



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2014

8779/14

**Interinstitutional File:
2013/0133 (COD)**

**CODEC 1057
PECHE 194
PE 274**

INFORMATION NOTE

from:	General Secretariat of the Council
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean - Outcome of the European Parliament's first reading (Strasbourg, 14 to 17 April 2014)

I. INTRODUCTION

The Committee on Fisheries adopted four amendments to the proposal for a Regulation.

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p.5

In this context, the Committee presented a further, compromise, amendment. This compromise amendment had been agreed during the informal contacts referred to above. It was intended to supersede - rather than complement - the four amendments already submitted to the plenary.

II. VOTE

When it voted on 16 April 2014, the plenary adopted the compromise amendment. No other amendments were adopted.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position, which is contained in its legislative resolution as set out in the Annex hereto ¹.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean *I**

European Parliament legislative resolution of 16 April 2014 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (COM(2013)0250 – C7-0117/2013 – 2013/0133(COD))

(Ordinary legislative procedure: first reading)

= *The European Parliament,*

- a) –having regard to the Commission proposal to Parliament and the Council (COM(2013)0250),
- b) –having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0117/2013),
- c) –having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- d) –having regard to the opinion of the European Economic and Social Committee of 16 October 2013¹,
- e) –having regard to the undertaking given by the Council representative by letter of 7 March 2014 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- f) –having regard to Rule 55 of its Rules of Procedure,
- g) –having regard to the report of the Committee on Fisheries (A7-0102/2014),
- h) 1. Adopts its position at first reading hereinafter set out;
- i) 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
- j) 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 67, 6.3.2014, p. 157.

(1) P7_TC1-COD(2013)0133

Position of the European Parliament adopted at first reading on 16 April 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 67, 6.3.2014, p. 157.

² Position of the European Parliament of 16 April 2014.

Whereas:

- (1) The Union is a Party to the International Convention for the Conservation of Atlantic Tunas¹ ("the Convention").
- (2) At its 16th Special Meeting in 2008, the International Commission for the Conservation of Atlantic Tunas ("ICCAT"), established by the Convention, adopted Recommendation 08-05 to establish a new recovery plan for Bluefin tuna in the eastern Atlantic and in the Mediterranean, replacing the previous recovery plan adopted in 2006. Council Regulation (EC) No 302/2009² was adopted to implement those international conservation measures at Union level.
- (3) At its 17th Special Meeting in 2010, ICCAT adopted Recommendation 10-04 amending the multiannual recovery plan for Bluefin tuna. Regulation (EC) No 302/2009 was then amended by Regulation (EU) No 500/2012 of the European Parliament and of the Council³ to implement those revised international conservation measures at Union level.

¹ Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

² Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

³ Regulation (EU) No 500/2012 of the European Parliament and of the Council of 13 June 2012 amending Council Regulation (EC) No 302/2009 concerning a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean (OJ L 157, 16.6.2012, p. 1).

- (4) At its 18th Special Meeting in 2012, ICCAT adopted Recommendation 12-03 further amending the multiannual recovery plan for Bluefin tuna. In order to better adapt the fishing seasons to the activity of the fleets, Recommendation 12-03 provides for a modification of the fishing seasons, which are now defined as open seasons, as opposed to closed seasons indicated in the previous ICCAT Recommendations. In addition, the actual dates on which fishing is permitted by purse seiners, baitboats and trolling boats have been modified. Finally, to avoid any uncertainty for those gears which are not subject to any specific rules on fishing seasons, it was necessary to include a provision explicitly allowing all other gears, *with the exception of all kinds of driftnets*, the possibility to fish all year round. *The periods and the dates of the fishing seasons in the Atlantic may be reviewed by ICCAT in 2015, following advice from the Standing Committee on Research and Statistics of ICCAT (SCRS).*
- (5) *At its 23rd Regular Meeting in November 2013, ICCAT adopted Recommendation 13-08 complementing Recommendation 12-03, in order to allow modifications to the fishing seasons for baitboats and trolling boats in the eastern Atlantic that do not affect the protection of the Bluefin tuna spawning grounds in the Mediterranean. That ICCAT Recommendation states that the Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities may specify a different starting date for the fishing seasons for their baitboats and trolling boats operating in the eastern Atlantic, while keeping the total duration of the open season for those fisheries. That ICCAT Recommendation also lays down rules for the use of stereoscopic cameras in the context of caging operations. It is the intention that all the technical specifications, including the sampling intensity, the way of sampling, the distance from the camera, the dimensions of the transfer gate, algorithms (length-weight relationship) be reviewed by the SCRS at its 2014 meeting, and if necessary modified by ICCAT at its 2014 meeting based on SCRS recommendations.*

