

Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104

## TITLE II

### FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

#### CHAPTER IV

#### *Fishing opportunities in waters of regional fisheries management organisations*

##### *Section 7*

##### **WCPFC Convention Area**

##### *Article 37*

##### **Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore fisheries**

- 1 Member States shall ensure that the number of fishing days allocated to purse-seine vessels fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area in the high seas and located between 20° N and 20° S does not exceed 403 days.
- 2 Union fishing vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.
- 3 Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners do not exceed 2 000 tonnes in 2016.

##### *Article 38*

##### **Closed area for FAD fishing**

- 1 In the part of the WCPFC Convention Area located between 20° N and 20° S, fishing activities of purse-seine vessels making use of fish aggregating devices (FADs) shall be prohibited between 00:00 hours of 1 July 2016 and 24:00 hours of 31 October 2016. During that period, a purse-seine vessel may only engage in fishing operations within that part of the WCPFC Convention Area if it carries onboard an observer to monitor that at no time does the vessel:
  - a deploy or service a FAD or associated electronic device;
  - b fish on schools in association with FADs.

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) 2016/72. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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2 All purse-seine vessels fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain onboard and land or tranship all bigeye, yellowfin and skipjack tuna caught.

- 3 Paragraph 2 shall not apply in the following cases:
- a in the final set of a trip, if the vessel has insufficient well space left to accommodate all fish;
  - b where the fish is unfit for human consumption for reasons other than size; or
  - c when a serious malfunction of freezer equipment occurs.

#### Article 39

### Limitations to the number of Union fishing vessels authorised to fish swordfish

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Convention Area shall be as set out in Annex VII.

#### Article 40

### Silky sharks and oceanic whitetip sharks

- 1 Retaining on board, transhipping, storing or landing any part or whole carcass of the following species in the WCPFC Convention Area shall be prohibited:
- a silky sharks (*Carcharhinus falciformis*),
  - b oceanic whitetip sharks (*Carcharhinus longimanus*)
- 2 When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

#### Article 41

### Overlap area between IATTC and WCPFC

1 Vessels listed exclusively in the WCPFC register shall apply the measures set out in Articles in this Section when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).

2 Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in Article 33(1)(a) and (2) to (4) and Article 34 when fishing in the overlap area between IATTC and WCPFC as defined in Article 4(r).

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**Changes and effects yet to be applied to :**

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex IA Text replacement by [EUR 2016/2285](#) Regulation