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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.3.2009
COM(2009) 123 final

Proposal for a

COUNCIL DECISION

**on the establishment of the Community position
to be adopted in the Indian Ocean Tuna Commission**

EXPLANATORY MEMORANDUM

According to article 300(2), second subparagraph of the EC Treaty, where bodies set up by international agreements are called upon to adopt decisions having legal effects, except for decisions supplementing or amending the institutional framework of the agreements concerned, the Community position relating to such decisions shall be established by the Council on a proposal by the Commission.

In view of this obligation, and following a similar proposal on establishing a Community position in the ICCAT (Council Decision for the establishment of the Community position in the International Commission for the Conservation of Atlantic Tuna of 11 November 2008, Doc. 14863/08, PECH 278 RESTREINT), the European Commission proposes the present decision to determine the Community position in the Indian Ocean Tuna Commission (IOTC). This proposal follows the same approach as the Council decision for the ICCAT, so as to ensure consistency within Community positions in various Regional Fisheries Management Organisations.

Proposal for a

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on the establishment of the Community position to be adopted in the Indian Ocean Tuna Commission

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 33 of the EC Treaty, in conjunction with Article 32 thereof, provides that one of the objectives of the Common Fisheries Policy is to assure the availability of supplies. Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy provides that the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It also provides that the Community shall aim at a progressive implementation of an eco-system-based approach to fisheries management, and aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interest of consumers.
- (2) The European Community is a Contracting Party to the Agreement establishing the Indian Ocean Tuna Commission (IOTC) within the framework of the Food and Agriculture Organisation of the United Nations. The IOTC may, on the basis of scientific evidence, adopt measures designed to maintain the populations of highly migratory fish stocks (tuna and tuna-like fishes) that may be taken in Indian Ocean and adjacent seas, north of the Antarctic Convergence area at levels which will ensure the long-term sustainability of such stocks,
- (3) Pursuant to the second sub-paragraph of Article 300 (2) of the EC Treaty, the position of the Community in bodies set up by regional fisheries agreements which are called upon to adopt decisions having legal effects (but not modifying the institutional framework of the agreements concerned) must be adopted by qualified majority by Council decision, on a proposal from the Commission.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Community in the Indian Ocean Tuna Commission when that Commission is called upon to adopt decisions having legal effects is set out in the Annex to this Decision.

Article 2

This Decision shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the Indian Ocean Tuna Commission in 2014.

Done at Brussels,

*For the Council
The President*

ANNEX

The Community position in the Indian Ocean Tuna Commission

1. PRINCIPLES

In the framework of the IOTC, the European Community shall:

- (a) act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy, notably through the precautionary approach to provide for the sustainable exploitation of species regulated by the IOTC, to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-system, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- (b) ensure that IOTC measures are in accordance with the objectives of the IOTC Agreement;
- (c) ensure that IOTC measures are consistent with international law, and in particular with the provisions of the UN Convention on the Law of the Sea, the UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas;
- (d) promote consistent positions within Regional Fisheries Management Organisations;
- (e) seek synergy with the policy that the Community is pursuing as part of its bilateral fishery relations with third countries, and ensure coherence with its external relations policy;
- (f) ensure that the Community's international commitments are respected.

2. ORIENTATIONS

The European Community shall, where appropriate, endeavour to support the adoption of the following actions by the IOTC:

- (a) stringent conservation and management measures for fisheries resources allowing for their long term sustainability taking into account the best scientific advice available, for purse seine vessels catching big eye, yellowfin and skipjack tuna, as well as equivalent measures for longline vessels targeting tuna or swordfish stocks;
- (b) measures to control fishing effort to ensure that it is commensurate with the available fishing opportunities;

- (c) measures to minimise the impact of fishing activities on non target species, notably sharks
- (d) the development and implementation of monitoring, control and surveillance measures, concerning *inter alia*, port State measures;
- (e) enhanced measures to combat IUU activities, in particular binding market-related measures to promote compliance by non Members;
- (f) development of common approaches with other Regional Fisheries Management Organisations, including the Western and Central Pacific Fisheries Commission and the International Commission for the Conservation of Atlantic Tunas;
- (g) continued modernisation of the IOTC following the performance review, including its reform and the creation of an independent body from the United Nations framework.