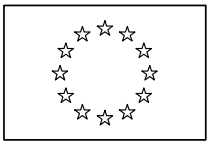

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.2.2009
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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On a European Community Action Plan for the Conservation and Management of Sharks

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{SEC(2009) 106}

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

On a European Community Action Plan for the Conservation and Management of Sharks

1. INTRODUCTION

Sharks are commonly known as top predators of the oceans and seas. Yet, they are very vulnerable species, whose populations face significant decline and, for some species, even a real threat of extinction in the EU waters.

From a biological perspective, sharks, skates, rays and chimaeras – known collectively as chondrichthyans – fall into two main groups: Elasmobranchs and Chimeras and include over 1000 species[1]. They can be found in all oceans and seas and in particular in the Northern Atlantic Ocean, where more than 50% of the catches made by EC vessels is concentrated.

While shark fisheries still account for a limited share of world fishing production, they have experienced rapid growth since the mid-1980s. This trend has been driven by an increased demand for shark products (fins in particular, but also meat, skin, cartilage, etc), especially in Asian market and has been sustained by a number of factors, including improvements in fishing technology, processing and consumer marketing and declines in other fish stocks. All these elements contributed to make sharks a more valuable fisheries. Between 1984 and 2004, world catches of sharks grew from 600,000 to over 810,000 metric tons.

Sharks populations are particularly vulnerable to unregulated and intensive harvesting, because of their specific biological characteristics. Their low reproductive potential and low capacity for population increase in fact means that stocks have a limited capacity to recover from periods of over-fishing or other negative shocks. A stable and effective framework for the management of shark fisheries is therefore necessary to ensure their sustainable exploitation.

Efforts to ensure a coordinated management of sharks fisheries have been made at international level.

Within the framework of the Code of Conduct for Responsible Fisheries, the FAO adopted in 1999 the International Plan of action for the conservation and management of sharks (IPOA SHARKS). While the FAO plan of action is not binding, it aims to provide all concerned States with a reference point and guidelines for designing their own plans for the conservation, management and long-term sustainable exploitation of sharks.

[1] Unless specified otherwise, the references to "sharks" in this document should be understood as covering all species of the class *Chondrichthyes*.

Despite the importance of sharks fisheries for EC fleets, to date sharks fisheries are not subject to a comprehensive management framework at Community level. A number of measures aiming directly or indirectly at the conservation and management of sharks have been adopted over time. However, it appears that the range of existing measures should be strengthened to ensure the rebuilding of many depleted stocks fished by the Community fleet in Community and outside Community waters. Furthermore, given its commitment to sustainable fisheries and its weight at international level, the Community should assume a leading role in the development of policies aiming at the rational exploitation of chondrichthyans.

It is therefore timely and appropriate to develop and implement at EC level a comprehensive, effective and integrated policy and regulatory framework for sharks fisheries.

The present Communication sets out an Action Plan for sharks. It provides the background against which the Plan has been drafted, outlines the core principles on which it is based and describes its main elements. An overview of the actions planned is provided in the annexed Table.

The Plan builds on the rich input provided by stakeholders during a public and institutional consultation completed in March 2008 and is backed up by the analysis provided in the impact assessment annexed. In line with the requirements of the FAO International Plan of Action, the Communication and the Action Plan are accompanied by a Shark Assessment Report, which is presented in annex as a Staff Working Document.

2. CURRENT SITUATION

2.1. EC shark fisheries

2.1.1. North Atlantic

The North Atlantic encompasses a number of key shark fisheries, operating in waters under EU and third country jurisdiction (Norway, Faeroes, etc) as well as in international waters under different Regional Fisheries Management Organisations (RFMOs). These include the shallow-water shark and ray fisheries of North-East Europe, the North-East Atlantic demersal and mid-water fisheries and the deepwater shark fisheries (the larger tropical pelagic fishery is considered separately in the next section). Around 56,000 t of elasmobranchs are caught by EU vessels in this region (NW, NE Atlantic, including the Mediterranean), mostly consisting of demersal skates, rays and small sharks, with relatively low catches of large pelagic shark.

One of the main problems for the management of sharks in this area is the mixed nature of demersal fisheries, which makes it very difficult to target action to protect sharks without severe consequences for the other species caught. Furthermore, the considerable overcapacity of the fleets that catch small sharks, skates and rays as by-catch in demersal fisheries is also an important driver of the management problems in this area.

2.1.2. Central and Southern Atlantic

Central Atlantic pelagic shark fisheries: With the principal target species being tunas and swordfish, these tuna surface fisheries and to a certain extent their main bycatch of pelagic sharks, are managed by the International Commission for the Conservation of the Atlantic Tunas (ICCAT). Whilst purse seines and pole and line gears rarely catch sharks, the surface longliners have a high catch rate at around 68 percent, compared to the 30 percent of the stated target catch of swordfish and tunas. This shark catch is around 31,000 t per annum, mostly consisting of blue shark (*Prionace glauca*) and shortfin mako (*Isurus oxyrinchus*), with blue shark alone representing 75% of all shark catches.

In addition to tuna fisheries in this part of the Atlantic, there are several coastal fisheries exploited by Community vessels in the waters under jurisdiction of third countries. Reported catches by Community vessels (presumably the catches retained onboard) are relatively modest, amounting to approximately 2,300 tonnes per year over the last five years.

2.1.3. Indian Ocean

The two main groups of species found in the catches are swordfish (45%; approx. 7,000 t per year) and sharks (40%; approx. 6,100 t per year). The shark component is dominated by blue shark (*Prionace glauca*), which represents up to 88% of total shark catches. The other species of importance is the shortfin mako (*Isurus oxyrinchus*), making up approximately 9% of total shark catches.

2.1.4. Pacific Ocean

Two RFMOs manage tuna fisheries in the Pacific: the IATTC in the Eastern part, and the WCPFC in the Central and Western parts. While the Community is a contracting party to the later, it has only observer status in the IATTC. From 2001 to 2005, shark landings increased steadily from about 400 t to 6,100 t. This mirrors an increase in shark preservation on board due to the increasing economic potential of these species and their derivatives on international markets. It is also the result of the expansion of the fishery westwards from 2004.

As in the Atlantic and Indian Oceans, blue shark (*Prionace glauca*) and shortfin mako (*Isurus oxyrinchus*) are the most prevalent pelagic sharks in the catches and landings of surface longliners operating in the Pacific ocean.

2.2. The shark market in the EU

Dogfish (*Squalus acanthias*) and spotted dogfish (*Scyliorhinus spp*.) are species covered by the common market organisation in fishery and aquaculture products established by Council Regulation (EC) No 104/2000[2] and are eligible for intervention measures. Between 2005 and 2007, dogfish withdrawal interventions in relation to EU25 production ranged between 0.76% and 1.46%. On the other hand,

[2] Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.01.2000).

spotted dogfish withdrawals increased from 4.04% in 2005 to 6.54 % of EU25 production in 2007.

As regards external trade, EU25 imports of dogfish and other sharks (whole, fresh, chilled and frozen) stood at 19439 tons in 2005 to decrease to 18756 tons in 2007. On the other hand, EU25 exports of dogfish and other sharks (whole, fresh, chilled and frozen) rose from 696 tonnes in 2006 and 2704 tonnes in 2007.

2.3. The legislative framework applicable to sharks in the EU

Sharks are living aquatic resources and therefore the Community plan falls within the scope of the Common Fisheries Policy (CFP) as defined by Article 1 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the CFP.

There is already EC legislation governing output management, technical measures, control, fleet policy and trade policy, which could be effective in ensuring the sustainable use of sharks. Other measures, although not shark-specific, may have an important bearing on sharks, especially for those taken as a by-catch. These are measures taken under multi-annual plans in accordance with Regulation (EC) No 1967/2006.

In general terms, as regards fishing opportunities for sharks, two types of Regulations lay down the rules for directed shark fisheries and by-catches of sharks:

a) Two-yearly Council Regulations fixing fishing opportunities for Community fishing vessels for certain deep-sea fish stocks every two years, covering EU and NEAFC (Northeast Atlantic Fisheries Commission) waters;

b) Annual Council Regulations fixing fishing opportunities and associated conditions for certain fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required, including those administrated by the NEAFC, NAFO and CCAMLR.

Moreover, Regulation (EC) No 2347/2002 of 16 December 2002[3] establishes specific access requirements and associated conditions applicable to fishing for deep-seas stocks, including a wide rage of deep-water sharks.

Council Regulation (EC) No1185/2003[4] bans and prevents the practice of "finning", whereby the fins are removed from sharks with the remainder of the shark being discarded at sea. It provides that the weight of the fins kept from the catch shall never exceed the theoretical weight of the fins that would correspond to the remaining parts of sharks retained on board, transhipped or landed. For the purpose of enforcing this obligation, the Regulation provides that in no case shall the theoretical weight of the fins exceed 5 % of the live weight of the shark catch.

It is also important to note that a number of steps have been undertaken at international level and by the European Community to regulate the international

[3] OJ L351, 28.12.2002.
[4] OJ L167, 4.07.2003, p.1.

trade in sharks and shark products. This has been implemented under the auspices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

A number of shark species namely the basking shark (*Cetorhinus maximus)*, the great white shark (*Carcharodon carcharias)* and the whale shark (*Rhincodon typus)*, are included in CITES Appendix II meaning that trade in these species is strictly regulated.

Furthermore, the basking shark and the great white shark are listed in Appendices I and II of the Convention on Migratory Species (CMS). The whale shark is listed on Appendix II of this Convention.

