



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.06.2000
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2000/0163 (ACC)

Proposal for a

COUNCIL REGULATION

prohibiting imports of Atlantic swordfish (*Xiphias gladius*) originating in Belize and Honduras

(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 swordfish by its Contracting Parties, in any form, from Belize and Honduras, with effect from 1 July 2000. This recommendation is based on the Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish, adopted by ICCAT in 1995.

At this same meeting, ICCAT recommended the renewal of existing import prohibitions for bluefin tuna originating in Belize and Honduras, and to lift the import prohibition that had been applied to these products originating in Panama. These ICCAT recommendations must be transposed into Community legislation.

Following several attempts to invite Belize and Honduras to cooperate with ICCAT and to ensure that the agreed conservation and management regimes are respected, these two countries have been cited by ICCAT for the non-respect of and non-compliance with internationally agreed conservation measures and of non-cooperation with that organisation.

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 implemented on a Community level.

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 as regards Belize.

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

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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 1995, an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic, to ensure the effective conservation.
- (3) The stock concerned cannot be managed effectively by the ICCAT contracting parties, whose fishermen are obliged to reduce their catches of Atlantic swordfish, unless all non-contracting parties cooperate with ICCAT and comply with its conservation and management measures.
- (4) In 1998 ICCAT identified Belize and Honduras as countries whose vessels fish Atlantic swordfish in a manner which diminish the effectiveness of the organisation's swordfish conservation measures, substantiating its findings with data concerning catches, trade and the observation of vessels.
- (5) ICCAT's attempts to encourage the two countries to comply with measures for the conservation and management of Atlantic swordfish have been to no avail.
- (6) ICCAT has recommended the contracting parties to take appropriate measures to prohibit imports from Belize and Honduras of Atlantic swordfish 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) 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 swordfish (*Xiphias gladius*) of CN codes ex 0301 99 90, 0302 69 87, 0303 79 87, ex 0304 10 38, ex 0304 10 98, 0304 20 87, 0304 90 65, ex 0305 20 00, ex 0305 30 90, ex 0305 49 80, ex 0305 59 90, ex 0305 69 90, ex 1604 19 91, ex 1604 19 98, and ex 1604 20 70, originating in Belize and Honduras, 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) 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

This Regulation shall enter into force on 1 July 2000.

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

Done at Brussels,

For the Council
The President