

Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007

## TITLE II

### MANAGEMENT, CONSERVATION AND CONTROL MEASURES CONCERNING CERTAIN SPECIES

#### CHAPTER I

#### *Tropical tunas*

##### *Article 5*

#### **Restrictions on the number of Union large-scale catching vessels targeting bigeye tuna**

The number and total capacity in gross tonnage (GT) of Union large-scale catching vessels targeting bigeye tuna in the ICCAT Convention area shall be determined:

- (a) as the average number and the capacity in GT of Union catching vessels targeting bigeye tuna in the ICCAT Convention area during the period 1991 to 1992; and
- (b) on the basis of the restriction on the number of Union catching vessels targeting bigeye tuna in 2005 as notified to ICCAT on 30 June 2005.

##### *Article 6*

#### **Specific authorisations for large-scale tropical tuna catching vessels and for support vessels**

1 Member States shall issue authorisations, in accordance with the provisions laid down in a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets<sup>(1)</sup>, to large-scale catching vessels flying their flag to fish tropical tunas in the ICCAT Convention area.

2 Member States shall issue authorisations to support vessels flying their flag used for any kind of support to vessels referred to in paragraph 1.

##### *Article 7*

#### **ICCAT record of authorised tropical tuna vessels**

1 Member States shall notify the Commission, without delay and at the latest within 30 days, of any event requiring an addition to, deletion from or modification of the ICCAT record of

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authorised tropical tuna vessels. The Commission shall, without delay and at the latest within 45 days from the date of such event, submit that information to the ICCAT Secretariat.

2 Large-scale fishing vessels not entered into the ICCAT record of authorised tropical tuna vessels shall not be allowed to fish, retain on board, tranship, transport, transfer, process or land tropical tunas from the ICCAT Convention area. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

#### *Article 8*

##### **List of vessels fishing tropical tunas in a given year**

Member States shall, by 30 June of each year, submit to the Commission the list of authorised vessels flying their flag which have fished for tropical tunas in the ICCAT Convention area in the previous calendar year. The Commission shall, by 31 July of each year, notify ICCAT of the lists received from the Member States.

#### *Article 9*

##### **Management plans in respect of fish-aggregating devices**

1 In respect of purse seine and baitboat catching vessels fishing for tropical tunas in association with fish-aggregating devices (FADs), Member States shall, by 31 December of each year, submit to the Commission management plans for the use of such FADs by vessels flying their flag. The Commission shall forward that information to the ICCAT Secretariat by 31 January of the following year.

2 The objective of the management plans referred to in paragraph 1 shall be to:

- a improve the knowledge about FAD characteristics, buoy characteristics, FAD fishing, including fishing effort, and related impacts on targeted and non-targeted species;
- b effectively manage the deployment and recovery of FADs and beacons and their potential loss;
- c reduce and limit the impacts of FADs and FAD fishing on the ecosystem, including, where appropriate, by acting on the different components of the fishing mortality (e.g. number of deployed FADs, including number of FAD sets by purse seiners, fishing capacity, number of support vessels).

3 The management plans referred to in paragraph 1 shall contain the information set out in Annex II.

4 Member States shall ensure that no more than 500 instrumental buoys are active at any one time for each purse seiner flying their flag and fishing for tropical tunas in association with FADs.

#### *Article 10*

##### **Requirements for FADs**

1 FADs shall comply with the following requirements:

- a the surface structure of the FAD shall be either not covered by any material or covered only with material implying minimum risk of entangling non-targeted species; and

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- b the sub-surface components shall be exclusively composed of material which does not entangle non-targeted species.
- 2 When designing FADs, biodegradable materials shall, if possible, be prioritised with a view to phasing out non-biodegradable FADs by 2018.
- 3 Member States shall report to the Commission, as part of the annual report referred to in Article 71, on the steps undertaken to ensure compliance with paragraphs 1 and 2 of this Article. The Commission shall forward that information to the ICCAT Secretariat.