3. THE ACTION PLAN

3.1. The Community Action Plan: general purpose, scope and operational objectives

The reference point for this Action Plan is the FAO IPOA SHARKS, which aims to ensure the conservation and management of sharks and their long-term sustainable use worldwide.

The purpose of the Community Action Plan is to contribute to that general objective by ensuring the rebuilding of many depleted stocks fished by the Community fleet within and outside Community waters. The Action Plan outlines what is already in place and what is still needed to do to ensure a comprehensive and coherent legislative policy and legislative framework for the conservation and management of sharks within and outside Community waters.

The scope of the proposed Plan of Action covers directed commercial, by-catch commercial, directed recreational, and by-catch recreational fishing of any chondrichthyans within Community waters. It also includes any fisheries covered by current and potential agreements and partnerships between the European Community and third countries, as well as fisheries in the high seas and fisheries covered by RFMOs managing or issuing non-binding recommendations outside Community waters.

The Action Plan pursues the following three specific objectives,:

(a) To broaden the knowledge both on shark fisheries and on shark species and their role in the ecosystem;

(b) To ensure that directed fisheries for shark are sustainable and that by-catches of shark resulting from other fisheries are properly regulated;

(c) To encourage a coherent approach between the internal and external Community policy for sharks.

3.2. The Community Action Plan: guiding principles and main actions

3.2.1. A gradual strategy to address sharks-related issues based on sound scientific evidence

As a general principle, cartilaginous fish should be managed according to sound scientific advice as is the case for any other fisheries. However, in view of the specific biological and ecological characteristics of most of the relevant species, their management calls for a more cautious approach. The implementation measures should be based on the Precautionary Approach as described for single-species fishery management in the Commission Communication COM(2000) 803 final[5].

It should be noted that the ICES working group on sharks (WGEF) will develop the assessments of stocks status of the main species through 2007-2009. As the results of these assessments should be the basis for any future action on specific stocks, it will not be feasible to implement all desirable actions regarding the conservation of sharks simultaneously.

Furthermore, as a growing amount of scientific and monitoring data is coming to light, it seems wise to advocate a gradual approach. In this respect it is worth noting that by its Decision of 6 November 2008 the Commission adopted a multi annual Community programme pursuant to Council Regulation (EC) No 199/2008 establishing a Community framework for the collection, management and use of data in the fisheries sector, which covers sharks issues within the sampling schemes for data collection (Group 1 stocks).

Regarding the ban on finning practices, an important possible loophole in the implementation of the "finning" regulation by EC Member States is the risk that they accept too general justifications for the need to separate processing on board of shark fins and the remaining parts of sharks. Therefore, it appears appropriate that the elements for the justification provided for by Article 4 (2) of EC Regulation No 1185/2003 are strengthened and clarified.

In this context, the Commission has also taken into account other relevant elements such as the recommendations of international experts on this issue, according to which an effective and practical "finning" Regulation should make it compulsory to land sharks with fins attached, as well as the responses to the open consultation launched by the Commission on the draft Community Plan of Action.

3.2.2. An emphasis on regional cooperation

Several species of sharks are wide-ranging and highly migratory inhabiting international waters. Therefore, the responsibility for managing fisheries exploiting such stocks will be primarily in the hands of the relevant Regional Fisheries Management Organisations. It is for these bodies to determine the appropriate measures for the waters under their responsibility. It is therefore important to support the work of RFMOs in this regard, strengthen the RFMOs already in place and work together for the prompt establishment of new RFMOs in areas not yet covered.

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[5] Communication from the Commission to the Council and the European Parliament: application of the precautionary principle and multi-annual arrangements for setting TACs. COM(2000) 803 final.

There are currently few binding management recommendations for sharks adopted by RFMOs to which the Community is a contracting party. In cases where there are no recommendations or no management plan foreseen, the Community should encourage the respective scientific committees to develop proposals for improving the availability of data and to carry out preliminary assessments.

A key component of the Community Plan of Action is to strengthen the roles of RFMOs in their fisheries management policy, helping to ensure highly qualified advice from their respective scientific committees. Insofar as there are no clear recommendations and advice on shark management stemming from RFMOs, the present Plan of Action would mainly focus on improving knowledge of both directed shark fisheries and incidental catches of sharks. Accordingly, the Community will continue working with and supporting the RFMOs in their efforts to make shark data widely available and to take appropriate management measures

The prohibition of shark finning practices in Regulation 1185/2003 applies to all types of fishing in Community waters and to all Community vessels fishing in non-Community waters. In addition, over the last few years, finning practices have been prohibited in most RFMOs with a competence for shark conservation issues. Often these prohibitions have been agreed on the basis of Community proposals and supported by other parties.

The relevant rules adopted by RFMOs ban shark finning and provide that each Contracting Party bans their vessels from having shark fins on board that total more than 5% of the "weight of sharks on board", up to the first point of landing (while Community legislation currently refers to 5% of the "live weight of the shark catch").

The Commission will continue to work towards ensuring that the measures adopted at Community level regarding finning practices are implemented in all relevant international conventions, including in particular the Regional Fisheries Management Organisations.

Finally, the Community will seek improved international co-operation through CMS and CITES to control shark fishing and trading.

3.2.3. An integrated framework of actions

The Commission is of the view that proper management of sharks requires an integrated set of different input/output and technical measures. Overall, the suggested content of the Community Action Plan is structured in accordance with the FAO shark-plan as provided for in Appendix A of the FAO IPOA for the conservation and management of sharks.

The Action Plan will include measures intended to the improvement of data collection and scientific advice, management and technical measures and a further strengthening of the control of the shark finning ban. They will be implemented at Community and Member States level and the Community will seek their **endorsement** by all relevant RFMOs.

3.3. Conclusions

The proposed Action Plan entails a wide range of legal and policy measures, including the modification of a number of existing regulations. Some of these measures can be implemented at Community level, some others need action at Member States level or must be endorsed by RFMOs. Furthermore, the Action plan foresees both actions that can be implemented without delay and others that need a longer term commitment and must be based on progressively available evidence and scientific advice. The timing of the implementation of the Plan of Action will therefore depend on the contributions of all actors involved. The Commission presents this Action Plan to the Council and the Parliament and encourages them to support to the actions proposed.

Action plan for sharks

Specific objective To deepen knowledge both of shark fisheries and of shark species and their role in the ecosystem.				
Objective	**Level of action**	**Action**	**Responsible party**	**Timetable**
To have reliable and detailed species-specific quantitative and biological data on catches and landings as well as trade data for high and medium priority fisheries.	Community level	Increase investment in shark data collection at landing sites and by processing and marketing industries.	Commission, Council and Member States	Gradual implementation in order to have concrete results after three years of implementation.
		Establish systems to provide verification of catch information by species and by fishery.		
		Mandate representative coverage on EC fishing vessels by on-board observers for vessels over 24 m and with recent by-catches figures of more than 10% to 15% (depending on the particular fishery) of sharks in the total catch.		
		For all distant-water fleets not covered by the above measure but which take sharks as a by-catch, mandate at least 10% observer coverage by 2013.		Gradual implementation in order to have concrete results by 2013.
		For high-priority shallow-water fisheries in the NE Atlantic, mandate pilot-based observer scheme (e.g. 25 observers or so) by 2013.		
		Ensure that all landings and trading of shark fins,		Gradual implementation

		meat and oil are recorded separately by commodity and where possible at species level, in the main fisheries and for the main species.		in order to have concrete results after three years of implementation.
	Measures to be promoted within Regional Fisheries Management Organisations:	Promote improved species-specific catch and landings data and monitoring of shark catches by fishery.	Commission, Council, Member States and RFMOs	Gradual implementation
		Improve, in cooperation with FAO and relevant fisheries management bodies, the monitoring and reporting of catch, bycatch, discards, market and international trade data, at the species level where possible.		
		Request through the FAO and Regional Fisheries Management Organisations where appropriate that these organisations develop and implement Regional Shark Plans and associated measures to assist in species identification and monitoring, as called for in the IPOA–Sharks, by mid-2009 in order to report to the 15th Meeting of the CITES Conference of Parties.		
		Promote the identification and reporting of species-specific biological and trade data, at least for the main species.		
		Encourage representative coverage on fishing vessels by on-board observers for vessels over 24 m fishing		

		in the high seas and with recent by-catches figures of more than 10% to 15% (depending on the particular fishery) of sharks of the total catch. For other fleets not covered by the above measure and taking sharks as a by-catch, encourage at least 10% observer coverage by 2013.		
	Member State level:	Monitor recreational catches and distinguish between the fishing mortality exerted by recreational and commercial fishing.	Member States	
To be able to efficiently monitor and assess shark stocks on a species-specific level and develop harvesting strategies in accordance with the principles of biological sustainability and rational long term economic use.	Community and RFMOs level:	Enhance Community and RFMOs research programmes to facilitate data collection, monitoring and stock assessment on a species-specific level.	Commission, Council, Member States and RFMOs	Gradual implementation in order to have concrete results after three years of implementation.
	Member State level:	Develop national expertise	Member States	Gradual implementation
To improve and develop frameworks for establishing and coordinating effective consultation involving stakeholders in research, management	Community level	Facilitate stakeholder awareness-raising and consultation regarding shark management and best practices to reduce unwanted by-catches through Regional Advisory Council (RAC) programmes.	Commission, Member States and stakeholders	Gradual implementation

and educational initiatives.	Member State level	Encourage Member States to allow public access to relevant aggregated data for fleets and information on shark fisheries, while protecting the right to confidentiality.	Commission and Member States	
		Launch educational programmes aimed specifically at educating fishermen and the public about shark and ray conservation programmes and restrictions.	Member States	

Specific objective

To ensure that directed fisheries for shark are sustainable and that by-catches of shark resulting from other fisheries are properly regulated.

