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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Council Regulation (EC) No 827/2004 prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas (the ICCAT Convention) since 14 November 1997, following the adoption of Council Decision 86/238/EEC¹.

The ICCAT Convention provides a framework for regional cooperation in the conservation and management of tuna and tuna-like species in the Atlantic Ocean and its adjacent seas through the establishment of an International Commission for the Conservation of Atlantic Tunas (ICCAT) and the adoption by the latter of conservation and management measures which become binding on the contracting parties.

In 1998, ICCAT adopted resolution 98-18 concerning the unreported and unregulated catches of tuna by large-scale longline vessels in the Convention area. That resolution established procedures for the identification of countries whose vessels had fished for tuna and tuna-like species in a manner which diminished the effectiveness of ICCAT conservation and management measures. It also specified measures to be taken, including if necessary non-discriminatory trade restrictive measures, in order to prevent those countries' vessels from continuing such fishing practices.

Following the adoption of resolution 98-18, ICCAT has identified Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone as countries whose vessels fish Atlantic bigeye tuna (*Thunnus obesus*) in a manner which diminishes the effectiveness of its conservation and management measures, substantiating its findings with data concerning catches, trade and the activities of vessels. As a consequence, ICCAT recommended that Contracting Parties take appropriate measures, consistent with provisions of the 1998 Resolution, to the effect that the import of Atlantic bigeye tuna and its products in any form from the above mentioned countries be prohibited.

As a consequence, imports of Atlantic bigeye tuna originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone into the European Union have been prohibited by Regulation (EC) No 827/2004²

At its 14th Special Meeting in 2004, ICCAT acknowledged the efforts made by Cambodia, Equatorial Guinea and Sierra Leone to address its concerns and adopted recommendations for the lifting of trade-restrictive measures against those three countries.

As a consequence, Regulation (EC) No 827/2004 has been amended by Regulation (EC) No 919/2005³, so that it continues prohibiting such imports only from Bolivia and Georgia, whereas imports from Cambodia, Equatorial Guinea and Sierra Leone are authorized again.

Furthermore, at its 22nd regular annual meeting, ICCAT acknowledged the efforts made and actions taken by Bolivia and Georgia and adopted recommendation 11-19 lifting the import prohibitions on Atlantic bigeye tuna and its products which had been imposed on those two countries.

Regulation (EC) No 827/2004 as amended by Regulation (EC) No 919/2005 should therefore be repealed.

¹ OJ L 162, 18.6.1986, p. 33.

² OJ L 127, 29.4.2004, p. 21.

³ OJ L 156, 18.6.2005, p. 1.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

N/A

3. LEGAL ELEMENTS OF THE PROPOSAL

The lifting of the import prohibitions on Atlantic bigeye tuna and its products that were imposed on Bolivia and Georgia has been adopted by ICCAT, international body to which the European Union is a Contracting Party. In order to uphold its international commitments, the European Union should enact such decision into Union law and therefore repeal Regulation (EC) No 827/2004. As this proposal deals with common commercial policy, its legal basis should be Article 207 of the Treaty on the Functioning of the European Union.

4. BUDGETARY IMPLICATION

N/A

5. OPTIONAL ELEMENTS

N/A

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas (the ICCAT Convention) since 14 November 1997, following the adoption of Council Decision 86/238/EEC¹.
- (2) The ICCAT Convention provides a framework for regional cooperation in the conservation and management of tuna and tuna-like species in the Atlantic Ocean and its adjacent seas through the establishment of an International Commission for the Conservation of Atlantic Tunas (ICCAT) and the adoption by the latter of conservation and management measures which become binding on the contracting parties.
- (3) In 1998, ICCAT adopted resolution 98-18 concerning the unreported and unregulated catches of tuna by large-scale long line vessels in the Convention area. That resolution established procedures for the identification of countries whose vessels had fished for tuna and tuna-like species in a manner which diminished the effectiveness of ICCAT conservation and management measures. It also specified measures to be taken, including if necessary non-discriminatory trade restrictive measures, in order to prevent those countries' vessels from continuing such fishing practices.
- (4) Following the adoption of resolution 98-18, ICCAT has identified Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone as countries whose vessels fish Atlantic bigeye tuna (*Thunnus obesus*) in a manner which diminishes the effectiveness of its conservation and management measures, substantiating its findings with data concerning catches, trade and the activities of vessels.
- (5) As a consequence, ICCAT recommended that Contracting Parties take appropriate measures, consistent with provisions of the 1998 Resolution, to the effect that the import of Atlantic bigeye tuna and its products in any form from the above mentioned countries be prohibited.

¹ OJ L 162, 18.6.1986, p. 33.

- (6) Imports of Atlantic bigeye tuna originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone into the European Union have been prohibited by Council Regulation (EC) No 827/2004².
- (7) At its 14th Special Meeting in 2004, ICCAT acknowledged the efforts made by Cambodia, Equatorial Guinea and Sierra Leone to address its concerns and adopted recommendations for the lifting of trade-restrictive measures against those three countries.
- (8) As a consequence, Regulation (EC) No 827/2004 has been amended by Regulation (EC) No 919/2005³, so that it continues prohibiting such imports only from Bolivia and Georgia, whereas imports from Cambodia, Equatorial Guinea and Sierra Leone are permitted again.
- (9) At its 22nd regular annual meeting, ICCAT acknowledged the actions taken by Bolivia and Georgia and adopted recommendation 11-19 lifting the import prohibitions on Atlantic bigeye tuna and its products which had been imposed on those two remaining countries.
- (10) Regulation (EC) No 827/2004 should therefore be repealed.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 827/2004 is repealed.

Article 2

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

² OJ L 127, 29.4.2004, p. 21.

³ OJ L 156, 18.6.2005, p. 1.