SUBSIDIARY LEGISLATION 425.13

BLUE FIN TUNA HARVESTING REGULATIONS*

19th October, 2017

LEGAL NOTICE 272 of 2017, as amended by Legal Notice 189 of 2020.

Citation.

1. The title of these regulations is the Blue Fin Tuna Harvesting Regulations.

Interpretation.

2. (1) In these regulations, the following definitions shall apply, unless the context otherwise requires:

Cap. 425.

"the Act" means the Fisheries Conservation and Management Act;

"average e-BCD caging weight" means total weight divided by the total number of pieces in a particular cage as recorded in the caging section within individual eBCDs;

"average harvest weight" means the total live weight of the fish harvested per cage divided by the total number of pieces as recorded during the harvesting process;

"e-BCD" means electronic Bluefin Tuna Catch document as defined in Regulation (EU) 2016/1627;

"Harvest Raised Weight" means the amended e-BCD average weight (with -5% lowest weight range applied as per Annex 9 of ICCAT Recommendation 14-04 implemented through Regulation (EU) 2016/1627) + SCRS growth factor = Harvest Raised Weight in kg;

"maximum harvest raised weight" means the acceptable harvested weight at national level up to 10% from the harvest raised weight as described in paragraph (d);

"Regulation (EU) 2016/1627" means Regulation (EU) 2016/1627 of The European Parliament and of the Council of 14 September 2016 on a Multiannual Recovery Plan for Bluefin Tuna in the Eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009;

"SCRS growth factor" refers to the values listed in tables 1 p.1049 Collective Volume of Scientific Papers ICCAT, (2010) vol. 65(3) – SCRS/2009/192.

*Repealed by Legal Noticec 218 of 2022.

(2) Words and phrases used in these regulations shall have the same meaning as is assigned to them in the Act.

Harvesting Procedure.
Amended by: L.N. 189 of 2020.

3. (1) Caged Bluefin Tuna shall at the moment of harvest be weighed.

(2) The average e-BCD caging weight for the corresponding cage is multiplied by the growth factor applicable for that month of harvest with a further 10% added to the resulting weight to account for technical errors.

(3) If at the exhaustion of the cage, the average weight of Bluefin Tuna at harvest is higher than the weight calculated in sub-regulation (2), no further eBCDs for that cage shall be validated by the Department of Fisheries and Aquaculture.

(4) During the harvesting period the Department of Fisheries and Aquaculture shall monitor and forecast harvesting weights in order to estimate the acceptable final HRV per cage.

(5) Harvested fish corresponding to the weight exceeding the HRV will be confiscated. All expenses related to the haulage, transportation and storage of this fish into an appropriate cold store will be carried out at the operator's expense.

(6) Without prejudice to sub-regulation (7), the operator may opt to release the equivalent weight of live Bluefin Tuna from a different cage in lieu of the weight referred to in sub-regulation (5).

(7) All the provisions of regulation 8 of the Aquaculture Operations Regulations shall apply *mutatis mutandis* to the operations regulated by these regulations.

S.L. 425.12.

Offences and Penalties.

4. (1) Any person who contravenes these regulations shall be guilty of an offence against the Act.