

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 IV

### **TECHNICAL MEASURES APPLICABLE IN AREA 3**

#### *Article 21*

#### **Transshipment**

- 1 The use of ancillary vessels to support vessels fishing with the aid of fish-aggregating devices shall be prohibited.
- 2 Transshipments at sea by seiners shall be prohibited.

#### *Article 22*

#### **Restrictions on the number of vessels**

- 1 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 seiners authorised to fish in Area 3. The number of vessels shall be set at the number of Community seiners registered in the IATTC register on 28 June 2002.
- 2 Member States shall forward to the Commission, before 10 December each year, a list of the vessels flying their flag and intending to fish for tuna in Area 3. Vessels which are not included in that list shall be regarded as inactive and shall not be authorised to fish during the current year.
- 3 The lists shall mention the internal fishing fleet register number assigned to the vessel in accordance with Annex I to Regulation (EC) No 26/2004 and the type of gear used.

#### *Article 23*

#### **Protection of dolphins**

Only Community fishing vessels operating under the conditions laid down in the Agreement on the International Dolphin Conservation Programme which have been allocated a Dolphin Mortality Limit (DML) shall be authorised to encircle schools or groups of dolphins with purse seines when fishing for yellowfin tuna in Area 3.

#### *Article 24*

#### **Requests for DMLs**

Member States shall send the Commission before 15 September each year:

- (a) a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the whole of the following year;
- (b) a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the first or second half of the following year;
- (c) for each vessel requesting a DML, a certificate stating that the vessel has all the proper gears and equipment to protect dolphins and that its captain has completed an approved training course on rescuing and releasing dolphins;
- (d) a list of vessels flying their flag which are likely to operate in the area in the course of the following year.

#### *Article 25*

#### **Allocation of DMLs**

1 Member States shall ensure that applications for DMLs comply with the conditions laid down in the Agreement on the International Dolphin Conservation Programme and the conservation measures adopted by the IATTC.

2 The Commission shall examine the lists and ensure that they comply with the provisions of the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC and shall send them to the Director of the IATTC. Where this examination reveals that the application does not meet the conditions referred to in this paragraph, the Commission shall immediately inform the Member State concerned that it cannot send all or part of an application to the Director of the IATTC, stating its reasons.

3 The Commission shall communicate to each Member State the overall DML to be distributed among the vessels flying their flag.

4 Each Member State shall send the Commission the breakdown of the DMLs among the vessels flying the flag of that Member State by 15 January each year.

5 The Commission shall send the Director of the IATTC the list and breakdown of the DMLs between Community fishing vessels by 1 February each year.

#### *Article 26*

#### **Protection of other species not targeted**

1 Purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, skipjack tuna, billfishes, rays, dorado, and other non-target species.

2 Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

## *Article 27*

### **Sea turtles**

1 Whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat.

2 If a sea turtle is entangled in the net, net roll shall stop as soon as the turtle comes out of the water and shall not start again until the turtle has been disentangled and released.

3 If a sea turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle shall be made before returning it to the water.

4 Tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea.

5 Where possible sea turtles caught in fish-aggregating devices and other fishing gear shall be released.

6 Fish-aggregating devices which are not used for fishing shall be recovered.