Objective	**Level of action**	**Action**	**Responsible party**	**Timetable**
To adjust catches and fishing effort to the available resources with particular attention to high priority fisheries and vulnerable or threatened shark stocks.	Community level:	Limitation or prohibition of fishing activities in areas that are considered sensitive for endangered stocks.	Commission, Council and Member States	Gradual implementation in order to have concrete results after three years of implementation.
		– Stronger limitation of fishing effort by relevant fisheries.		
	Community and Regional Fisheries Management Organisations level:	Establish catch limits for stocks in conformity with the advice provided by ICES and by the relevant RFMOs. Prohibit all shark discards in the medium to long term and require that all catches (including by-catches) are landed. Unwanted by-catches of sharks that have a chance to survive must be released back into the water. Increase selectivity in	Commission, Council, Member States and RFMOs	Gradual implementation

		order to reduce unwanted by-catch. Establishment of space-time boxes in areas where juveniles or spawners are abundant, especially for vulnerable or threatened species. Promotion of programmes and analysis to adjust fishing effort at international level. Establish by-catch reduction programmes for shark species considered Critically Endangered or Endangered by relevant international organisations. Provide international cooperation in CMS and CITES with a view to controlling shark fishing and trading. Examine the possible impact of market mechanisms on conservation measures, including for shark species within the framework of the ongoing evaluation of the Common Market Organisation in fishery and aquaculture products.		
To minimize waste and discards from shark catches requiring the retention of sharks from which fins are	Community and Regional Fisheries Management Organisations level:	Confirm the ban of finning practices[6] As a general rule, it will be prohibited to remove shark fins on board and to tranship or land shark fins. Any exception to this rule will have to be fully justified	Commission, Council and Member States	Immediate implementation, following the reception of the conclusions of the Council and the EP.

[6] Practice whereby the fins are removed from sharks, with the reminder of the shark being discarded at sea.

removed and strengthening control measures.		on solid and objective grounds and documented prior to the issuing by the Member State of the special permit. Member States should not issue special permits to vessels that do not meet this condition. Consider a possible review of the 5% rule by requiring that in no case shall the weight of the fins exceed 5% of the dressed (gutted and beheaded) carcass weight of the shark catch. However, Member States that have set up and implemented data collection programmes that show that this percentage could be increased in certain cases, could do so up to a percentage corresponding to 5% of the live weight of the shark catch. For vessels of Member States that have been exempt from the obligation of landing sharks with fins attached, to introduce the requirement to land shark fins and carcasses at the same time in the same port.		

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Action Plan for reducing incidental catches of seabirds in fishing gears

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

Action Plan for reducing incidental catches of seabirds in fishing gears

1. INTRODUCTION

Interactions between fisheries and seabirds are frequent and widespread leading to levels of incidental seabird mortality which pose a serious threat to many seabird populations and which have an adverse effect on fishing productivity and profitability.

Current management measures to protect seabirds are contained in a wide range of fisheries and environmental legislation as well as a number of international Conventions and Agreements. These measures, however, have been largely ineffective in reducing seabird bycatch except in some isolated cases in external waters.

The Action Plan in this Communication (EU-PoA) seeks to provide a management framework to minimise seabird bycatch to as low levels as are practically possible. This is in line with the objectives of the reformed Common Fisheries Policy (CFP) of moving towards ecosystem management covering all components of the ecosystem including seabirds. It is also consistent with the framework of an International Plan of Action (IPOA) for Reducing the Incidental Catches of Seabirds in Longline Fisheries[1] adopted in 1999 by the UN Food and Agriculture Organisation (FAO) Committee on Fisheries (COFI).

2. BYCATCH AND ITS MITIGATION

Advice received from ICES in 2008[2] (updated in 2009 and 2010[3]) indicates that there is a paucity of data on the distribution of seabird species, threat vulnerability, overall conservation status and levels of incidental catches. This presents a challenge in assessing the impact of fisheries on these species and reflects the lack of systematic monitoring and reporting of seabird bycatch. However, the available data indicates seabird mortality is substantial in a number of areas within EU fisheries. Recent estimates[3] report bycatch by the EU fishing fleet at c.a. 200,000 seabirds annually in EU waters, while a report by Birdlife International[4] estimates global seabird bycatch in longline fisheries to be at least 160,000 and potentially 320,000 seabirds per year. At least 49 species (25 in EU waters and 24 in non-EU waters) are classified as being of conservation concern either globally or at a local population level. The

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1 FAO. 1999. International Plan of Action for reducing incidental catches of seabirds in longline fisheries. Rome, FAO. 1999. pp 1-11.

2 ICES Advice 2008, Book 1, 1.5.1.3 Interactions between fisheries and seabirds in EU waters
ICES. 2008. Report of the Working Group on Seabird Ecology (WGSE), ICES CM 2008/LRC:05. 99pp.

3 ICES. 2009. Report of the Working Group on Seabird Ecology (WGSE), 23-27 March 2009, Bruges, Belgium. ICES CM 2009/LRC:10.91 pp.
ICES. 2010. Report of the Working Group on Seabird Ecology (WGSE), 15-19 March 2010, Copenhagen, Denmark. ICES CM 2010/SSGEF:10.77pp.

4 Anderson O.R.J., Small C.J., Croxall J.P., Dunn E.K., Sullivan B.J. Yates O. and Black A. 2011. Global seabird bycatch in longline fisheries. Endangered Species Research Vol. 14:91-106.

data also highlights longlines[5] and static nets[6] as the gears with the highest seabird bycatch although there are reports of incidental catches in trawl[7] and purse seine[8] fisheries.

2.1. Longlines

ICES reports that at least 20 species of seabirds interact with longline fisheries in EU waters, principally in the Mediterranean pelagic and demersal longline fisheries and the N.E. Atlantic (Gran Sol) demersal longline fishery, although ICES[3] reports bycatch of seabirds in almost all EU longline fisheries. Four species are notable for their high conservation status with moderate to high frequency of capture in longline gear relative to their populations. The Balearic Shearwater is classed by the IUCN as Critically Endangered, meaning it has been evaluated to have a very high risk of extinction in the wild. Three others, the Sooty shearwater, Yelkouan shearwater and Audouin's gull are classified as Near Threatened meaning the population is in moderately rapid decline globally.

In addition to these species a further five are listed in the Birds Directive[9] as having unfavourable conservation status requiring "*special conservation measures"* due to declines in localised populations. These include the Corys shearwater and Mediterranean gull in the Mediterranean and the Black-legged kittiwake, Black guillemot and Manx shearwater in the NE Atlantic[10]. For all of these species significant levels of bycatch are reported[2,10].

Several other species - the Yellow-legged gull in the Mediterranean and the Northern fulmar, Great shearwater and Northern gannet in the N.E. Atlantic have high incidental catches and ICES reports that the sheer scale of the numbers caught in longline fisheries is cause for concern even though the populations of these species are relatively stable[2,3].

2.2. Static nets

Static nets, encompassing gillnets, entangling nets and trammel nets are widely used in EU waters. Static net fisheries tend to be seasonal and a wide range of seabird species can interact but most likely to get caught in nets are coastal species that either forage on the bottom or shallow dive to pursue prey through the water column. Many of the fishing grounds in the Baltic and North Sea are important feeding, resting, moulting and overwintering areas for seabirds which are present only during the non-breeding period (winter time). This means the impact of incidental catches on seabird populations is directly dependent on the temporal overlap of static net fisheries with these species.

The information available on incidental catches of seabirds in static nets is not complete enough for a comprehensive understanding of the magnitude of the impacts on seabird

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5 Longlines mean a number of connected lines, either set at the bottom or drifting bearing a large number of baited hooks.

6 Static nets mean nets for which the catch operation does not require an active movement of the nets. Such nets consist of one or more separate nets which are rigged with top, bottom and connecting ropes, and may be equipped with anchoring, floating and navigational gear.

7 Trawl means gear which is actively towed by one or more fishing vessels and consisting of a net having a cone or pyramid-shaped body closed by a bag or codend.

8 Purse seine means encircling gear made up of a net where the bottom is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be closed.

9 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

10 http://ec.europa.eu/fisheries/documentation/studies/indez_en.htm

populations at an EU-wide level. A recent review[11] of seabird bycatch in the Baltic Sea and (predominantly eastern) North Sea provided a cumulative annual bycatch estimate (made up mainly of divers, grebes, sea ducks, diving ducks, auks and cormorants) of between 90,000-200,000 birds killed in static net fisheries in the region each year. Several of the species at risk are rare in the region and subject to international legal protection. Steller's eider is listed as Vulnerable by IUCN and is in Annex 1 of the EU Birds Directive as are the red-throated diver, black-throated diver, Slavonian grebe and smew. A number of others are listed in the Birds Directive and assessed by Birdlife as being "*species of European concern*"[10].

In other areas outside the Baltic and North Sea there are several static net fisheries where seabird mortality has been reported as being problematic. In northwest Spain in ICES Subarea IX, high mortality of European shags and Iberian guillemot[3] has been observed, while in the Mediterranean available information suggests that static nets pose a threat to subspecies of the European shag and several species of shearwater[3].

2.3. Other Gears

For gears such as trawls and purse seines, few reliable estimates of bycatch levels within EU waters are recorded. One study did estimate around 780 northern gannets to have been caught in pelagic trawl fisheries operating off the north and north-east coasts of Scotland[3] while there are several other anecdotal reports of bycatch occuring in trawl fisheries.

