

**COUNCIL DECISION****of 8 December 2005****on the approval on behalf of the European Community of the Agreement on the International Dolphin Conservation Programme**

(2005/938/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 first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The Community is competent to adopt measures for the conservation and management of fishery resources and to enter into agreements with third 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 living resources.
- (3) The Community is a contracting party to 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.
- (4) In February 1998, the 35th Intergovernmental meeting on the conservation of tunas and dolphins in the Eastern Pacific Ocean adopted the Agreement on the International Dolphin Conservation Programme (hereinafter referred to as the Agreement). The Agreement was signed in Washington on 21 May 1998 and entered into force on 15 February 1999.

(5) At present there are 15 contracting parties to the Agreement these being Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Spain, United States, Vanuatu and Venezuela.

(6) The objectives of the Agreement include the progressive reduction of incidental dolphin mortalities in the tuna purse-seine fishery in the Eastern Pacific Ocean to levels approaching zero, through the setting of annual limits and the long term sustainability of the tuna stocks in the Agreement Area.

(7) The Community recognises the importance of the Agreement in protecting sustainable fishing as a means of guaranteeing the ecological conservation of species, particularly dolphins.

(8) Community fishermen fish tuna stocks in the Agreement Area and it is in the Community's interest to play an effective role in the implementation of the Agreement.

(9) The Community signed <sup>(2)</sup> the Agreement, and decided to apply it provisionally <sup>(3)</sup> until completion of the required procedures for its official accession to the Inter-American Tropical Tuna Commission (IATTC).

(10) Under Article XIV of the Agreement, the IATTC is to have an integral role in coordinating the implementation of the Agreement and many implementing measures will be adopted within the framework of the IATTC.

(11) In parallel, the Kingdom of Spain was authorised to accede to the Convention establishing the IATTC on a temporary basis <sup>(4)</sup>.

<sup>(1)</sup> Opinion of 9 June 2005 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 132, 27.5.1999, p. 1.

<sup>(3)</sup> OJ L 147, 12.6.1999, p. 23.

<sup>(4)</sup> OJ L 155, 22.6.1999, p. 37.

- (12) The Kingdom of Spain has acceded to the IATTC on June 2003.
- (13) The official accession of the Community to the IATTC will take place upon the entry into force of the Convention for the strengthening of the IATTC established by the 1949 Convention between the United States of America and the Republic of Costa Rica (the Antigua Convention), of which the Community is a signatory <sup>(1)</sup>.
- (14) Pending the entry into force of the Antigua Convention, the effective participation of the Community in the work of the IATTC and consequently, to all activities and measures decided under the Agreement, is ensured through the Kingdom of Spain's membership of the IATTC on behalf of the Community.
- (15) The Community is now therefore in a position to approve the Agreement and fully assume its duties and responsibilities under both the Agreement and the Convention establishing the IATTC,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement on the International Dolphin Conservation Programme is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of approval with the Government of the United States of America as Depositary of the Agreement in Accordance with Article XXXII thereof.

Done at Brussels, 8 December 2005.

*For the Council*  
*The President*  
J. HUTTON

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<sup>(1)</sup> OJ L 15, 19.1.2005, p. 9.