### *Article 11*

#### **Information on FADs submitted by vessels**

- 1 For each deployment of a FAD, Union purse seine and baitboat catching vessels and Union support vessels shall collect and report the following information and data:
  - a position of the FAD;
  - b date of deployment of the FAD;
  - c FAD type (anchored FAD, drifting artificial FAD);
  - d FAD identifier (i.e. FAD marking or beacon ID, type of buoy — e.g. simple buoy or associated with echo sounder), or any information allowing identification of the owner;
  - e FAD design characteristics (dimension and material of the floating part and of the underwater hanging structure, and the entangling feature of the underwater hanging structure).
- 2 For each visit on a FAD, whether followed or not by a set, Union purse seine and baitboat catching vessels and Union support vessels shall collect and report the following information:
  - a type of visit (hauling, retrieving, intervention on electronic equipment);
  - b position of the FAD;
  - c date of visit;
  - d FAD type (anchored FAD, drifting natural FAD, drifting artificial FAD);
  - e FAD identifier (i.e. FAD marking or beacon ID) or any information allowing identification of the owner;
  - f if the visit is followed by a set, the results of the set in terms of catch and by-catch, whether retained or discarded, dead or alive, or, if the visit is not followed by a set, the reason for such decision (for instance not enough fish or fish too small).
- 3 For each loss of a FAD, Union purse seine and baitboat catching vessels and Union support vessels shall collect and report the following information:
  - a the last registered position;
  - b date of the last registered position;
  - c FAD identifier (i.e. FAD marking or beacon ID), or any information allowing identification of the owner.
- 4 Union fishing vessels shall keep a list of deployed FADs, updated on a quarterly basis, containing at least the information set out in Annex III.

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## Article 12

### Information on FADs submitted by Member States

Member States shall submit every year to the Commission, 15 days prior to the deadline established by ICCAT for the given year, the following information, in order to make it available to the ICCAT Secretariat:

- (a) the number of FADs actually deployed, on a quarterly basis, by FAD type, indicating the presence or absence of a beacon/buoy or of an echo sounder associated to the FAD;
- (b) the number and type of beacons/buoys (e.g. radio, with echo sounder) actually deployed, on a quarterly basis;
- (c) the average numbers of active beacons/buoys, on a quarterly basis, that have been followed by each vessel;
- (d) average numbers of active FADs lost, on a quarterly basis;
- (e) for each support vessel, the number of days spent at sea, per 1° grid area, month and flag Member State.

## Article 13

### Logbooks

Member States shall ensure that:

- (a) paper and electronic fishing logbooks, as well as FAD logbooks, where applicable, are promptly collected and made available to Union scientists;
- (b) the Task II data transmitted to the Commission pursuant to Article 50 include the information collected from the fishing or FAD logbooks, where applicable.

## Article 14

### Time and area closure in relation with the protection of juveniles

1 Targeting for, or supporting activities to target tropical tunas in association with objects that could affect fish aggregation, including FADs, shall be prohibited:

- a from 1 January to 28 February each year; and
- b in the area delineated as follows:
  - Northern limit — Parallel 5° North latitude,
  - Southern limit — Parallel 4° South latitude,
  - Western limit — Meridian 20° West longitude,
  - Eastern limit — the African coast.

2 The prohibition referred to in paragraph 1 shall include:

- a launching any floating objects, with or without buoys;
- b fishing around, under, or in association with artificial objects, including vessels;
- c fishing around, under, or in association with natural objects;

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d towing floating objects from inside to outside the area.

3 Each Member State whose vessels fish in the geographical area of the time and area closure shall:

- a take appropriate action to ensure that all vessels flying its flag, including support vessels, when engaged in fishing activities during the time and area closure referred to in paragraph 1 of this Article, have an observer on board. The observer programme shall comply with Annex IV to this Regulation, without prejudice to Article 73 of Regulation (EC) No 1224/2009;
- b submit the information collected by the observers referred to in point (a) every year by 30 June to the Commission who shall notify ICCAT by 31 July;
- c take appropriate action against fishing vessels flying its flag that do not comply with the time and area closure referred to in paragraph 1;
- d submit a report on the compliance with the time and area closure to the Commission as part of its annual report referred to in Article 71.