- (6) ***In order to implement into Union law ICCAT Recommendation 12-03*** so as to ensure the effective conservation of the Bluefin tuna stock, to provide legal certainty as to the fishing seasons concerned and, lastly, to allow Member States to properly define their fishing, capacity and inspection plans and other reporting obligations, ***and in order to implement into Union law ICCAT Recommendation 13-08 with regard to the use of stereoscopic camera systems in the context of caging operations and the possible setting of a different starting date for the fishing seasons for baitboats and trolling boats in the eastern Atlantic***, it is necessary to modify the ***relevant*** provisions of Regulation (EC) No 302/2009 as soon as possible ,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 302/2009 is amended as follows:

- (1) Article 7 is replaced by the following:

"Article 7

Fishing seasons

1. Bluefin tuna fishing in the eastern Atlantic and Mediterranean by large-scale pelagic long line catching vessels over 24 m shall be permitted during the period from 1 January to 31 May, with the exception of the area delimited by West of 10°W and North of 42°N, where such fishing shall be permitted during the period from 1 August to 31 January.
2. Purse seine fishing for Bluefin tuna shall be permitted in the eastern Atlantic and Mediterranean during the period from 26 May to 24 June.
3. Bluefin tuna fishing by baitboats and trolling boats shall be permitted in the eastern Atlantic and Mediterranean during the period from 1 July to 31 October.

Notwithstanding the first subparagraph, for the years 2014 and 2015, and since the protection of the spawning grounds is not affected, Member States may specify, in their annual national fishing plans, a different starting date for baitboats and trolling boats flying their flag and operating in the eastern Atlantic, provided that the total duration of the open season for those fisheries continues to comply with the first subparagraph.

The Union fishing plan to be submitted to ICCAT by 15 February of each year shall specify whether the starting dates for those fisheries have been modified, as well as the coordinates of the areas concerned.

4. Bluefin tuna fishing by pelagic trawlers shall be permitted in the eastern Atlantic during the period from 16 June to 14 October.
5. Bluefin tuna recreational and sport fishing shall be permitted in the eastern Atlantic and Mediterranean during the period from 16 June to 14 October.
6. Fishing for Bluefin tuna with gears other than those referred to in paragraphs 1 to 5 shall be permitted throughout the year. This notwithstanding, fishing for Bluefin tuna with all kinds of driftnets shall be prohibited.";

(2) *the following Article is inserted:*

"Article 24a

Use of stereoscopic cameras during caging operations

The use of stereoscopic camera systems in the context of caging operations shall comply with the following conditions:

- (a) *the sampling intensity of live fish shall not be below 20 % of the amount of fish being caged; when technically possible, the sampling of live fish shall be sequential, one in every five specimens being measured; such a sample shall be made up of fish measured at a distance of between 2 and 8 m from the camera;*

- (b) *the dimensions of the transfer gate connecting the donor cage and the receiving cage shall be set at a maximum width of 10 m and a maximum height of 10 m;*
- (c) *when the length measurements of the fish present a multi-modal distribution (two or more cohorts of distinct sizes), it shall be possible to use more than one conversion algorithm for the same caging operation; the most up to date algorithms established by the Standing Committee on Research and Statistics of ICCAT shall be used to convert fork lengths into total weights, according to the size category of the fish measured during the caging operation;*
- (d) *the validation of the stereoscopic length measurements shall be undertaken prior to each caging operation using a scale bar at a distance of between 2 and 8 m;*
- (e) *when the results of the stereoscopic programme are communicated, the information shall indicate the margin of error inherent to the technical specifications of the stereoscopic camera system, which shall not exceed +/- 5 %."*

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*. ■

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

Done at ...,

For the European Parliament
The President

For the Council
The President

(2)