



COMMISSION OF THE EUROPEAN COMMUNITIES

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99/0222 (CNS)

Proposal for a

**COUNCIL REGULATION**

**amending for the fourth time Regulation (EC) No 1626/94 laying down certain technical measures for the conservation of fishery resources in the Mediterranean and for the fourth time Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The International Commission for the Conservation of Atlantic Tuna (ICCAT), at its 11th extraordinary session held in Santiago de Compostela, Spain, from 16 to 23 November 1998, recommended certain specific rules on minimum landing sizes of blue fin tuna. In particular, a previous recommendation to prohibit the landing of bluefin tuna of age 0, which was interpreted hitherto as fish weighing 1.8 kg, has been modified to prohibit any landing of fish below 3.2 kg, in order to give additional protection to juvenile fish. It was also recommended to change the dates of the existing closure for purse seine fishing.

The Community is a member of ICCAT and is therefore bound by these recommendations, which entered into force on 21 June 1999.

The rules about minimum landing sizes for bluefin tuna are set out in Council Regulation (EC) No 1626/94 and Council Regulation (EC) No 850/98 for the Mediterranean Sea and for regions 1 to 8 of the Atlantic and Indian Oceans, respectively. In order to comply with its international obligations, the Community must adapt these regulations in order to incorporate the ICCAT's recommendations. The present proposal aims to do so.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular, Article 37 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas:

- (1) According to Article 2 of Council Regulation (EEC) No 3760/92 of the Council of 20 December 1992<sup>4</sup>, the general objectives of the common fisheries policy shall be to protect and conserve living marine aquatic resources;
- (2) The International Commission for the Conservation of Atlantic Tuna (ICCAT), at its 11th extraordinary session held in Santiago de Compostela, Spain, from 16 to 23 November 1998, recommended certain specific rules on seasonal closures and on minimum landing sizes of blue fin tuna; whereas these rules are drawn up on scientific advice; this recommendation entered into force on 21 June 1999;
- (3) The Community is a member of ICCAT; it is therefore necessary to implement those recommendations, in order to avoid an excessive fishing pressure on bluefin tuna;

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<sup>1</sup> OJ C

<sup>2</sup> OJ C

<sup>3</sup> OJ C

<sup>4</sup> OJ L 389, 31.12.1992, p. 1

- (4) Council Regulation (EC) No. 1626/94 of 27 June 1994<sup>5</sup> and Council Regulation (EC) No 850/98 of 30 March 1998<sup>6</sup> set out minimum sizes for bluefin tuna in, respectively, the Mediterranean Sea and in regions 1 to 5, except Skagerrak and Kattegat, of the Atlantic and Indian Oceans; Council Regulation (EC) No. 1626/94 set out seasonal closures in the Mediterranean Sea; these Regulations should consequently be amended,

HAS ADOPTED THIS REGULATION:

*Article 1*

Council Regulation (EC) No 1626/94 is modified as follows:

1. In Article 3a, paragraph 1 shall be replaced by the following text:

“1. It shall be forbidden to take bluefin tuna with an encircling net:

- For vessels whose exclusive or predominant area of operation is the Adriatic, from 1 to 31 May in the whole Mediterranean Sea and from 16 July to 15 August in the Mediterranean Sea excluding the Adriatic;
- For vessels whose exclusive or predominant area of operation is the Mediterranean, excluding the Adriatic, from 16 July to 15 August in the whole Mediterranean Sea and from 1 to 31 May in the Adriatic;

Member States shall ensure that all vessels flying their flag or registered in them are affected by the above-mentioned rules.

For the purposes of this Regulation, the southern limit of the Adriatic Sea shall be a line drawn between the Albanian-Greek border and Cape Santa Maria-Leuca.”

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<sup>5</sup> OJ L 171, 6.7.1994, p. 1. Regulation as amended by Council Regulation (EC) No 782/98 (OJ L 113, 15.4.1998, p.6)

<sup>6</sup> OJ L 125, 27.4.1998, p.1. Regulation as amended by Council Regulation (EC) No 308/1999 (OJ L 38, 12.2.1999 p. 6)

2. The following text shall replace the corresponding entries of Annex IV to Regulation (EC) No 1626/94:

"

Species	Minimum size
<i>Thunnus thynnus</i>	70 cm or 6.4 kg <sup>(**)</sup>

<sup>(\*\*)</sup> However, the rules set out in Article 8, paragraph 3, shall not apply to fish, up to 15% in number of individuals, weighing between 3.2 kg and 6.4 kg, and caught accidentally."

#### *Article 2*

The following text shall replace the corresponding entries of Annex XII to Council Regulation (EC) No 850/98:

"

Species	Minimum size
Bluefin tuna ( <i>Thunnus thynnus</i> ) <sup>(5)</sup>	6.4 kg or 70 cm

<sup>(5)</sup> However, the rules set out in Article 19, paragraph 1, shall not apply to fish, up to 15% in number of individuals, weighing between 3.2 kg and 6.4 kg, and caught accidentally."

#### *Article 3*

This regulation shall enter into force the day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels,

*For the Council*  
*The President*