Evidence is emerging that purse seines can take significant bycatch of species such as shearwaters. A questionnaire survey carried out in 2008/2009 in Portuguese ports showed purse seines to have taken the highest proportion (45%) of Balearic shearwaters compared to any other fishing gears, including longlines and static nets in this region[3].

2.4. Bycatch in non-EU waters

In external waters longlines and trawls are responsible for a high number of incidental catches of seabirds leading to widespread concern on the long-term ecological effects on populations. Currently of 61 species which interact with fisheries, it is estimated that nearly half are threatened with extinction, including 17 species of albatrosses worldwide with an estimated 100,000 albatrosses reportedly killed annually[4]. A further 7 species of petrels listed under the Agreement on the Conservation of Albatrosses and Petrels (ACAP) face similar threats[12].

A notable exception is in the Antarctic, where a comprehensive assessment of the problem, carried out annually by CCAMLR[13], has shown bycatch to have been reduced by over 99% since measures were introduced. In other longline fisheries, while improvements have been noted and the instances of IUU fishing reduced considerably, there are indications that bycatch still remains at unsustainable levels in some longline fisheries. Recent recommendations adopted by ICCAT[14] and IOTC[15] which strengthen existing mitigation measures in tuna longline fisheries are welcome and need to be extended to other Regional Fishery Management Organisations (RFMOs).

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11 Žydelis, R., Bellebaum, J., Österblom, H., Vetemaa, M., Schirmeister, B., Stipniece, A., Dagys, M., van Eerden, M. and Garthe, S. 2009. Bycatch in gillnet fisheries- An overlooked threat to waterbird populations. Biological Conservation, 142: 1269-1281.

12 ACAP 2009. Species Assessments. Available at www.acap.aq/acap-species.

13 Commission for the Conservation of Antarctic Marine Living Resources

14 International Commission for the Conservation of Atlantic Tunas

15 Indian Ocean Tuna Commission

In trawl fisheries, seabird mortality has been increasingly reported in the Southern and Northern Hemispheres. For example, data collected in the South African hake fleet from 2004–2005, indicated an annual bycatch of around 18,000 birds[3]. No known data exists regarding the level of seabird bycatch in other gears such as purse seines in external waters.

2.5. Mitigation measures

A range of mitigation measures has been developed. Some of these have been shown to be highly effective at reducing seabird bycatch. These measures can be split between specific measures by fishing method and measures with broad applicability across multiple fishing gears. Most have been developed to reduce bycatch in longline fisheries and these can be divided into four main categories:

(1) Avoidance of fishing in areas and/or at times when seabird interactions are most likely and intense (night setting, area and seasonal closures).

(2) Limiting bird access to baited hooks (weighted lines and side-setting).

(3) Deterring birds from taking baited hooks (streamer (bird-scaring) lines and acoustic deterrents).

(4) Reducing the attractiveness or visibility of the baited hooks (dumping of offal and artificial baits).

Research[16] has shown that benefits can accrue from using these measures in longline fisheries through reductions in direct costs from reduced bait loss to seabirds; damage to fish catches from depredation by seabirds; and direct gear damage caused by seabirds. There are also indirect cost benefits from reducing catches foregone from seabirds being caught on baited hooks that could otherwise have yielded catch.

Mitigation measures tested in static net fisheries are fewer in number. Two methods have been proposed and tested to alert seabirds to the presence of static nets and thereby avoid collision[17]. One method is to increase the visibility of the net (visual alerts), and the other method is to attach acoustic deterrents (pingers) to nets. Encounters with static nets may also be reduced by setting nets deeper than the diving depth of seabirds. None of these methods are widely used currently.

Streamer lines, adapted from longline fisheries in association with the management of offal discharge during shooting and hauling, have been demonstrated to be effective at reducing seabird interactions and mortality in trawl fisheries. Reducing entanglements in trawls is more difficult, but in CCAMLR it has been demonstrated that seabird mortality from entanglement can be almost eliminated by simple measures such as net binding[18].

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16 http://ec.europa.eu/fisheries/documentation/studies/index_en.htm

17 Melvin, E.F., Parrish, J.K. and Conquest, L.L. 1999. Novel tools to reduce seabird bycatch in coastal gillnet fisheries. Cons. Biol. 13: 1386-1397.

18 Sullivan, B. J., Clark, J. Reid, K, Reid E (2009). Development of effective mitigation to reduce seabird mortality in the icefish (*Champsocephalus gunnar*) trawl fishery in Subarea 48.3. WG-IMAF-09-15. CCAMLR, Hobart, Australia

2.6. The policy framework

2.6.1. The CFP

The EU-PoA is aligned with the overarching objective of the CFP[19], which points to the need to minimise the impacts of fishing activities on marine ecosystems (including seabirds) and progressively implement an ecosystem based approach to fisheries management. Under the reform of the CFP[20], currently being undertaken, the Commission has re-affirmed this commitment and aims to achieve this objective measures through several elements of the reform package:

- A new regionalised approach to technical measures to allow mitigation measures to be tailored to specific fisheries. This approach will take time to be developed and the final content is dependent on the outcome of the reform but should be in place by 2016. In the meantime, where appropriate and urgently required, already available and proven mitigation measures may be incorporated into multiannual management plans.

- The new EU Multiannual Programme for Data Collection (DCMAP) planned to be introduced in 2014. Discussions are currently on-going regarding whether to include the monitoring of other ecosystem components including seabirds. Input from experts and a costing of such an extension of the current Data Collection Framework are still needed. Nevertheless, systematic collection and reporting of data on seabird bycatch remains essential to tackling seabird bycatch.

- Financial support for new measures provided under the current European Fisheries Fund (EFF) and the new European Maritime and Fisheries Fund (EMFF)[21]. The new EMFF is scheduled to be introduced in 2014 and would provide aid for the development and use of mitigation measures, pilot projects and the testing of alternative monitoring technologies such as CCTV.

- The commitment given by the Commission in the recent Communication on the External Dimension of the CFP[22] to take a more pro-active role in the RFMOs and try to remedy the current situation of poor compliance with conservation and management measures.

2.6.2. Environmental Legislation

The EU-PoA depends on parts of the EU environmental acquis, in particular the Birds[9] and Habitats Directives[23] and the Marine Strategy Framework Directive (MSFD)[24]. The full implementation of these Directives is part of the EU's response to its commitments under the UN Convention on Biological Diversity[25], and is reinforced by the commitment made by EU Heads of State "to halt the loss of biodiversity [in the EU] by 2010"; it is further reiterated in the EU Biodiversity Strategy to 2020[26].

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19 OJ L 358, 31.12.2002, p.59.
20 COM(2011)425.
21 COM(2011)804.
22 COM(2011)424.
23 OJ L 206, 22.7.1992, P. 7-50
24 OJ L 164, 25.6.2008, p.19-40
25 OJ L 309, 13.12.1993, p. 1.
26 COM(2011) 244.

The key measure established by the Birds Directive is a general scheme of protection for all wild birds prohibiting various acts including, most relevant to fisheries, deliberate killing or capture by any method[27]. The Birds and Habitats Directives also establish the Natura 2000 network of protected areas, which embraces sites designated under any of the Directives concerned – Special Protection Areas (SPAs) established under the Birds Directive and Special Areas of Conservation (SACs) established under the Habitats Directive. As of February 2011, under the Birds Directive, a total of 936 SPAs covering an area of 122,000km² have been established in marine areas.

The MFSD aims to bring coherence between different policies and foster the integration of environmental concerns into other policies, such as the CFP. Under the MSFD protection of seabirds is recognised as a requirement that will contribute towards the achievement of Good Environmental Status (GES). Its implementation is a legal requirement under the TFEU and dedicated measures to protect seabirds are implicitly required in compliance with the Directive. In the context of the MFSD and also the EU-PoA, the issue of seabird bycatch is also covered within the framework of Regional Sea Conventions on marine environment, in particular OSPAR[28], HELCOM[29] and the Barcelona Convention[30].

2.6.2.1. External Policy

In external waters the RFMOs remain key for conservation and mangement of seabirds with RFMOs having been given explicit responsibilities under the UN Fish Stocks Agreement (UNFSA)[31] for minimising bycatch in their fisheries. To date, the majority of RFMOs have adopted some form of mitigation measures aimed at avoiding seabird mortality in longline fisheries. As a contracting party to many RFMOs, the EU is bound to implement those measures.

The EU has also made a number of commitments related to the principles of sustainable development and others more specifically related to the management of the shared ocean resources, including species at conservation risk which are relevant to the EU-PoA. These include:

– United Nations Convention on the Law of the Sea (UNCLOS)[32]

– The United Nations Convention on Biological Diversity (CBD)[33]

– The Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS or Bonn Convention)[34]

Under the auspices of CMS there is an Agreement on the Conservation of Albatrosses and Petrels (ACAP)[35]. This is a legally binding international treaty whose objective is to achieve

27 In the light of case law of the Court of Justice of the European Union, C-221/04, paragraph 71.
28 http://www.ospar.org/
29 http://www.helcom.fi/
30 http://www.unepmap.org/index.php?module=content2&catid=001001004
31 http://www.tuna-org.org/Documents/TRFMO2/19%20ANNEX%205.11%20ENG.pdf
32 OJ L 179, 23.6.1998, p. 3-134
33 OJ L 309, 13.12.1993, p. 1.
34 http://www.cms.int/about/intro.htm
35 https://www.acap.aq/

and maintain a favourable conservation status for albatrosses and petrels by addressing threats on land and at-sea, bycatch is arguably the primary threat for this group of species.

