

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.5.2009
COM(2009) 218 final

Proposal for a

COUNCIL DECISION

**on the establishment of the Community position to be adopted in the Inter American
Tropical Tuna Commission**

EXPLANATORY MEMORANDUM

According to the second subparagraph of Article 300(2) of the EC Treaty, the positions to be adopted on behalf of the Community in Regional Fisheries Management Organisations when they are called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending their institutional framework, must be decided on by the Council, acting by a qualified majority on a proposal from the Commission.

In view of this obligation, and following similar Council Decisions regarding the International Commission for the Conservation of Atlantic Tunas, the General Fisheries Commission for the Mediterranean and the Indian Ocean Tuna Commission, and similar proposals from the European Commission for other Regional Fisheries Management Organisations, the European Commission proposes the present decision to establish the Community position to be adopted in the Inter American Tropical Tuna Commission. This proposal follows the same approach as for other Regional Fisheries Management Organisations so as to ensure consistency.

Proposal for a

COUNCIL DECISION

on the establishment of the Community position to be adopted in the Inter American Tropical Tuna Commission

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 33 of the EC Treaty, in conjunction with Article 32 thereof, provides that one of the objectives of the Common Fisheries Policy is to assure the availability of supplies. Regulation (EC) N° 2371/2002¹ provides that the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It also provides that the Community shall aim at a progressive implementation of an eco-system-based approach to fisheries management, and aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interest of consumers.
- (2) The European Community is a Co-operating non Contracting Party to the Inter American Tropical Tuna Commission (IATTC) and is therefore bound to respect conservation and management measures adopted by the IATTC. Furthermore, the European Community will become a member of the IATTC once 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") enters into force. The European Community approved the Antigua Convention by Council Decision 2006/539/EC². Pending entry into force, the European Community is under an international obligation not to defeat the object and purpose of that new Convention. In the meantime, Spain has been authorised by Council Decision 1999/405/EC³ to accede to the Convention establishing the IATTC on a temporary basis.

¹ OJ L 358, 31.12.2002, p. 59

² OJ L 224, 16.8.2006, p. 22

³ OJ L 155, 22.6.1999, p. 37

- (3) The IATTC may, on the basis of scientific evidence, make decisions designed to maintain the populations of highly migratory fish stocks (including tuna and tuna-like fishes) in the Convention area at levels which will ensure the long-term sustainability of such stocks.
- (4) Pursuant to the second sub-paragraph of Article 300 (2) of the EC Treaty, the position of the Community in bodies set up by regional fisheries agreements which are called upon to adopt decisions having legal effects (but not modifying the institutional framework of the agreements concerned) must be adopted by qualified majority by Council decision, on a proposal from the Commission.

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted on behalf of the Community in the Inter American Tropical Tuna Commission when that Commission is called upon to adopt decisions having legal effects is set out in the Annex to this Decision.

Article 2

The Community position set out in the Annex to the present Decision shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the Inter American Tropical Tuna Commission in 2014.

Done at Brussels,

For the Council
The President

ANNEX

The Community position in the Inter American Tropical Tuna Commission

1. PRINCIPLES

In the framework of the IATTC, the European Community shall:

- a) act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy, notably through the precautionary approach to provide for the sustainable exploitation of species regulated by the IATTC, to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-system, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) ensure that IATTC measures are in accordance with the objectives of the IATTC Convention;
- c) ensure that IATTC measures are consistent with international law, and in particular with the provisions of the UN Convention on the Law of the Sea, the UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas;
- d) promote consistent positions within Regional Fisheries Management Organisations;
- e) seek synergy with the policy that the Community is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its external relations policy;
- f) ensure that the Community's international commitments are respected.

2. ORIENTATIONS

The European Community shall, where appropriate, endeavour to support the adoption of the following actions by the IATTC:

- a) stringent conservation and management measures for fisheries resources allowing for their long term sustainability and taking into account the best scientific advice available, *inter alia* through temporal closures for purse seine vessels catching big eye, yellowfin and skipjack tuna, as well as equivalent measures for longline vessels targeting tuna or swordfish stocks. Where necessary, specific measures for stocks which suffer from overfishing shall be considered in order to avoid any increase of fishing activities;
- b) measures to control fishing effort to ensure that it is commensurate with fishing opportunities available;

- c) the development and implementation of effective monitoring, control and surveillance measures, concerning *inter alia* a vessel monitoring system, an observer scheme, port State measures, a strict regime to control transshipment at sea and a catch documentation scheme for certain species, if appropriate;
- d) enhanced measures to combat IUU activities;
- e) continued efforts to modernise IATTC, *inter alia* through a performance review.