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NOTE

From:	The Netherlands delegation
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009

Delegations will please find attached the comments received from the Netherlands delegation concerning the abovementioned subject.

COM(2015) 180 final

Proposal for a Regulation on a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and the Mediterranean repealing Regulation (EC) No 302/2009

Comments on Chapters II-IV in the Council Working Party of 4 June

CHAPTER II – Management Measures

Article 5(3)

NL: 3. **Het charteren** van vissersvaartuigen van de Unie voor de blauwvintonijnvisserij in het oostelijke deel van de Atlantische Oceaan en de Middellandse Zee **is verboden**.

EN: 3. **'Chartering** of Union fishing vessels for Bluefin tuna fishing in the eastern Atlantic and the Mediterranean **shall be prohibited**'.

Comment:

Paragraph 3 is unclear because the wording is wrong.

Chartering is the hiring of a means of transport together with a crew. The actual chartering is probably done in an office somewhere and in any case not in the eastern part of the Atlantic Ocean and the Mediterranean Sea.

Proposal:

'Union fishing vessels **that have been chartered** shall be prohibited from carrying out Bluefin tuna fishing in the eastern part of the Atlantic Ocean and the Mediterranean'.

Article 6(1)

NL: 1. **Elke** lidstaat zendt uiterlijk op 31 januari van elk jaar de volgende informatie aan de Commissie toe: .

EN: 1. 'By 31 January each year, **each** Member State shall transmit to the Commission:'.

Comment:

Unnecessary burden for Member States that have absolutely nothing to do with tuna catches.

Proposal:

Make it absolutely clear that the obligation applies only to Member States concerned by it.

NB. this also applies to:

Article 7(1) (“annual fishing plan submitted by **each** Member State”)

Article 8(1) (“annual fishing capacity management plan submitted by **each** Member State”)

Article 9(1) (“farming management plan submitted by **each** Member State”)

CHAPTER III – TECHNICAL MEASURES

Article 10(5)

NL: 5. De visserij op blauwvintonijn **met ander vistuig dan vermeld** in de leden 1 tot en met 4 en in artikel 11, met inbegrip van tonnara's, is het hele jaar toegestaan.

EN: 5. 'Fishing for Bluefin tuna **by gears other** than those referred to in paragraphs 1 to 4 and Article 11, including traps, shall be permitted throughout the year'.

Comment:

Paragraphs 1 to 4 make absolutely **no mention of fishing gear** (reference is at best indirect). These paragraphs actually deal with:

1. fishing by large-scale pelagic long line catching vessels.
2. purse seine vessels.
3. pelagic trawlers.
4. recreational and sport fisheries (defined as non-commercial fisheries)

Paragraph 5 ought to be better aligned with the content of paragraphs 1 to 4 inclusive.

Article 12 – The landing obligation

NL: De bepalingen van deze afdeling doen geen afbreuk aan artikel 15 van Verordening (EU) nr. 1380/2013, met inbegrip van afwijkingen op grond van artikel 15, lid 2, van die verordening.

EN: 'The provisions of this Section shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any derogation in line with Article 15(2) of that Regulation'.

FYI:

Article 15(2): 'Paragraph 1 shall be without prejudice to the Union's international obligations. The Commission shall be empowered to adopt delegated acts, in accordance with Article 46, for the purpose of implementing such international obligations into Union law, including, in particular, derogations from the landing obligation under this Article'.

Comment:

Not only Article 15(2) provides a basis for derogating from the landing obligation or laying down further provisions (particularly further provisions in multiannual plans on the basis of paragraph 5 or discard plans on the basis of paragraph 6). The assumption is that the remainder take precedence pursuant to Article 15.

Proposal:

The provisions of this Section shall be without prejudice to Article 15 of Regulation (EU) No 1380/2013, including any derogation in line with Article 15(2) of that Regulation.

Article 13(4)

NL: 4. De betrokken lidstaten verlenen **specifieke machtigingen** aan vaartuigen die vissen op grond van de in lid 2 bedoelde afwijking. 'The vessels concerned shall be indicated in the list of catching vessels referred to in Article 19(1)a'. For this purpose, the provisions laid down in Article 19 and 20 shall apply.

EN: 4. 'Member States concerned shall issue **specific authorisations** to the vessels to fish under the derogation referred to in paragraph 2. The vessels concerned shall be indicated in the list of catching vessels referred to in Article 19(1)a. For this purpose, the provisions laid down in Article 19 and 20 shall apply'.

Comment:

What are 'specific authorisations'? The Control Regulation provides only for 'fishing authorisation', which is issued only for 'specific fishing activities'. FYI: This is important because the Control Regulation regulates all aspects of how such authorisations are issued, according to which model and what the content is.

Proposal:

align with the terminology used in the Control Regulation, i.e. Member States concerned issue **fishing authorisations** to vessels.

Article 15

Regulates all obligations concerning by-catches.

Comment: What does by-catch cover? Ought that not to be defined?

Article 15(4)

NL: 4. Indien het aan de lidstaat van het betrokken vissersvaartuig of de betrokken tonnara toegewezen quotum reeds is opgebruikt, wordt het vangen van blauwvintonijn vermeden. Dode blauwvintonijn wordt aangeland, **in beslag genomen en aan passende follow-upmaatregelen** onderworpen. Overeenkomstig artikel 27 verstrekt elke lidstaat jaarlijks gegevens over de betrokken hoeveelheden aan de Commissie, die deze gegevens doorzendt aan het ICCAT-secretariaat.

EN: 4. 'If the quota allocated to the Member State of the fishing vessel or trap concerned has already been consumed, the catching of any Bluefin tuna shall be avoided. Dead Bluefin tuna must be landed and **shall be subject to confiscation** and the appropriate follow-up action. In accordance with Article 27, each Member State shall report information on such quantities on an annual basis to the Commission who shall forward it to the ICCAT Secretariat'.

Comment:

It is unclear what has to be confiscated. In particular because it is in a single sentence with 'must be landed' (can only be the fisherman) and is confiscated.

Proposal:

Member States shall ensure that they confiscate this Bluefin tuna and subject it appropriate follow-up action.

CHAPTER IV – SPORT AND RECREATIONAL FISHERIES

Article 17

NL: **Elke lidstaat** reglementeert de recreatie- en sportvisserij door toewijzing van een specifiek quotum voor die visserij en stelt de Commissie daarvan in kennis bij toezending van zijn visplan.

EN: '**Each Member State** shall regulate recreational and sport fisheries by allocating a specific quota for the purpose of those fisheries and shall inform the Commission thereof when transmitting its fishing plan'.

Comment:

It is unclear why this applies to all Member States.

Proposal:

Should be limited to 'each Member State with a Bluefin tuna quota', as in Article 18.