



Brussels, 2.5.2013
COM(2013) 250 final

2013/0133 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery
plan for Bluefin tuna in the eastern Atlantic and Mediterranean**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Union is a Contracting Party to the International Convention for the Conservation of Atlantic Tunas (hereinafter "the Convention"). Bluefin tuna is the most important species in the International Commission for the Conservation of Atlantic Tunas (hereinafter "ICCAT") and is currently the only one under a multi-annual recovery plan. This transposition relates to critical provisions in the recovery plan that were extensively discussed and adopted at the ICCAT Annual Meeting in November 2012 under Recommendation 12-03.

At its 16th Special Meeting in 2008, ICCAT established by the Convention, adopted Recommendation 08-05 to introduce a new recovery plan for Bluefin tuna in the eastern Atlantic and in the Mediterranean, replacing the previous recovery plan adopted in 2006. In anticipation of Recommendation 08-05 becoming effective, Council Regulation (EC) No 302/2009¹ was adopted.

At its 17th Special Meeting in 2010, ICCAT adopted Recommendation 10-04 amending the multiannual recovery plan for Bluefin tuna. In order to rebuild the stock, Recommendation 10-04 provides for a further reduction of the total allowable catch, for the strengthening of measures to reduce the fishing capacity and for the reinforcement of the control measures, in particular concerning the transfer and the caging operations, and foresees additional advice by the Standing Committee on Research and Statistics (SCRS) in 2012 on the identification of spawning grounds and on the creation of sanctuaries.

At its Special Meeting in 2012, ICCAT adopted Recommendation 12-03 amending the multiannual recovery plan for Bluefin tuna. In order to better adapt the fishing seasons to the activity of the fleet, Recommendation 12-03 provides for a modification of "open" fishing seasons which differs from the "closed" fishing seasons set out in Article 7 of Council Regulation 302/2009 as amended by Article 1 (6) of Regulation (EU) 500/2012². In addition, the actual dates when fishing is permitted by purse seiners, bait boats and trolling boats have been modified. Finally, to avoid any uncertainty for those gears which are not subject to any specific rules on fishing season, it was necessary to include a provision explicitly allowing all other gears the possibility to fish all year round.

There were however a number of objections from ICCAT Contracting Parties to this recommendation, which have delayed its entry into force until, most probably, August 2013. However, these objections were related to the allocation of the TACs and did not concern the fishing seasons. Moreover, during a recent inter-sessional meeting held in Seville (18-20 February 2013), ICCAT Contracting Parties indicated their intention to implement the provisions of Recommendation 12-03, including the new fishing season for purse seiners (26 May to 24 June), as laid down in paragraph 22 of the Recommendation.

As regards the 2013 fishing season, the Council has already established in Council Regulation (EU) N° 40/2013³ fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations and agreements, that the season for purse-seiners will be from 26 May 2013 to 24 June 2013, in order to allow Member States sufficient time for planning. Only purse-seiners' fishing season was addressed in that Regulation due to its

¹ OJ L 96, 15.4.2009

² OJ L 157, 16.6.2012

³ OJ L 23, 25.1.2013

timing and level of importance of that gear given its higher catching capacity and previous cases of non-compliance.

Pending a comprehensive implementation of Recommendation 12-03 and its entry into force, in order to ensure effective conservation of the bluefin tuna stock by ensuring compliance with these new fishing seasons and facilitating enforcement activities, and to provide legal certainty as to the fishing seasons concerned, it is therefore necessary to modify the provision concerning fishing seasons in Council Regulation 302/2009.

For these reasons, as well as to allow Member States to properly define their fishing, capacity and inspection plans which are linked to the fishing seasons and fulfil their reporting obligations, it is necessary to modify that provision as soon as possible and to apply these modifications with retroactive effect as from 1 January 2013.

Regulation (EC) 302/2009 should therefore be amended accordingly.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Member States concerned by this fishery (CY, ES, FR, GR, IT, MT and PT) have been consulted during the Steering Group for the Joint deployment Plan for the Bluefin tuna held in the Headquarters of the European Fishery Control Agency in Vigo 11th December 2012 on the need to clarify the dates of the fishing season. All of them agree to introduce the dates as defined in paragraphs 21 to 26 of the ICCAT Recommendation 12-03 amending the recommendation by ICCAT to establish a multi-annual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean.

3. LEGAL ELEMENTS OF THE PROPOSAL

The aim of the Proposal is to transpose into EU law a recommendation that has been adopted in the framework of the ICCAT by way of an amendment to Council Regulation No 302/2009 as regards the fishing seasons for gears fishing bluefin tuna. The limited scope of this proposal implies that it is necessary in view of ensuring a rapid adoption of the Regulation before the beginning of the 2013 fishing season.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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 Committee⁴,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union is a Party to the International Convention for the Conservation of Atlantic Tunas (hereinafter "the Convention").
- (2) At its 16th Special Meeting in 2008, the International Commission for the Conservation of Atlantic Tunas (hereinafter "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. Regulation (EC) No 302/2009⁵ 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 500/2012⁶ 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 when fishing is permitted by purse seiners, bait boats 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 the possibility to fish all year round.

⁴ OJ C , , p. .

⁵ OJ L 96, 15.4.2009

⁶ OJ L 157, 16.6.2012

- (5) Pending the entry into force of ICCAT Recommendation 12-03 and its comprehensive implementation, in order to ensure effective conservation of the bluefin tuna stock, to provide legal certainty as to the fishing seasons concerned and, finally, to allow Member States to properly define their fishing, capacity and inspection plans and other reporting obligations, it is necessary to modify the provisions on fishing seasons in Regulation (EC) No 302/2009 as soon as possible and to apply those modifications from the beginning of 2013.

HAVE ADOPTED THIS REGULATION:

Article 1

Article 7 of Regulation (EC) No 302/2009 is replaced by the following:

"*Article 7*

Fishing seasons

1. Bluefin tuna fishing shall be permitted in the eastern Atlantic and Mediterranean by large-scale pelagic long line catching vessels over 24 m 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 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 bait boats and trolling boats shall be permitted in the eastern Atlantic and Mediterranean during the period from 1 July to 31 October.
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 from 16 June to 14 October.
6. Fishing for Bluefin tuna by other gears than those mentioned in paragraphs 1 to 5 shall be permitted throughout the year."

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*. It shall apply from 1 January 2013.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President