

**REGULATION (EU) No 544/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 15 May 2014**

**amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin**

**tuna in the eastern Atlantic and Mediterranean**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (

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Acting in accordance with the ordinary legislative procedure (

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Whereas:

(1) The Union is a Party to the International Convention for the Conservation of Atlantic Tunas (

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) ('the Convention').

(2) At its 16th Special Meeting in 2008, the International Commission for the Conservation of Atlantic Tunas

('ICCAT'), established by the Convention, adopted Recommendation 08-05 to establish a new recovery plan for

Bluefin tuna in the eastern Atlantic and in the Mediterranean, replacing the previous recovery plan adopted in

2006. Council Regulation (EC) No 302/2009 (

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) was adopted to implement those international conservation

measures at Union level.

(3) At its 17th Special Meeting in 2010, ICCAT adopted Recommendation 10-04 amending the multiannual recovery

plan for Bluefin tuna. Regulation (EC) No 302/2009 was then amended by Regulation (EU) No 500/2012 of the

European Parliament and of the Council (

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) to implement those revised international conservation measures at

Union level.

(4) At its 18th Special Meeting in 2012, ICCAT adopted Recommendation 12-03 further amending the multiannual

recovery plan for Bluefin tuna. In order to better adapt the fishing seasons to the activity of the fleets, Recommendation 12-03 provides for a modification of the fishing seasons, which are now defined as open

seasons, as

opposed to closed seasons indicated in the previous ICCAT Recommendations. In addition, the actual dates on

which fishing is permitted by purse seiners, baitboats and trolling boats have been modified. Finally, to avoid any

uncertainty for those gears which are not subject to any specific rules on fishing seasons, it was necessary to

include a provision explicitly allowing all other gears, with the exception of all kinds of driftnets, the possibility to

fish all year round. The periods and the dates of the fishing seasons in the Atlantic may be reviewed by ICCAT in

2015, following advice from the Standing Committee on Research and Statistics of ICCAT (SCRS).

(5) At its 23rd Regular Meeting in November 2013, ICCAT adopted Recommendation 13-08 complementing Recommendation 12-03, in order to allow modifications to the fishing seasons for baitboats and trolling boats

in the

eastern Atlantic that do not affect the protection of the Bluefin tuna spawning grounds in the Mediterranean. That

ICCAT Recommendation states that the Contracting Parties and Cooperating non-Contracting Parties, Entities or

Fishing Entities may specify a different starting date for the fishing seasons for their baitboats and trolling boats

operating in the eastern Atlantic, while keeping the total duration of the open season for those fisheries. That ICCAT Recommendation also lays down rules for the use of stereoscopic cameras in the context of caging

operations. It is the intention that all the technical specifications, including the sampling intensity, the way of

sampling, the distance from the camera, the dimensions of the transfer gate, algorithms (length-weight relationship)

be reviewed by the SCRS at its 2014 meeting, and if necessary modified by ICCAT at its 2014 meeting based on

SCRS recommendations.

(6) In order to implement into Union law ICCAT Recommendation 12-03 so as to ensure the effective conservation of

the Bluefin tuna stock, to provide legal certainty as to the fishing seasons concerned and, lastly, to allow Member

States to properly define their fishing, capacity and inspection plans and other reporting obligations, and in order

to implement into Union law ICCAT Recommendation 13-08 with regard to the use of stereoscopic camera

systems in the context of caging operations and the possible setting of a different starting date for the fishing

seasons for baitboats and trolling boats in the eastern Atlantic, it is necessary to modify the relevant provisions of

Regulation (EC) No 302/2009 as soon as possible,

**HAVE ADOPTED THIS REGULATION:**

Article 1

Regulation (EC) No 302/2009 is amended as follows:

(1) Article 7 is replaced by the following:

‘Article 7

Fishing seasons

1. Bluefin tuna fishing in the eastern Atlantic and Mediterranean by large-scale pelagic long line catching vessels

over 24 m shall be permitted during the period from 1 January to 31 May, with the exception of the area delimited

by West of 10°W and North of 42°N, where such fishing shall be permitted during the period from 1 August to 31

January.

2. Purse seine fishing for Bluefin tuna shall be permitted in the eastern Atlantic and Mediterranean during the

period from 26 May to 24 June.

3. Bluefin tuna fishing by baitboats and trolling boats shall be permitted in the eastern Atlantic and Mediterranean

during the period from 1 July to 31 October.

Notwithstanding the first subparagraph, for the years 2014 and 2015, and since the protection of the spawning

grounds is not affected, Member States may specify, in their annual national fishing plans, a different starting date for

baitboats and trolling boats flying their flag and operating in the eastern Atlantic, provided that the total duration of

the open season for those fisheries continues to comply with the first subparagraph.

The Union fishing plan to be submitted to ICCAT by 15 February of each year shall specify whether the starting dates

for those fisheries have been modified, as well as the coordinates of the areas concerned.

4. Bluefin tuna fishing by pelagic trawlers shall be permitted in the eastern Atlantic during the period from 16

June to 14 October.

5. Bluefin tuna recreational and sport fishing shall be permitted in the eastern Atlantic and Mediterranean during

the period from 16 June to 14 October.

6. Fishing for Bluefin tuna with gears other than those referred to in paragraphs 1 to 5 shall be permitted

throughout the year. This notwithstanding, fishing for Bluefin tuna with all kinds of driftnets shall be prohibited.';

(2) the following Article is inserted:

'Article 24a

Use of stereoscopic cameras during caging operations

The use of stereoscopic camera systems in the context of caging operations shall comply with the following

conditions:

(a) the sampling intensity of live fish shall not be below 20 % of the amount of fish being caged; when technically

possible, the sampling of live fish shall be sequential, one in every five specimens being measured; such a sample

shall be made up of fish measured at a distance of between 2 and 8 m from the camera;

(b) the dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum

width of 10 m and a maximum height of 10 m;

(c) when the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct

sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up

to date algorithms established by the Standing Committee on Research and Statistics of ICCAT shall be used to

convert fork lengths into total weights, according to the size category of the fish measured during the caging

operation;

(d) the validation of the stereoscopic length measurements shall be undertaken prior to each caging operation using

a scale bar at a distance of between 2 and 8 m;

(e) when the results of the stereoscopic programme are communicated, the information shall indicate the margin of

error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed +/- 5 %.'.

## Article 2

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the

European Union.

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

Done at Brussels, 15 May 2014.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

D. KOURKOULAS