



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.06.2000
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2000/0146(ACC)

Proposal for a

COUNCIL REGULATION

**prohibiting imports of blue-fin tuna (*Thunnus thynnus*) originating in Belize Honduras
and Equatorial Guinea**

(presented by the Commission)

EXPLANATORY MEMORANDUM

At its last meeting, in November 1999, the International Commission for the Conservation of Atlantic Tuna (ICCAT) adopted a recommendation to prohibit the import of Atlantic bluefin tuna by its Contracting Parties, in any form, from Equatorial Guinea, with effect from 15 June 2000. This recommendation is based on the same Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Bluefin Tuna (from 1994) and the 1996 recommendation on compliance that allowed ICCAT to recommend the import ban of Atlantic bluefin tuna from Belize, Honduras and Panama in 1997, and which was implemented by the Community through Council Regulation (EC) No 1435/98.

At the same meeting, the import bans applicable to Belize and Honduras were maintained, while the existing ban on bluefin tuna imports from Panama was lifted, due to Panama's cooperation with and accession to ICCAT.

The European Community became a Contracting Party to ICCAT, as from 14 November 1997, and under the common commercial policy the respect of these import prohibitions has to be introduced on a Community level.

As was the case with the adoption of Council Regulation (EC) No 1435/98, the Community considers these measures to be fully compatible with our obligations under the WTO, GATT-1994 Article XX, which foresees the possibility of applying trade measures in order to protect exhaustible resources, as well as with the LOME Convention (Belize and Equatorial Guinea).

Taking into account the nature of the various ICCAT recommendations, it is proposed to repeal Council Regulation (EC) No 1435/98 and replace it with the present proposal.

The Council is requested to approve the attached proposal for a Regulation.

Proposal for a

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prohibiting imports of blue-fin tuna (*Thunnus thynnus*) originating in Belize Honduras and Equatorial Guinea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Fishery resources, which are an exhaustible natural resource, must be protected in the interests of biological balances and global food security.
- (2) The International Commission for the Conservation of Atlantic Tuna (ICCAT), to which the European Community is a Contracting Party, adopted, in 1994, an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Bluefin Tuna as well as the 1996 Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries, to ensure the effective conservation of Atlantic bluefin tuna and the enforcement thereof.
- (3) The stock concerned cannot be managed effectively by the ICCAT contracting parties, whose fishermen are obliged to reduce their catches of Atlantic blue-fin tuna, unless all non-contracting parties cooperate with ICCAT and comply with its conservation and management measures.
- (4) ICCAT has identified Belize, Honduras and Equatorial Guinea as countries whose vessels fish Atlantic blue-fin tuna in a manner prejudicial to the organisation's measures to conserve the species, substantiating its findings with data concerning catches, trade and the observation of vessels.
- (5) ICCAT's attempts to encourage the three countries to comply with measures for the conservation and management of Atlantic blue-fin tuna have been to no avail.
- (6) ICCAT has instructed the contracting parties to take appropriate measures to continue to prohibit imports from Belize and Honduras and to introduce an import prohibition from Equatorial Guinea of Atlantic blue-fin tuna products in any form; these measures will be lifted as soon as it is established that the countries in question have brought their fishing practices into line with ICCAT's measures; whereas these measures must therefore be implemented by the Community, having the sole competence in this matter.

- (7) ICCAT has recognised the improved cooperation in the conservation of Atlantic blue-fin tuna with Panama; ICCAT has at its annual meeting in 1999 recommended that the import prohibition applied by contracting parties against Panama for Atlantic blue-fin tuna products in any form, should be lifted.
- (8) It is necessary to repeal Council Regulation (EC) No. 1435/98¹ applying import prohibitions against Belize, Honduras and Panama regarding blue-fin tuna and its products.
- (9) These measures are compatible with the Community's obligations under other international agreements,

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The release for free circulation in the Community of Atlantic blue-fin tuna (*Thunnus thynnus*) of CN codes ex 0301 99 90, 0302 39 11, 0302 39 91, 0303 49 21, 0303 49 23, 0303 49 29, ex 0303 49 90, ex 0304 10 38, ex 0304 10 98, ex 0304 20 45, ex 0304 90 97, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 14 11, ex 1604 14 16, ex 1604 14 18 and ex 1604 20 70, originating in Belize, Honduras and Equatorial Guinea is hereby prohibited.
- (2) The landing of products mentioned in paragraph 1 for the purposes of Community transit is hereby prohibited.

Article 2

This Regulation shall not apply to quantities of the products referred to in Article 1(1), originating in Equatorial Guinea, which can be shown to the satisfaction of the competent national authorities to have been under way to Community territory on the date of its entry into force and which are released for free circulation no later than fourteen days after that date.

Article 3

Regulation (EC) No. 1435/98 is hereby repealed.

¹ OJ L 191, 7.7.1998, p. 13

Article 4

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President