for the Western and Central Pacific Ocean (WCPFC).

(12) The Community should therefore apply the provisions laid down in the Convention and the technical measures adopted by the WCPFC.

(13) The technical measures adopted by these regional fisheries organisations have been incorporated into Council Regulation (EC) No 973/2001 of 14 May 2001 laying down technical measures for the conservation of certain stocks of highly migratory species[(7)].

(14) The adoption of new technical measures by these organisations and the updating of those in force since the adoption of Regulation (EC) No 973/2001 require the repeal of that Regulation and its replacement by this Regulation.

(15) The limits on capacity must be determined in accordance with Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(8)].

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(16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(9)],

HAS ADOPTED THIS REGULATION:

TITLE I

INTRODUCTORY PROVISIONS

Article 1

Object

This Regulation lays down technical conservation measures applicable to the capture and landing of certain stocks of highly migratory species as referred to in Annex I and to the capture of by-catches.

Article 2

Scope

Without prejudice to Article 9, this Regulation shall apply to vessels flying the flag of a Member State and registered in the Community, hereinafter 'Community fishing vessels'.

Article 3

Definitions

For the purposes of this Regulation:

1. 'Highly migratory species' means the species listed in Annex I.

2. 'Tunas and related species covered by ICCAT' means the species listed in Annex II.

3. 'Dolphin mortality limit' means the limit defined in Article V of the Agreement on the International Dolphin Conservation Programme[(10)].

4. 'Leisure fisheries' means fishing activities exploiting living aquatic resources for recreation or sport.

5. 'Encircling nets' means nets which catch fish by surrounding them both from the sides and from below; they may or may not be equipped with a purse line.

6. 'Purse seines' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be pursed and closed. Purse seines may be used to catch small pelagic species, large pelagic species or demersal species.

7. 'Longlines' means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on the target

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species. It may be deployed either vertically or horizontally to the sea surface; it may be set either at or near the bottom (bottom-set longline) or drifting in midwater or near the surface (surface longline).

8. ‘Hook’ means a bent, sharpened piece of steel wire usually with barb. The point of a hook may be either straight or even reversed and curved. The shank can be of varying length and form and its cross section can be round (regular) or flattened (forged). The total length of a hook shall be measured as the maximum overall length of the shank from the tip of the hook which serves for fastening the line and is usually shaped as an eye, to the apex of the bend. The width of a hook shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb.

9. ‘Fish-aggregating devices (FADs)’ means any equipment floating on the sea surface and with the objective of attracting fish.

10. ‘Pole and line tuna vessel’ means vessels equiped for catching tuna by pole and line.

Article 4

Areas

For the purposes of this Regulation, the following definitions of maritime waters shall apply:

1. **[**[F1]. . . . .**]**

2. Area 2

   all waters of the Indian Ocean covered by the Agreement for the establishment of the IOTC as defined in Article 2 thereof;

3. Area 3

   all waters of the Eastern Pacific Ocean as defined in Article 3 of the Agreement on the International Dolphin Conservation Programme;

4. Area 4

   all waters of the Eastern and Central Pacific Ocean as defined in Article 3 of the WCPFC Convention.

Textual Amendments

F1 Deleted by Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007.

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[F1TITLE II

TECHNICAL MEASURES APPLICABLE IN AREA 1]

CHAPTER 1

Restrictions on the use of certain types of vessels and gears

Article 5

Protection of bigeye tuna in certain tropical waters

1 Fishing by purse seiners and pole-and-line tuna vessels shall be prohibited during the period 1 to 30 November in the following area:

— southern limit: latitude 0° S,

— northern limit: latitude 5° N,

— western limit: longitude 20° W,

— eastern limit: longitude 10° W.

2 Member States shall send the Commission each year by 15 August at the latest a report on the implementation of this measure, including where applicable a list of breaches committed by Community fishing vessels flying their flag and being pursued by their competent authorities.

F2Article 6

[F2Bluefin tuna fishing in the Mediterranean]

. . . . . .

Textual Amendments

F2 Deleted by Council Regulation (EC) No 1559/2007 of 17 December 2007 establishing a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean and amending Regulation (EC) No 520/2007.

Article 7

Fishing for skipjack, bigeye and yellowfin tuna in certain Portuguese waters

It shall be prohibited to retain on board any quantity of skipjack, bigeye or yellowfin tuna caught using purse seines in waters under the sovereignty or jurisdiction of Portugal in ICES subarea X north of 36°30′ N or in CECAF areas north of 31° N and east of 17°30′ W, or to fish for those species in the said areas with the said gears.