#### *Article 15*

### **Fishing for tropical tunas in certain Portuguese waters**

It shall be prohibited to retain on board any quantity of tropical tunas 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 target such species in those areas with those gear. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

#### *Article 16*

### **Identification of IUU fishing**

If the ICCAT Executive Secretary notifies the Commission of a possible violation by Union fishing vessels of Article 7(2) and Article 14(1) and (2), the Commission shall without delay inform the flag Member State concerned. That Member State shall immediately investigate the situation and, if the vessel is fishing in association with objects that could affect fish aggregation, including FADs, shall request the vessel to stop fishing and, if necessary, leave the area without delay. The flag Member State concerned shall without delay report to the Commission the results of its investigation and the corresponding measures taken. The Commission shall forward that information to the coastal State and to the ICCAT Executive Secretary.

## *CHAPTER II*

### *North Atlantic albacore*

#### *Article 17*

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

The maximum number of Union catching vessels targeting North Atlantic albacore in the ICCAT Convention area shall be determined as the average number of Union

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catching vessels fishing for North Atlantic albacore as a target species during the period 1993 to 1995.

### CHAPTER III

#### **Swordfish**

##### *Section 1*

#### **Swordfish in the Atlantic**

##### *Article 18*

#### **Management plans for North Atlantic swordfish**

Member States that have been allocated a quota and whose vessels are fishing for North Atlantic swordfish shall submit to the Commission their management plans by 15 August of each year. The Commission shall forward that information to the ICCAT Secretariat by 15 September of each year.

##### *Article 19*

#### **Minimum size for North Atlantic swordfish**

1 Targeting, retaining on board or transshipping, landing, transporting, storing, displaying or offering for sale, selling or marketing swordfish of less than 25 kg live weight, or, alternatively, 125 cm of lower jaw fork length, shall be prohibited. Article 15(1) of Regulation (EU) No 1380/2013 shall not apply in such cases.

2 By way of derogation from paragraph 1, incidental catches of maximum 15 % of swordfish weighing less than 25 kg live weight or 125 cm of lower jaw fork length may be retained on board, transhipped, transferred, landed, transported, stored, sold, displayed or offered for sale.

3 The tolerance of 15 % referred to in paragraph 2 shall be calculated on the basis of the number of swordfish of the vessel's total swordfish catch per landing.

##### *Section 2*

#### **Swordfish in the Mediterranean**

##### *<sup>F1</sup>Article 20*

#### **[<sup>F1</sup>Vessels authorised to target Mediterranean swordfish**

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**Textual Amendments**

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

*F1* Article 21

**By-catch**

**Textual Amendments**

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

*F1* Article 22

**Special fishing authorisation**

**Textual Amendments**

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

*F1* Article 23

**Closed fishing seasons**

**Textual Amendments**

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

*F1* Article 24

**Minimum size for Mediterranean swordfish**

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#### Textual Amendments

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

#### <sup>F1</sup>Article 25

### Technical specifications of the fishing gear for vessels authorised to target Mediterranean swordfish

#### Textual Amendments

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

#### <sup>F1</sup>Article 26

### Reporting obligations for Mediterranean swordfish]

#### Textual Amendments

- F1** Deleted by Regulation (EU) 2019/1154 of the European Parliament and of the Council of 20 June 2019 on a multiannual recovery plan for Mediterranean swordfish and amending Council Regulation (EC) No 1967/2006 and Regulation (EU) 2017/2107 of the European Parliament and of the Council.

## CHAPTER IV

### *Blue marlin and white marlin in the Atlantic*

#### Article 27

### Release of blue marlin and white marlin caught alive

1 By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, when their quota is being approached, Member States shall ensure that vessels flying their flag release all blue marlin (*Makaira nigricans*) and white marlin (*Tetrapturus albidus*) that are alive by the time of boarding.

2 Member States referred to in paragraph 1 shall take appropriate measures to ensure that blue marlin and white marlin are released in a manner that maximise their chances of survival.



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## Article 28

### **Landing of blue marlin and white marlin beyond the fishing opportunities**

When a Member State has exhausted its quota, that Member State shall ensure that the landings of blue marlin and white marlin that are dead when brought alongside the vessel are not sold or entered into commerce. Such landings shall not count against that Member State's catch limits as set out in paragraph 1 of ICCAT Recommendation 2015-05, provided that such prohibition is clearly explained in the annual report referred to in Article 71 of this Regulation.

