

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

TITLE 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.

Article 6

Bluefin tuna fishing in the Mediterranean

1 Fishing for bluefin tuna with purse seine in the Mediterranean Sea shall be prohibited from 16 July to 15 August.

2 Fishing for bluefin tuna in the Mediterranean using surface-set longlines from vessels greater than 24 metres in length shall be prohibited during the period from 1 June to 31 July. The length of the vessels shall be defined in accordance with Annex III.

3 The use of aeroplanes or helicopters in support of fishing operations for bluefin tuna in the Mediterranean Sea shall be prohibited during the period from 1 to 30 June.

4 The definition of the periods and areas referred to in this Article and the length of vessels given in Annex III may be amended by the Commission pursuant to ICCAT recommendations which are binding on the Community in accordance with the procedure referred to in Article 30.

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.

CHAPTER 2

Minimum size

Article 8

Sizes

1 A species shall be considered undersized if its dimensions are smaller than the minimum dimensions specified in Annex IV for the relevant species.

2 The dimensions set out in Annex IV may be modified pursuant to ICCAT recommendations which are binding on the Community and in accordance with the procedure referred to in Article 30.

Article 9

Prohibitions

1 Undersized fish of the species listed in Annex IV which are captured in Area 1 shall not be retained on board or transshipped, landed, transported, stored, displayed or offered for sale, sold or marketed. These species shall be returned immediately to the sea.

2 The release for free circulation or marketing in the Community of undersized fish of the species listed in Annex IV originating in third countries and captured in Area 1 shall be prohibited.

Article 10

Measurement of size

1 All species with the exception of istiophoridae shall be measured fork length, that is to say the vertical distance drawn from the tip of the upper jaw to the extremity of the shortest caudal ray.

2 The size of istiophoridae shall be measured from the tip of the lower jaw to the fork of the caudal fin.

Article 11

Sampling procedure for bluefin tuna cages

- 1 Each Member State shall establish a sampling procedure for estimating the number by size of 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 shall be taken during harvesting at the farm, in accordance with the method adopted by the ICCAT for notifying data as part 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 July for sampling carried out the previous calendar year.

CHAPTER 3

Restrictions on the number of vessels

Article 12

North Atlantic bigeye and albacore tuna

- 1 The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number and total capacity in gross tonnage (GT) of Community fishing vessels greater than 24 metres in length fishing in Area 1 for bigeye tuna as a target species. These shall be determined:
 - a as the average number and the capacity in GT of Community fishing vessels fishing in Area 1 for bigeye tuna as a target species during the period 1991 to 1992; and
 - b on the basis of the restriction on the number of Community vessels fishing for bigeye tuna in 2005 notified to ICCAT on 30 June 2005.
- 2 The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number of Community fishing vessels fishing for North Atlantic albacore tuna as a target species. The number of vessels shall be fixed as the average number of Community fishing vessels fishing for North Atlantic albacore tuna as a target species during the period 1993 to 1995.
- 3 The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall distribute among the Member States:
 - a the number and capacity in GT determined in accordance with paragraph 1;
 - b the number of vessels determined in accordance with paragraph 2.
- 4 Before 15 May each year each Member State shall send the Commission by the customary means of data transmission:
 - a a list of vessels flying its flag and greater than 24 metres in length fishing for bigeye tuna;

- b a list of vessels flying its flag and participating in a fishery targeting albacore tuna in the North Atlantic.

The Commission shall send this information to the ICCAT Secretariat before 31 May each year.

5 The lists referred to in paragraph 4 shall give the internal fishing fleet register number assigned to the vessel in accordance with Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register⁽¹⁾ and the type of gear used.

CHAPTER 4

Species not targeted and sport and recreational fishing

Article 13

Marlins

Member States shall encourage the use of monofilament streamer lines on swivels so that live blue marlins and white marlins may be easily released.

Article 14

Sharks

1 Member States shall encourage the release of live sharks captured accidentally, in particular juveniles.

2 Member States shall encourage the reduction of discards of sharks by improving the selectivity of fishing gears.

Article 15

Sea turtles

Member States shall encourage the release of live sea turtles captured accidentally.

Article 16

Sport and recreational fishing in the Mediterranean

1 Member States shall take the measures necessary to prohibit the use in the Mediterranean for sport and recreational fishing activities of towed nets, encircling nets, purse seines, dredges, gill nets, trammel nets and longlines to fish for tuna and related species.

2 Member States shall ensure that tuna and related species captured during sport and recreational fishing in the Mediterranean are not marketed.

Article 17

Report

Member States shall send the Commission not later than 15 August each year a report on the implementation of this Chapter.

Status: This is the original version (as it was originally adopted).

- (1) [OJ L 5, 9.1.2004, p. 25](#). Regulation as amended by Regulation (EC) No 1799/2006 ([OJ L 341, 7.12.2006, p. 26](#)).