

COUNCIL DECISION

of 22 May 2006

on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica

(2006/539/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Community has exclusive competence to adopt measures for the conservation and management of fishery resources and to enter into agreements with other countries and international organisations.
- (2) The Community is a Contracting Party to the United Nations Convention on the Law of the Sea, which requires all members of the international community to cooperate in conserving and managing the sea's biological resources.
- (3) On 19 December 2003 the Community signed and ratified the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ⁽²⁾.
- (4) The Inter-American Tropical Tuna Commission (IATTC) was established by the Convention between the United States of America and the Republic of Costa Rica, concluded in 1949. During its 61st Meeting in June 1998, IATTC adopted a Resolution whereby Contracting Parties agreed to draw up a new Convention to strengthen the Commission and bring its statute up to date, in line with the provisions of the United Nations Convention on the Law of the Sea.

(5) The Community was invited to fully participate in this process since the beginning, and has played an active role therein. The process culminated in the adoption of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (the Antigua Convention), at the 70th Meeting of the IATTC, held from 24 to 27 June 2003 in Antigua, Guatemala.

(6) The Antigua Convention was open for signature on 14 November 2003 in Washington DC, United States of America, and remained so until 31 December 2004, in accordance with Article XXVII thereof.

(7) The Community signed the Antigua Convention on 13 December 2004, in conformity with Council Decision 2005/26/EC ⁽³⁾.

(8) Community fishermen operate in the Antigua Convention area. It is thus in the Community's interest to become a member of the IATTC. The Community should therefore approve the Antigua Convention.

(9) The Antigua Convention aims at the maintenance in strengthened form of the IATTC. It is destined to replace the 1949 Convention once it enters into force for all parties to that Convention. Therefore, in accordance with the spirit of Council Decision 1999/405/EC of 10 June 1999 authorising the Kingdom of Spain to accede to the Convention establishing the Inter-American Tropical Tuna Commission on a temporary basis ⁽⁴⁾, once the Antigua Convention enters into force, Spain must denounce the 1949 Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The Antigua Convention is hereby approved on behalf of the European Community.

⁽¹⁾ Assent of 27 April 2006 (not yet published in the Official Journal).

⁽²⁾ OJ L 189, 3.7.1998, p. 14.

⁽³⁾ OJ L 15, 19.1.2005, p. 9.

⁽⁴⁾ OJ L 155, 22.6.1999, p. 37.

The text of the Convention is attached to this Decision.

Article 3

On the entry into force of the Antigua Convention, Spain shall denounce the Convention establishing the Inter-American Tropical Tuna Commission.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to deposit the instrument of approval with the Government of the United States of America as Depositary of the Convention in Accordance with Article XXXVII thereof.

Done at Brussels, 22 May 2006.

For the Council
The President
J. PRÖLL