## Article 29

### **Recreational fisheries of blue marlin and white marlin**

1 Member States whose vessels are engaged in recreational fisheries of blue marlin and white marlin shall maintain a 5 % scientific observer coverage of blue marlin and white marlin tournament landings.

2 In recreational fisheries of blue marlin a minimum conservation size of 251 cm lower jaw fork length shall apply.

3 In recreational fisheries of white marlin a minimum conservation size of 168 cm lower jaw fork length shall apply.

4 It shall be prohibited to sell or to offer for sale any part or whole carcass of blue marlin or white marlin caught in recreational fisheries.

## CHAPTER V

### **Sharks**

## Article 30

### **General provisions**

1 In fisheries that are not targeting sharks, live sharks that are caught incidentally and are not used for food or subsistence shall be released.

2 Member States shall, where possible, carry out research on shark species caught in the ICCAT Convention area in order to improve the selectivity of fishing gear, to identify potential nursery areas and consider time and area closure and other measures, as appropriate. Such research shall provide information on key biological and ecological parameters, life-history and behavioural traits, as well as on the identification of potential mating, pupping and nursery grounds.

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### Article 31

#### **Porbeagle sharks (*Lamna nasus*)**

1 Retaining on board, transshipping or landing any part or whole carcass of porbeagle sharks caught in association with ICCAT fisheries shall be prohibited.

2 Union catching vessels shall promptly release, unharmed, porbeagle sharks caught in association with ICCAT fisheries when brought alongside the vessel.

### Article 32

#### **Bigeye thresher sharks (*Alopias superciliosus*)**

1 Retaining on board, transshipping or landing any part or whole carcass of bigeye thresher sharks caught in association with ICCAT fisheries shall be prohibited.

2 Union catching vessels shall promptly release, unharmed, bigeye thresher sharks caught in association with ICCAT fisheries when brought alongside the vessel.

### Article 33

#### **Shortfin mako sharks (*Isurus oxyrinchus*)**

Member States shall take appropriate measures to reduce fishing mortality in fisheries targeting shortfin mako sharks and shall report to the Commission, as part of the annual report referred to in Article 71, about the progress made.

### Article 34

#### **Oceanic whitetip shark (*Carcharhinus longimanus*)**

1 Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks caught in association with ICCAT fisheries shall be prohibited.

2 Union catching vessels shall promptly release, unharmed, oceanic whitetip sharks caught in association with ICCAT fisheries when brought alongside the vessel.

### Article 35

#### **Hammerhead sharks**

1 Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except *Sphyrna tiburo*) caught in association with ICCAT fisheries shall be prohibited.

2 Union catching vessels shall promptly release, unharmed, hammerhead sharks caught in association with ICCAT fisheries when brought alongside the vessel.

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## Article 36

### **Silky sharks (*Carcharhinus falciformis*)**

1 Retaining on board, transshipping or landing any part or whole carcass of silky sharks caught in association with ICCAT fisheries shall be prohibited.

2 Union catching vessels shall promptly release, unharmed, silky sharks caught in association with ICCAT fisheries, at the latest before putting the catch into the fish holds, giving due consideration to the safety of crew members.

3 Union purse seiners engaged in ICCAT fisheries shall take additional measures to increase the survival rate of silky sharks caught incidentally. Member States shall report to the Commission, as part of the annual report referred to in Article 71, about the progress made.

## Article 37

### **Sampling of shark species by scientific observers and other authorised individuals**

1 By way of derogation from the prohibition to retain on board porbeagle, bigeye thresher, oceanic whitetip, hammerhead (of the *Sphyrnidae* family, except for the *Sphyrna tiburo*) and silky sharks, as set out in Articles 31, 32, 34, 35 and 36, the collection of biological samples during commercial fishing operations by scientific observers or individuals authorised by the CPC to collect biological samples shall be permitted under the following conditions:

- a the biological samples are collected only from animals which are dead at the haul back;
- b the biological samples are taken in the framework of a research project notified to the Standing Committee on Research and Statistics of the ICCAT and developed taking into consideration the recommended research priorities of that Committee. The research project should include a detailed document that describes the objective of the project, the methodologies to be used, the number and type of samples to be collected and the time and area of sampling;
- c the biological samples are kept on board until the port of landing or transshipment; and
- d the authorisation of the flag Member State or, in the case of chartered vessels, of the chartering CPC and the flag Member State, must accompany all samples collected in accordance with this Article until the final port of landing. Such samples and other parts of the shark specimens sampled shall not be marketed or sold.