3. THE EU-PoA

The objective of the EU-POA is ***to minimise and, where possible, eliminate the incidental catches of seabirds, with priority action focussing on individuals belonging to at least 49 threatened seabird populations by EU vessels operating in EU and non-EU waters, as well as by non-EU vessels operating in EU waters. For other seabirds where the populations are stable but bycatch are at levels that are cause for concern, bycatch should be reduced as a first step towards bycatch elimination.***

Additional specific objectives are to:

(1) Identify and rectify weaknesses and incoherencies in current management measures both in EU and non-EU waters.

(2) Consolidate and collect data critical to establish the extent and threat posed by seabird bycatch particularly to the populations of species identified as being of conservation concern.

(3) Minimise bycatch of seabird species of conservation concern to levels that eliminate the threat to the populations of these species through the implementation of appropriate mitigation measures.

(4) Address the lack of acceptance by fishermen that seabird bycatch is a problem as well as the lack of incentive for fishermen to adopt mitigation measures.

(5) Resolve outstanding difficulties with existing mitigation used in longline fisheries and address the absence of effective mitigation measures for other fishing gears, particularly static net fisheries.

3.1. Scope and Structure

The EU-PoA will follow an adaptive management approach, recommending actions in areas and fisheries identified as having incidental catches of seabirds. It provides a framework to develop a clear and comprehensive picture of the scale of incidental seabird bycatch in EU fisheries and identify the action required to introduce mitigation and management measures that will achieve a coherent and effective approach to minimising the problem.

The scope of the EU-PoA covers all EU vessels operating in Union waters and to EU flagged vessels in external waters. In EU waters actions under the EU-PoA will be supported by the increased implementation of fishery management measures in Special Protection Areas created under the Birds Directive (Article 4). Member States will be encouraged to adopt similar measures within the network of Important Bird Areas (IBA)[36]. Demonstrable use of seabird friendly gear should be a pre-condition for access to fishing opportunities in such areas where seabirds are a qualifying feature and where bycatch threatens their favourable conservation status.

[36] Birdlife International (2011). Important Bird Areas factsheets. http://www.birdlife.org

In order to ensure a coherent approach between the internal and external EU fisheries policy for seabirds, the Union will seek that the relevant international bodies enhance these measures by facilitating their adoption by fishermen, integrating seabird bycatch monitoring into observer programmes (where this has not already been achieved) and promoting best practice to non-EU fleets. The Long Distance Fleet Regional Advisory Council (LDRAC) has a clear role in assisting with this task.

3.2. Defining the problem

One of the biggest challenges in implementing the EU-PoA is to define the existence of an incidental seabird bycatch problem in the first place. Current information such as IUCN listings and reporting under the Birds Directive are the most reliable sources to identify fisheries where measures are needed urgently but are limited. They do not allow accurate and realistic assessments of seabird populations and the impact of bycatch on these populations. This means defining clear management targets is problematic in most fisheries.

The FAO IPOA-Seabirds[1] does not define what constitutes a seabird bycatch "problem" generically, but recommends undertaking an assessment based on the following components:

(a) the magnitude of seabird bycatch (rate or number);

(b) species that are incidentally caught, and their conservation status;

(c) spatial and temporal overlap of fishing effort with seabirds; and

(d) population trends of seabirds likely to be impacted by bycatch.

An assessment should be based on all available data including *inter alia*, bycatch data collected by at-sea observers, seabird data and other anecdotal information which may be the first sign of a more generalised problem. Observer programmes are the best source of data but it is not realistic to establish specific seabird bycatch programmes for EU fisheries, except perhaps in those fisheries in external waters where it is already a mandatory requirement. Therefore other approaches as well the criteria used to define what constitutes a 'problem' need to be developed. As an action under the EU-PoA, the Commission will request the relevant scientific body to update existing information and also to explore the criteria and whether biological indicators (e.g. PBR[37] or BPUE[38]) could be used for defining a problem and setting management targets.

3.3. Research, Training, Education and Awareness-Raising

In their Best Practice Technical Guidelines[39], the FAO stress the importance of research, particularly into the development of mitigation measures, as part of any Plan of Action. Such research should encourage innovation through collaboration of the fishing industry, scientists, environmental NGOs and resource managers. It must be scientifically robust but also consider how most effectively to convert the results into uptake of mitigation measures.

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37 PBR is a measure of the maximum number of animal/birds, not including natural mortalities, which can be removed from a population, while still allowing that stock to reach or maintain its optimum sustainable population level.

38 BPUE is the bird bycatch per unit effort.

39 FAO 2008. Report of the Expert Consultation on Best Practice Technical Guidelines for IPOA/NPOA-Seabirds. Bergen, Norway, 2-5 September 2008. 46pp.

The FAO also highlight the need to establish education and training programmes to raise awareness among fishermen, fisheries representative organisations and other relevant groups about the need to address the problem of seabird bycatch. At EU level the RACs have a vital role play in developing these programmes, while at international level the EU will support the establishment and strengthening of outreach and education programmes to fishermen in priority seabird bycatch areas. Research, training, education and awareness-raising measures are all included as integral parts of the EU-PoA.

3.4. Actions under the EU-PoA

Annex I lists the actions under the PoA by specific objectives; the responsible parties for each action; and also the anticipated timeline for completing these actions.

3.5. Reporting and evaluation

Under the EU-PoA, the intention is that Member States should report biennially to the Commission on the level of seabird bycatch observed by fishery and gear type, the implementation of any mitigation measures and the effectiveness of these mitigation measures. The Commission working with the relevant scientific body will develop a standard reporting format to facilitate Member States to submit information to the Commission and which could also be used to facilitate data access to the wider public.

On the basis of these reports, the Commission will carry out an interim assessment of the EU-PoA after the second of these reports and then produce a Communication for the Parliament and Council on the implementation of the plan based on this information.

The relevant scientific body as appropriate would be requested to input into this review. In particular ICES would be asked to supply population and bycatch estimates for the species of concern. Such population data is reviewed routinely by the ICES Working Group on Seabird Ecology (WGSE). This would provide a benchmark of populations to be compared against bycatch levels and allow evaluation of the extent of the problem by seabird species and fishery.

The Commission would carry out a full review and evaluation of the EU-PoA after the fourth report (eight years) of implementation and update the EU-PoA accordingly. This review would be timed to coincide with the obligation under the MSFD to reach GES for marine ecosystems by 2020.

Under Article 12 of the Birds Directive Member States must report every three years on the implementation of national provisions taken under the Directive. Where relevant, Member States could also use these reports as a data source (e.g. seabird population estimates) for use in evaluating the effectiveness of the PoA.

4. CONCLUSIONS

The EU-PoA entails a wide range of elements including recommended actions, strengthening existing provisions and incorporation of certain elements into future Regulations. Some of these measures can be implemented at Union level while others need action by Member States or must be endorsed by RFMOs. Furthermore, the EU-PoA foresees both actions that can be implemented immediately while others that need a longer term commitment based on available evidence and scientific advice. The timing of the implementation of the EU-PoA

will therefore depend on the contributions of all actors involved. The Commission presents this EU-PoA to the Council and Parliament and encourages them to endorse it fully.

Annex I
List of actions in the EU-PoA

Specific Objective 1:

Identifying and addressing weaknesses and incoherencies in current management measures both in EU and non-EU waters.

Action	Responsible Party	Timetable
Explore the criteria that could be used to define a seabird bycatch problem	COM in conjunction with scientific bodies	1st Quarter 2013
Progress designation of the SPA network, including by using IBAs to identify candidate SPAs	MS, COM	Continuous
Progress the development and implementation of fisheries management measures to protect seabirds in designated SPAs under the Birds Directive, in other MPAs, including those established in overseas countries and territories as well as in IBAs and extend these to the wider seas where required	MS, COM	Continuous
Review current monitoring and mitigation measures to protect seabirds in RFMO and assess levels of compliance with current measures	MS, COM, RFMOs, LDRAC	Continuous
Encourage RFMOs, both through direct request and via the FAO, to develop their own National/Regional Plans of Action, consistent with the FAO Best Practice Technical Guidelines	COM, RFMOs	Continuous
Ensure, to the extent possible, that mitigation measures used by EU vessels fishing in external waters, are also used by vessels flagged to non-EU States but owned or controlled by owners and operators based in the MS	COM, MS, RFMOs, LDRAC	Continuous
Propose a specific recommendation(s) in the Coastal States agreement for non-EU vessels operating in EU waters to adopt mitigation measures and report on seabird bycatch	COM	By the latest end of 2013

Specific Objective 2:

Collecting data critical to establishing the extent of seabird bycatch, particularly in fisheries/areas in EU and no-EU waters where the information is limited, only anecdotal and/or not available.

