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Subject : External dimension of landing obligation-Consultation of stakeholders

Dear Ms Evans,

Referring to the letter (Ref: Ares(2014)2367422) received on July 16, relative to the regulations on Bluefin tuna in the ICCAT area, MEDAC makes the following observations.

Given that:

- Regulation n.1380/2013, article 15, establishes an obligation within the EC legal framework to land all catches subject to a quota (and/or minimum size in the Mediterranean ex Regulation n. 1967/06) and that the Bluefin Tuna (BFT) has a quota;
- Section 32 paragraph 1 of ICCAT Recommendation 13/07 states that "*Catching vessels not fishing actively for Bluefin tuna are not authorized to retain at any time following each fishing operation, Bluefin tuna exceeding more than 5% of the total catch by weight or number of pieces*."
- Section 32 paragraph 2 of the same recommendation, 13/07, also affirms that this ban, i.e. the ban on keeping more than 5% of the total catch on board, does not apply to CPCs whose domestic legislation requires that all dead fish be landed.

MEDAC considers that:

1) In order to ensure clarity of interpretation and to discourage any conduct not in line with the principles of sustainable fisheries, the delegated act will comply with, in its implementation, the provisions within Recommendation 13/07, in order to ensure that all catches of Bluefin tuna, if dead, are landed, with the difference that:

   - those below 5% (by-catch), once declared and included in the national quota, may be marketed in compliance with applicable provisions of the law in force;

   - those above 5% (by-catch), once declared and included in the national quota are subject to confiscation.

2) In order to ensure full compliance with the applicable ICCAT provisions on the issue, Article 11 of Regulation (EC) No. 302/2009 of 6 April 2009 should be changed where a multiannual recovery plan for Bluefin tuna in the eastern Atlantic and Mediterranean is concerned, amending Regulation (EC) No. 43/2009 and repealing Regulation (EC) No. 1559/2007.

When undersized specimens are caught as a result of direct fishery activities, as by-catch or as a result of recreational fisheries, if these specimens are dead then they must be destined for uses other than human consumption

Giampaolo Buonfiglio
Chair