2 The biological samples referred to in paragraph 1 may include, in particular, vertebrae, tissue, reproductive tracts, stomachs, skin samples, coil valves, jaws, whole fish or skeletons for taxonomic studies and fauna inventories.

3 The sampling campaign may only start once the authorisation by the Member State concerned has been issued.

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## CHAPTER VI

### Seabirds

#### Article 38

##### **Mitigation measures for seabirds in the area between 20° South and 25° South**

- 1 All vessels fishing between 20° and 25° South shall carry and use bird-scaring lines (tori lines) and tori poles that meet the requirements and supplemental guidelines set out in Annex V.
- 2 Tori lines shall be deployed prior to longlines entering the water, at all times.
- 3 Where practical, a second tori pole and tori line shall be used at times of high bird abundance or activity.
- 4 Back-up tori lines shall be carried by all vessels and be ready for immediate use.
- 5 Longline vessels targeting swordfish by using monofilament longline gear shall be exempted from the requirements of paragraphs 1, 2 and 3, subject to the following conditions:
  - a longlines are set during the night, with night being defined as the period between nautical dusk/dawn as referenced in the nautical dusk/dawn almanac for the geographical position of fishing; and
  - b minimum swivel weight of 60 g placed not more than 3 metres from the hook is used to achieve optimum sink rates.

The flag Member States of the vessels subject to the exemption referred to in the first subparagraph shall inform the Commission of their scientific findings resulting from their observer coverage of those vessels.

#### Article 39

##### **Mitigation measures for seabirds in the area south of 25° South**

Longline vessels shall use at least two of the following mitigation measures in accordance with the requirements and supplemental guidelines set out in Annex V:

- (a) night setting with minimum deck lighting;
- (b) bird-scaring lines (tori lines);
- (c) line weighting.

#### Article 40

##### **Reporting obligations for seabirds**

- 1 Longline vessels shall collect and provide to their flag Member State information on interactions with seabirds, including incidental catches. Member States shall submit that information to the Commission by 30 June of each year. The Commission shall forward that information to the ICCAT Secretariat without delay.

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2 Member States shall inform the Commission on the implementation of the measures laid down in Articles 38 and 39 and on the progress of the implementation of the Union action plan for reducing incidental catches of seabirds in fishing gear.

## CHAPTER VII

### Sea turtles

#### Article 41

##### General provisions for sea turtles

1 Purse seiners shall avoid encircling sea turtles and shall release encircled or entangled sea turtles, including on FADs. They shall report interactions between purse seines or FADs and sea turtles to their flag Member State.

2 Pelagic longline vessels shall carry and use safe-handling, disentanglement and release equipment capable of releasing sea turtles in a manner that maximises their chances of survival.

3 Fishermen on pelagic longline vessels shall use the equipment referred to in paragraph 2 in accordance with Annex VI, in order to maximise the chances of sea turtle survival.

4 Member States shall train fishermen on pelagic longline vessels in safe handling and release techniques.

#### Article 42

##### Reporting obligations for sea turtles

1 Member States shall collect and transmit to the Commission, by 30 June of each year, the information on the interactions of their vessels with sea turtles in ICCAT fisheries by gear type. The Commission shall forward that information to the ICCAT Secretariat by 31 July of each year. That information shall include:

- a catch rates, gear characteristics, times and locations, target species and disposition status (i.e. discarded dead or released alive);
- b a breakdown of interactions by sea turtle species; and
- c the nature of the hooking or entanglement (including with FADs), bait type, hook size and type, and the size of the animal.

2 Member States shall report to the Commission, as part of the annual report referred to in Article 71, on the implementation of Article 41 and on other relevant actions taken to implement, with respect to ICCAT fisheries, the Guidelines to reduce sea turtle mortality in fishing operations published in 2010 by the Food and Agriculture Organization (FAO).

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## CHAPTER VIII

### ***Fishing opportunities for bluefin tuna and swordfish***

#### *Article 43*

#### **General principle**

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities for bluefin tuna and swordfish stocks available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fishing, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

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