Action	Responsible Party	Timetable
Review available bycatch data, validate sources of information and identify fisheries where appropriate follow up actions with more detailed investigations are required	MS, COM in conjunction with scientific bodies	By the latest end of 2013
Adopt a precautionary approach where information is lacking or uncertain on seabird bycatch and undertake more extensive monitoring of fisheries falling into this category (A minimum 10% observer coverage in the short term should be aimed for)	MS	Following from initial assessment
Ensure that observers routinely deployed on vessels operating in external waters accurately record seabird bycatch.	MS, RFMOs	Continuous

Ensure that observer data is routinely submitted to the Secretariat of the respective RFMO and the Commission to facilitate analysis of observer programme data	MS, RFMOs, COM	Continuous
Establish a standard reporting format for recording seabird bycatch on a voluntary basis and to maintain a database of seabird bycatch in EU fisheries based on the information supplied by MS	COM in conjunction with ICES	End of 2012
Consider the feasibility of incorporating the monitoring of seabirds under the new DCF	COM	Beginning of 2014
Specific Objective 3: ***Implementation of mitigation measures where information indicates occurrence of seabird bycatch.***		
Action	**Responsible Party**	**Timetable**
Implement proven mitigation measures in longline fisheries in the Gran Sol, Mediterranean and non-EU waters (where not already required to do so). In these fisheries at least two of the following mitigation measures should be used: – Night setting with minimum deck lighting – Bird-scaring lines (Tori lines) – Line weighting Mitigation measures should comply with minimum technical standards as set out in Birdlife and ACAP guidelines[40]	COM, MS, RFMOs	By the latest end of 2013
Promote the adoption of mitigation measures at international level, where appropriate and not already applicable.	COM	Continuous
Assess and implement mitigation measures applicable in static net fisheries in the Baltic, eastern North Sea and western waters where incidental catches of seabirds are well-documented	MS	By the latest end of 2013
Recommend that all vessels implement on-board management of offal/discards according to best practice guidelines[41]	MS	By the latest end of 2013
On the basis of a review of RFMOs bring forward proposals for additional mitigation measures and improved monitoring in RFMOs	COM, MS, RFMOs, LDRAC	Continuous
Propose the incorporation of relevant mitigation measures under the technical measures regulation being developed in the context of the reform of the CFP and also ensure the inclusion of specific measures under multiannual plans, as a matter of priority where appropriate and urgently required.	COM	From 2016 following adoption of a new technical measure regulation and the development of multiannual plans

40 http://www.rspb.org.uk/ourwork/policy/marine/international/advocacy/mitigationfactsheets.aspx

41 http://www.birdlife.org/seabirds/downloads/FS_13_Trawl_fisheries_warp_strike_final.pdf

Encourage Member States to transpose the EU-PoA into national legislation	COM, MS	By the latest end of 2013
Provide sufficient resources, notably supporting funding through the EFF and the new EMFF for the development, testing and implementation of mitigation measures	MS	Immediate action for the EFF. By the latest end of 2014 for the EMFF.

Specific Objective 4:

Providing education and training to fishermen in the use and benefits of mitigation measures and accurate identification of seabirds for reporting purposes.

Action	**Responsible Party**	**Timetable**
Organise a workshop(s) to inform stakeholders on the EU-PoA	COM	1st quarter 2013
Promote the adoption of mitigation measures to reduce seabird bycatch and assist in the development of training programs addressed to fishermen and fisheries observers, the preparation and distribution of seabird identification guides and other relevant materials	MS, NGOs, RACs	Continuous
Provide sufficient resources, notably supporting funding through the EFF and the new EMFF for delivery of education and awareness raising measures	MS	Continuous
Continue to provide training, education and awareness-raising measures to vessels operating in external waters	NGOs, RFMOs	Continuous
Extend awareness-raising measures to other stakeholders and the general public	COM, NGOs	Continuous

Specific Objective 5:

Instigating research into practical and effective mitigation measures for all fishing gears which impact on seabirds.

Action	**Responsible Party**	**Timetable**
Instigate research through EU funding programmes (e.g. FP7, LIFE) into the development of practical and efficient mitigation measures, evaluation of the effectiveness of those measures and evaluation and improvement of technologies and practices already in place. Emphasis should be placed on developing mitigation measures for static net fisheries in the short-term	COM, MS, RACs, NGOs	Continuous
Continue research on the development of alternative fishing gear aiming to overcome adverse fishery-induced impacts on SPAs so as to facilitate access to fishing opportunities	MS, RACs, NGOs	Continuous
If monitoring of bycatch of seabirds is included in the EU Multiannual Programme for Data Collection 2014-2020, assess how novel electronic monitoring technologies can be used to monitor seabird bycatch and, as appropriate, ensure their implementation	MS, RACs, NGOs	2014

Provide sufficient resources, notably supporting funding through the EFF and the new EMFF to facilitate uptake and testing of mitigation measures and also additional monitoring of fisheries with suspected bycatch issues	MS	Immediate action for the EFF. By the latest end of 2014 for the EMFF.

Annex II
Latin Names of Seabird Species Mentioned

Balearic shearwater	*Puffinus mauretanicus*
Sooty shearwater	*Puffinus griseus*
Yelkouan shearwater	*Puffinus yelkouan*
Audouin's gull	*Larus audouinii*
Corys shearwater	*Calonectris diomedea*
Mediterranean gull	*Larus melanocephalus*
Black-legged kittiwake	*Rissa tridactyla*
Black guillemot	*Cepphus grylle*
Manx shearwater	*Puffinus puffinus*
Yellow-legged gull	*Larus michahellis*
Northern fulmar	*Fulmarus glacialis*
Great shearwater	*Puffinus gravis*
Northern gannet	*Morus bassanus*
Divers	*Gaviidae spp.*
Grebes	*Podicipedidae spp.*
Sea ducks	*Merginae spp.*
Diving ducks	*Aythyinae spp.*
Auks	*Alcidae spp.*
Cormorants	*Phalacrocoracidae spp.*
Steller's eider	*Polysticta stelleri*
Red-throated diver	*Gavia stellata*
Black-throated diver	*Gavia arctica*
Slavonian grebe	*Podiceps auritus*
Smew	*Mergellus albellus*
Iberian guillemot	*Uria aalge ibericus*
European shag	*Phalacrocorax aristotelis*
Albatross spp.	*Diomedeidae spp.*
Petrel spp.	*Procellaria and Macronectes spp.*

COUNCIL REGULATION (EC) No 520/2007

of 7 May 2007

laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001

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,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The Community has by Decision 98/392/EC ([1]) approved the United Nations Convention on the Law of the Sea which contains principles and rules relating to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Community participates in efforts made in international waters to conserve fish stocks.

(2) Pursuant to Decision 86/238/EEC ([2]) the Community has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas, hereinafter 'the ICCAT Convention', since 14 November 1997.

(3) The ICCAT Convention provides a framework for regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and adjoining seas through the setting up of an International Commission for the Conservation of Atlantic Tunas, hereinafter the 'ICCAT', and the adoption of recommendations on conservation and management in the Convention area which become binding on the Contracting Parties.

(4) ICCAT has recommended a number of technical measures for certain stocks of highly migratory species in the Atlantic and the Mediterranean, specifying inter alia authorised sizes and weights of fish, and restrictions on fishing within certain areas and time periods, with certain gears, and on capacity. These recommendations are binding on the Community and should therefore be implemented.

(5) The Community has by Decision 95/399/EC ([3]) approved the Agreement for the establishment of the Indian Ocean Tuna Commission. The Agreement provides an appropriate framework for closer international cooperation and the rational use of tunas and related species in the Indian Ocean by setting up the Indian Ocean Tuna Commission, hereinafter the 'IOTC', and adopting recommendations on conservation and management in the IOTC area which become binding on the Contracting Parties.

(6) The IOTC has adopted a recommendation laying down technical measures for certain stocks of highly migratory species in the Indian Ocean and in particular the limiting of capacity. That recommendation is binding on the Community and should therefore be implemented.

(7) The Community has by Decision 2005/938/EC ([4]) approved the Agreement on the International Dolphin Conservation Programme. It should therefore apply the provisions laid down in that Agreement.

(8) The objectives of the Agreement include a progressive reduction of incidental dolphin mortalities in the tuna purseseine fishery in the Eastern Pacific Ocean to levels approaching zero, by setting annual limits, and the long-term sustainability of the tuna stocks in the Agreement Area.

(9) The Community has fishing interests in the Eastern Pacific Ocean and has participated in the procedure for the adoption of the Convention for the strengthening of the Inter-American Tropical Tuna Commission, hereinafter the 'Antigua Convention'. By Decision 2005/26/EC ([5]) it signed the Antigua Convention and launched the procedure for becoming a party to it. Pending the entry into force of the Antigua Convention, the Community, as a cooperating non-contracting party to the Inter-American Tropical Tuna Commission, hereinafter the 'IATTC', has decided to apply the technical measures adopted by the IATTC. These measures should therefore be incorporated in Community law.

([1]) OJ L 179, 23.6.1998, p. 1.
([2]) OJ L 162, 18.6.1986, p. 33.
([3]) OJ L 236, 5.10.1995, p. 24.
([4]) OJ L 348, 30.12.2005, p. 26.
([5]) OJ L 15, 19.1.2005, p. 9.

(10) Pursuant to Decision 2005/75/EC [1] and with effect from 25 January 2005 the Community is a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, hereinafter the 'WCPFC Convention'.

(11) The WCPFC Convention provides a framework for regional cooperation with a view to ensuring the long-term conservation and sustainable exploitation of highly migratory fish stocks in the Western and Central Pacific Ocean through the setting up of a Fisheries Commission for the Western and Central Pacific Ocean (WCPFC).

(12) The Community should therefore apply the provisions laid down in the Convention and the technical measures adopted by the WCPFC.

(13) The technical measures adopted by these regional fisheries organisations have been incorporated into Council Regulation (EC) No 973/2001 of 14 May 2001 laying down technical measures for the conservation of certain stocks of highly migratory species [2].

(14) The adoption of new technical measures by these organisations and the updating of those in force since the adoption of Regulation (EC) No 973/2001 require the repeal of that Regulation and its replacement by this Regulation.

(15) The limits on capacity must be determined in accordance with Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [3].

