

Notice of information of the termination of the demarches with third countries notified on 26 November 2013 of the possibility of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

(2015/C 142/04)

The European Commission (the Commission) has terminated the demarches with the Republic of Korea in the fight against IUU fishing initiated on 26 November 2013 with the Commission Decision 2013/C 346/03 ⁽¹⁾ on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ⁽²⁾ (IUU Regulation).

1. Legal framework

Pursuant to Article 32 of the IUU Regulation the Commission should notify third countries of the possibility of their being identified as non-cooperating countries. Such notification is of a preliminary nature. The notification of third countries of the possibility of their being identified as non-cooperating countries is based on the criteria laid down in Article 31 of the IUU Regulation.

The Commission should take all the demarches set out in Article 32 with respect to those countries. In particular, the Commission should include in the notification information concerning the essential facts and considerations underlying such identification, the opportunity of those countries to respond and provide evidence refuting the identification or, where appropriate, a plan of action to improve and measures taken to rectify the situation.

The Commission should give to the third countries concerned adequate time to answer the notification and reasonable time to remedy the situation.

2. Procedure

On 26 November 2013, the European Commission notified the Republic of Korea of the possibility of being identified as non-cooperating third countries in fighting illegal, unreported and unregulated (IUU) fishing.

The Commission highlighted that in order to avoid being identified as non-cooperating country, Korea was invited to cooperate with the Commission on the basis of a proposed action plan to rectify the shortcomings identified.

The Commission opened a process of dialogue with the Republic of Korea. This country submitted oral and written comments that were considered and taken into account by the Commission. The Commission continued to seek and verify all information in deemed necessary.

The Republic of Korea has introduced the necessary measures for the cessation of IUU fishing activities in question and the prevention of any future such activities, rectifying any act or omission leading to the notification of the possibility of being identified as non-cooperating countries in fighting IUU fishing.

3. Conclusion

In the given circumstances and after examining the abovementioned considerations, the Commission therefore concludes that the demarches vis-à-vis the Republic of Korea pursuant to the provisions of Article 32 of the IUU Regulation with respect to the discharge of their duties incumbent upon them under international law as flag, port, coastal or market State and their actions to prevent, deter and eliminate IUU fishing are hereby terminated. The relevant competent authorities have been officially informed by the Commission.

The abovementioned termination of demarches does not preclude any subsequent step taken by the Commission or the Council in the future, in case factual elements reveal that a country fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.

⁽¹⁾ OJ C 346, 27.11.2013, p. 26.

⁽²⁾ OJ L 286, 29.10.2008, p. 1.