



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.8.2004
COM(2004) 577 final

2004/0197 (CNS)

Proposal for a

COUNCIL DECISION

**On the withdrawal by the European Community from the Convention on Fishing and
Conservation of the Living Resources in the Baltic Sea and Belts**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts (Gdansk Convention) of 1973, The Convention established the International Baltic Sea Fishery Commission (IBSFC). This organisation is the Regional Fishery Organisation responsible for the management of fisheries in the Baltic Sea. All waters in the Baltic Sea come within national jurisdiction and there are therefore no high seas areas. The Community acceded to the Convention 1983¹.

The main features of the activities of the IBSFC are the fixing and allocation of annual fishing possibilities for cod, salmon, herring and sprat, as well as the establishment and adoption of technical conservation measures for these fisheries. In addition the Organisation has been the leading party as regards actions for fisheries within the framework of the Agenda 21 plan for the Baltic Sea region. It also works closely together with HELCOM on environmental issues where, *inter alia*, it takes the lead in restoring wild salmon populations in Baltic rivers. There are currently six Contracting Parties to the IBSFC, namely the European Community, Estonia, Latvia, Lithuania, Poland and the Russian Federation.

Following the enlargement of the European Union on 1 May 2004, in accordance with Article 6 (12) of the Act of Accession of 2003, the four new Member States have an obligation to take the necessary steps to withdraw from the Gdansk Convention at the date of their accession or at the earliest possible date thereafter. According to the rules of the Gdansk Convention a withdrawal notified to the Depositary Government (Poland) during 2004 will take effect on 31 December 2005. Following these withdrawals, there will remain only two Contracting Parties, namely the European Community and the Russian Federation. The result of this will be that many of the current IBSFC procedures, such as qualified voting by a two-thirds majority, will become obsolete. Effectively, the organisation will become a bilateral forum.

The future of the IBSFC was discussed at the Annual Session of the IBSFC in Vilnius in September and October 2003. All Delegations except that of the Russian Federation recognised that the organisation would become redundant following the enlargement of the European Union, in practice from 1 January 2005. They also agreed that the current tasks of the IBSFC would be better managed on a bilateral basis by the Community and the Russian Federation from that date.

As the only other Party which would remain as a Contracting Party to the Gdansk Convention, the Russian Federation has already indicated that it is not in favour of the dissolution of the IBSFC.

The Commission services met representatives from the State Committee for Fisheries of the Russian Federation in October 2003, at which time the Commission made it clear that its preference was for the termination of the IBSFC. With the Russian Federation only being responsible for about 5% of the fishery resources of the Baltic Sea in very limited areas around Kaliningrad and St Petersburg, and with all waters in the Baltic Sea under national jurisdiction, the Commission's view is that an international Convention between two Parties is an inappropriate and disproportionate mechanism for discharging the Parties' obligations to co-operate on fisheries management.

¹ OJ L 237, 26.9.1983, p. 4

Fishery resources in the Baltic Sea would be better managed in the framework of a bilateral European Community – Russian Federation fisheries agreement, if necessary limited to the Baltic Sea. Such an agreement could include reciprocal access to fish and exchanges of quotas, as well as agreements on technical measures. Furthermore, in accordance with the Treaties of Accession, such an agreement would necessarily integrate the existing bilateral agreements between the Russian Federation and Estonia, Finland, Latvia, Lithuania, Poland and Sweden respectively within a single bilateral agreement.

It will be necessary during these negotiations to ensure that in any new fisheries relationship established with the Russian Federation in the Baltic Sea there are no gaps in the fisheries management following the termination of the Gdansk Convention as a result of the Community's withdrawal. This will ensure that the obligations of both the Community and the Russian Federation are fulfilled in full conformity with the United Nations Convention on the Law of the Sea, and in particular with the provisions pertaining to the conservation and management of fish stocks.

The Council is requested to adopt this proposal as soon as possible so that the Depositary of the Gdansk Convention can be notified of the withdrawal by the Community before 31 December 2004.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Whereas:

- (1) The Community is a Contracting Party to the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and Belts⁴ (the Gdansk Convention).
- (2) Article XIX of the Gdansk Convention provides for the withdrawal from the Convention by a Contracting Party.
- (3) Estonia, Latvia, Lithuania and Poland have an obligation to take the necessary steps to withdraw from the Gdansk Convention at the date of their accession or at the earliest possible date thereafter in accordance with Article 6 (12) of the 2003 Act of Accession.
- (4) Following the withdrawal of those new Member States, the Community and the Russian Federation will be the only remaining Contracting Parties to the Gdansk Convention and approximately 95 % of the Convention area will be Community waters.
- (5) The maintenance of an international fisheries organisation for the purpose of managing fisheries in waters that fall entirely under the jurisdiction of only two Parties would be disproportionate and inefficient. The Community should therefore withdraw from the Gdansk Convention,

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 237, 25.7.1983, p. 4

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall withdraw from the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts.

Article 2

The President of the Council is hereby authorised to designate the persons empowered to notify the Depositary of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts of the withdrawal of the European Community from the Convention.

Done at Brussels,

*For the Council
The President*