(16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [4],

HAS ADOPTED THIS REGULATION:

TITLE I

INTRODUCTORY PROVISIONS

Article 1

Object

This Regulation lays down technical conservation measures applicable to the capture and landing of certain stocks of highly migratory species as referred to in Annex I and to the capture of by-catches.

Article 2

Scope

Without prejudice to Article 9, this Regulation shall apply to vessels flying the flag of a Member State and registered in the Community, hereinafter 'Community fishing vessels'.

Article 3

Definitions

For the purposes of this Regulation:

1. 'Highly migratory species' means the species listed in Annex I.

2. 'Tunas and related species covered by ICCAT' means the species listed in Annex II.

3. 'Dolphin mortality limit' means the limit defined in Article V of the Agreement on the International Dolphin Conservation Programme [5].

4. 'Leisure fisheries' means fishing activities exploiting living aquatic resources for recreation or sport.

5. 'Encircling nets' means nets which catch fish by surrounding them both from the sides and from below; they may or may not be equipped with a purse line.

6. 'Purse seines' means any encircling net the bottom of which is drawn together by means of a purse line at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be pursed and closed. Purse seines may be used to catch small pelagic species, large pelagic species or demersal species.

[1] OJ L 32, 4.2.2005, p. 1.
[2] OJ L 137, 19.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004, p. 33).
[3] OJ L 358, 31.12.2002, p. 59.
[4] OJ L 184, 17.7.1999, p. 23. Decision as last amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).
[5] OJ L 348, 30.12.2005, p. 28.

7. 'Longlines' means a fishing gear which comprises a main line carrying numerous hooks on branch lines (snoods) of variable length and spacing depending on the target species. It may be deployed either vertically or horizontally to the sea surface; it may be set either at or near the bottom (bottom-set longline) or drifting in midwater or near the surface (surface longline).

8. 'Hook' means a bent, sharpened piece of steel wire usually with barb. The point of a hook may be either straight or even reversed and curved. The shank can be of varying length and form and its cross section can be round (regular) or flattened (forged). The total length of a hook shall be measured as the maximum overall length of the shank from the tip of the hook which serves for fastening the line and is usually shaped as an eye, to the apex of the bend. The width of a hook shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb.

9. 'Fish-aggregating devices (FADs)' means any equipment floating on the sea surface and with the objective of attracting fish.

10. 'Pole and line tuna vessel' means vessels equiped for catching tuna by pole and line.

Article 4

Areas

For the purposes of this Regulation, the following definitions of maritime waters shall apply:

1. Area 1

all waters of the Atlantic Ocean and adjacent seas included in the ICCAT Convention area as specified in Article 1 of that Convention;

2. Area 2

all waters of the Indian Ocean covered by the Agreement for the establishment of the IOTC as defined in Article 2 thereof;

3. Area 3

all waters of the Eastern Pacific Ocean as defined in Article 3 of the Agreement on the International Dolphin Conservation Programme;

4. Area 4

all waters of the Eastern and Central Pacific Ocean as defined in Article 3 of the WCPFC Convention.

TITLE II

TECHNICAL MEASURES APPLICABLE IN AREA 1

CHAPTER 1

Restrictions on the use of certain types of vessels and gears

Article 5

Protection of bigeye tuna in certain tropical waters

1. Fishing by purse seiners and pole-and-line tuna vessels shall be prohibited during the period 1 to 30 November in the following area:

— southern limit: latitude 0° S,

— northern limit: latitude 5° N,

— western limit: longitude 20° W,

— eastern limit: longitude 10° W.

2. Member States shall send the Commission each year by 15 August at the latest a report on the implementation of this measure, including where applicable a list of breaches committed by Community fishing vessels flying their flag and being pursued by their competent authorities.

Article 6

Bluefin tuna fishing in the Mediterranean

1. Fishing for bluefin tuna with purse seine in the Mediterranean Sea shall be prohibited from 16 July to 15 August.

2. Fishing for bluefin tuna in the Mediterranean using surface-set longlines from vessels greater than 24 metres in length shall be prohibited during the period from 1 June to 31 July. The length of the vessels shall be defined in accordance with Annex III.

3. The use of aeroplanes or helicopters in support of fishing operations for bluefin tuna in the Mediterranean Sea shall be prohibited during the period from 1 to 30 June.

4. The definition of the periods and areas referred to in this Article and the length of vessels given in Annex III may be amended by the Commission pursuant to ICCAT recommendations which are binding on the Community in accordance with the procedure referred to in Article 30.

Article 7

Fishing for skipjack, bigeye and yellowfin tuna in certain Portuguese waters

It shall be prohibited to retain on board any quantity of skipjack, bigeye or yellowfin tuna 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 fish for those species in the said areas with the said gears.

CHAPTER 2

Minimum size

Article 8

Sizes

1. A species shall be considered undersized if its dimensions are smaller than the minimum dimensions specified in Annex IV for the relevant species.

2. The dimensions set out in Annex IV may be modified pursuant to ICCAT recommendations which are binding on the Community and in accordance with the procedure referred to in Article 30.

Article 9

Prohibitions

1. Undersized fish of the species listed in Annex IV which are captured in Area 1 shall not be retained on board or trans-shipped, landed, transported, stored, displayed or offered for sale, sold or marketed. These species shall be returned immediately to the sea.

2. The release for free circulation or marketing in the Community of undersized fish of the species listed in Annex IV originating in third countries and captured in Area 1 shall be prohibited.

Article 10

Measurement of size

1. All species with the exception of istiophoridae shall be measured fork length, that is to say the vertical distance drawn from the tip of the upper jaw to the extremity of the shortest caudal ray.

2. The size of istiophoridae shall be measured from the tip of the lower jaw to the fork of the caudal fin.

Article 11

Sampling procedure for bluefin tuna cages

1. Each Member State shall establish a sampling procedure for estimating the number by size of bluefin tuna captured.

2. Sampling by size in cages shall be carried out on a sample of 100 specimens per 100 tonnes of live fish or on a sample of 10 % of the total number of fish placed in a cage. The size sample shall be taken during harvesting at the farm, in accordance with the method adopted by the ICCAT for notifying data as part of Task II.

3. Additional methods and samplings shall be developed for fish reared for more than one year.

4. Sampling shall be carried out during a harvest taken at random and shall cover all cages. The data shall be notified to the ICCAT by 31 July for sampling carried out the previous calendar year.

CHAPTER 3

Restrictions on the number of vessels

Article 12

North Atlantic bigeye and albacore tuna

1. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number and total capacity in gross tonnage (GT) of Community fishing vessels greater than 24 metres in length fishing in Area 1 for bigeye tuna as a target species. These shall be determined:

(a) as the average number and the capacity in GT of Community fishing vessels fishing in Area 1 for bigeye tuna as a target species during the period 1991 to 1992; and

(b) on the basis of the restriction on the number of Community vessels fishing for bigeye tuna in 2005 notified to ICCAT on 30 June 2005.

2. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number of Community fishing vessels fishing for North Atlantic albacore tuna as a target species. The number of vessels shall be fixed as the average number of Community fishing vessels fishing for North Atlantic albacore tuna as a target species during the period 1993 to 1995.

3. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall distribute among the Member States:

(a) the number and capacity in GT determined in accordance with paragraph 1;

(b) the number of vessels determined in accordance with paragraph 2.

4. Before 15 May each year each Member State shall send the Commission by the customary means of data transmission:

(a) a list of vessels flying its flag and greater than 24 metres in length fishing for bigeye tuna;

(b) a list of vessels flying its flag and participating in a fishery targeting albacore tuna in the North Atlantic.

The Commission shall send this information to the ICCAT Secretariat before 31 May each year.

5. The lists referred to in paragraph 4 shall give the internal fishing fleet register number assigned to the vessel in accordance with Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register ([1]) and the type of gear used.

CHAPTER 4

Species not targeted and sport and recreational fishing

Article 13

Marlins

Member States shall encourage the use of monofilament streamer lines on swivels so that live blue marlins and white marlins may be easily released.

Article 14

Sharks

1. Member States shall encourage the release of live sharks captured accidentally, in particular juveniles.

2. Member States shall encourage the reduction of discards of sharks by improving the selectivity of fishing gears.

Article 15

Sea turtles

Member States shall encourage the release of live sea turtles captured accidentally.

Article 16

Sport and recreational fishing in the Mediterranean

1. Member States shall take the measures necessary to prohibit the use in the Mediterranean for sport and recreational fishing activities of towed nets, encircling nets, purse seines, dredges, gill nets, trammel nets and longlines to fish for tuna and related species.

2. Member States shall ensure that tuna and related species captured during sport and recreational fishing in the Mediterranean are not marketed.

Article 17

Report

Member States shall send the Commission not later than 15 August each year a report on the implementation of this Chapter.

TITLE III

TECHNICAL MEASURES APPLICABLE IN AREA 2

CHAPTER 1

Restrictions on the number of vessels

Article 18

Number of authorised vessels

1. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number of Community fishing vessels greater than 24 metres in length overall authorised to fish in Area 2. The number of vessels is set at the number of Community fishing vessels registered in the IOTC vessels register in 2003. The restriction on the number of vessels must correspond to the overall gross tonnage (GT). Where vessels are replaced the overall tonnage must not be exceeded.

2. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall distribute among the Member States the number of vessels determined in accordance with paragraph 1 of this Article.

CHAPTER 2

Species not targeted

Article 19

Sharks

1. Member States shall do their utmost to encourage the release of live sharks caught accidentally, in particular juveniles.

2. Member States shall encourage the reduction of discards of sharks.

([1]) OJ L 5, 9.1.2004, p. 25. Regulation as amended by Regulation (EC) No 1799/2006 (OJ L 341, 7.12.2006, p. 26).

Article 20

Sea turtles

1. Member States shall do their utmost to reduce the impact of fishing on sea turtles, in particular by applying the measures provided for in paragraphs 2, 3 and 4.

2. The use of all fishing gear shall be subject to the following conditions:

(a) appropriate handling, including the recovery or prompt release of sea turtles caught accidentally (by hooks or nets) or as by-catch;

(b) the presence on board of equipment necessary for the release of sea turtles caught accidentally or as by-catch.

3. The use of the purse seine shall be subject to the following conditions:

(a) an obligation to avoid, where possible, encircling sea turtles;

(b) the development and application of specifications for appropriate gear for minimising by-catches of sea turtles;

(c) the adoption of all the measures necessary for releasing encircled or caught sea turtles;

(d) the adoption of all the measures necessary for monitoring fish-aggregating devices in which sea turtles could be caught, to release those taken and recover devices that are not used.

4. The use of longlines shall be subject to the following conditions:

(a) the development and putting in place of combinations of hook shapes, type of lures, depth and design of nets and fishing practices to minimise accidental catches or by-catches and mortality of sea turtles;

(b) the presence on board of equipment necessary for releasing sea turtles caught accidentally or as by-catch. including tools for unhooking them or cutting the lines and landing nets.

TITLE IV

TECHNICAL MEASURES APPLICABLE IN AREA 3

Article 21

Transhipment

1. The use of ancillary vessels to support vessels fishing with the aid of fish-aggregating devices shall be prohibited.

2. Transhipments at sea by seiners shall be prohibited.

Article 22

Restrictions on the number of vessels

1. The Council, acting in accordance with the procedure laid down in Article 20 of Regulation (EC) No 2371/2002, shall determine the number of Community seiners authorised to fish in Area 3. The number of vessels shall be set at the number of Community seiners registered in the IATTC register on 28 June 2002.

2. Member States shall forward to the Commission, before 10 December each year, a list of the vessels flying their flag and intending to fish for tuna in Area 3. Vessels which are not included in that list shall be regarded as inactive and shall not be authorised to fish during the current year.

3. The lists shall mention the internal fishing fleet register number assigned to the vessel in accordance with Annex I to Regulation (EC) No 26/2004 and the type of gear used.

Article 23

Protection of dolphins

Only Community fishing vessels operating under the conditions laid down in the Agreement on the International Dolphin Conservation Programme which have been allocated a Dolphin Mortality Limit (DML) shall be authorised to encircle schools or groups of dolphins with purse seines when fishing for yellowfin tuna in Area 3.

Article 24

Requests for DMLs

Member States shall send the Commission before 15 September each year:

(a) a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the whole of the following year;

(b) a list of vessels flying their flag with a load capacity greater than 363 metric tonnes (400 net tonnes) which have applied for a DML for the first or second half of the following year;

(c) for each vessel requesting a DML, a certificate stating that the vessel has all the proper gears and equipment to protect dolphins and that its captain has completed an approved training course on rescuing and releasing dolphins;

(d) a list of vessels flying their flag which are likely to operate in the area in the course of the following year.

Article 25

Allocation of DMLs

1. Member States shall ensure that applications for DMLs comply with the conditions laid down in the Agreement on the International Dolphin Conservation Programme and the conservation measures adopted by the IATTC.

2. The Commission shall examine the lists and ensure that they comply with the provisions of the Agreement on the International Dolphin Conservation Program and the conservation measures adopted by the IATTC and shall send them to the Director of the IATTC. Where this examination reveals that the application does not meet the conditions referred to in this paragraph, the Commission shall immediately inform the Member State concerned that it cannot send all or part of an application to the Director of the IATTC, stating its reasons.

3. The Commission shall communicate to each Member State the overall DML to be distributed among the vessels flying their flag.

4. Each Member State shall send the Commission the breakdown of the DMLs among the vessels flying the flag of that Member State by 15 January each year.

5. The Commission shall send the Director of the IATTC the list and breakdown of the DMLs between Community fishing vessels by 1 February each year.

Article 26

Protection of other species not targeted

1. Purse seine vessels shall promptly release unharmed, to the extent practicable, all sea turtles, sharks, skipjack tuna, billfishes, rays, dorado, and other non-target species.

2. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of any such animals.

Article 27

Sea turtles

1. Whenever a sea turtle is sighted in the net, all reasonable efforts shall be made to rescue the turtle before it becomes entangled in the net, including, if necessary, the deployment of a speedboat.

2. If a sea turtle is entangled in the net, net roll shall stop as soon as the turtle comes out of the water and shall not start again until the turtle has been disentangled and released.

3. If a sea turtle is brought on board a vessel, all appropriate methods to assist in the recovery of the turtle shall be made before returning it to the water.

4. Tuna-fishing vessels shall be prohibited from disposing of salt bags or any other type of plastic rubbish at sea.

5. Where possible sea turtles caught in fish-aggregating devices and other fishing gear shall be released.

6. Fish-aggregating devices which are not used for fishing shall be recovered.

TITLE V

TECHNICAL MEASURES APPLICABLE IN AREA 4

Article 28

Waste reduction

Member States shall take measures to reduce to the minimum waste, discards, catches taken by lost or abandoned gear, pollution from fishing vessels, catches of fish and animals of species not targeted and repercussions for related or dependent species, in particular species threatened with extinction.

TITLE VI

GENERAL PROVISIONS

Article 29

Marine mammals

1. The encircling with purse seines of any school or group of marine mammals shall be prohibited.

2. Paragraph 1 shall apply to all Community fishing vessels with the exception of the vessels referred to in Article 23.

TITLE VII

FINAL PROVISIONS

Article 30

Comitology

The measures to be taken under Articles 6(4) and 8(2) shall be adopted in accordance with the procedure laid down in Article 30(3) of Regulation (EC) No 2371/2002.

Article 31

Repeal

Regulation (EC) No 973/2001 is hereby repealed.

Article 32

Entry into force

This Regulation shall enter into force on the 20th day following 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 Brussels, 7 May 2007.

For the Council
The President
H. SEEHOFER

ANNEX I

List of highly migratory species

— Albacore: *Thunnus alalunga*

— Bluefin tuna: *Thunnus thynnus*

— Bigeye tuna: *Thunnus obesus*

— Skipjack tuna: *Katsuwonus pelamis*

— Atlantic bonito: *Sarda sarda*

— Yellowfin tuna: *Thunnus albacares*

— Blackfin tuna: *Thunnus atlanticus*

— Little tuna: *Euthynnus spp.*

— Southern bluefin tuna: *Thunnus maccoyii*

— Frigate tuna: *Auxis spp.*

— Oceanic sea breams: *Bramidae*

— Marlins: *Tetrapturus spp.*; *Makaira spp.*

— Sailfish: *Istiophorus spp.*

— Swordfish: *Xiphias gladius*

— Sauries: *Scomberesox spp.*; *Cololabis spp.*

— Dolphinfish; common dolphinfish: *Coryphaena hippurus*; *Coryphaena equiselis*

— Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae Rhincodon typus*; *Carcharhinide*; *Sphyrnidae*; *Isuridae*; *Lamnidae*

— Cetaceans (whales and porpoises): *Physeteridae*; *Balenidae*; *Eschrichtiidae*; *Monodontidae*; *Ziphiidae*; *Delphinidae*

ANNEX II

ICCAT list of tunas and related species

— Bluefin tuna: *Thunnus thynnus*

— Southern bluefin tuna: *Thunnus maccoyii*

— Yellowfin tuna: *Thunnus albacares*

— Albacore tuna: *Thunnus alalunga*

— Bigeye tuna: *Thunnus obesus*

— Blackfin tuna: *Thunnus atlanticus*

— Little tuna: *Euthynnus alletteratus*

— Skipjack: *Katsuwonus pelamis*

— Atlantic bonito: *Sarda sarda*

— Frigate tuna: *Auxis thazard*

— Frigate tuna: *Auxis rochei*

— Palomette: *Orcynopsis unicolor*

— Wahoo: *Acanthocybium solandri*

— Chub mackerel: *Scomberomorus maculatus*

— King mackerel: *Scomberomourus cavalla*

— West African Spanish mackerel: *Scomberomorus tritor*

— Serra Spanish mackerel: *Scomberomorus brasilliensis*

— Cero: *Scomberomorus regalis*

— Sailfish: *Istiophorus albicans*

— Black marlin: *Makaira indica*

— Blue marlin: *Makaira nigricans*

— White marlin: *Tetrapturus albidus*

— Swordfish: *Xiphias gladius*

— Long-bill spearfish: *Tetrapturus pfluegeri*

ANNEX III

Length of vessels (Article 6(2))

ICCAT definition of the length of vessels:

— for any fishing vessel built after 18 July 1982, 96 % of the total length on a waterline at 85 % of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if this be greater. In ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline,

— for any fishing vessel built before 18 July 1982, registered length as entered in the national registers or other record of vessels.

ANNEX IV

MINIMUM SIZES

(Article 8(1))

Species	Minimum size
Bluefin tuna (*Thunnus thynnus*) (1)	6,4 kg or 70 cm
Bluefin tuna (*Thunnus thynnus*) (2)	10 kg or 80 cm
Swordfish (*Xiphias gladius*) (3)	25 kg or 125 cm (lower mandible)

(1) this minimum size is applicable only in the Eastern Atlantic Ocean
(2) this minimum size is applicable only in the Mediterranean Sea
(3) this minimum size is applicable only in the Atlantic Ocean