



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.02.1998

COM(1998) 48 final

98/0033 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

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

(presented by the Commission)

Explanatory Memorandum

At its last meeting in November 1996, the International Commission for the Conservation of Atlantic Tuna (ICCAT) adopted two recommendations to prohibit the import of Atlantic Blue-Fin Tuna by its Contracting Parties, in any form, from Belize and Honduras, with effect from 4 August 1997. Following several attempts to invite these countries 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 for non-cooperation with that organisation.

The Community has become a Contracting Party to ICCAT as from 14.11.1997. As a consequence, the Community is obliged to respect the ICCAT recommendations and must implement these at the Community level as a part of the common commercial policy. The objective of this proposal is, therefore, to prohibit imports of Atlantic bluefin tuna from Belize and Honduras.

The Commission has sent to the Council the necessary proposals for the implementation of various technical ICCAT recommendations on the Community level. These measures concern a partial prohibition of purse seine fishing for bluefin tuna in the Mediterranean, the prohibition of certain fisheries supportive activities, minimum size for bluefin tuna and the fixation of total allowable catches for bluefin tuna as well as their distribution in quotas to Member States (1998). The Council adopted the total allowable catches and their distribution in quotas in December 1997. The other technical measures are still under discussion. Therefore, the measures foreseen in this proposal should only be adopted in parallel with the other technical measures applicable to the fishing of Blue-Fin Tuna in the Mediterranean Sea.

The Community considers the commercial measures to be fully compatible with our obligations under WTO, GATT Article XX(g), which provides a legal basis for the conservation of exhaustible natural resources. The ICCAT recommendations on conservation measures for bluefin tuna, when fully implemented on the Community level, will secure effective restrictions on the domestic production of the Community.

As regards Belize, the Commission considers these measures to be compatible with the LOME Convention, especially Articles 169 and 170 thereof. These articles shall be interpreted in such a way that it is allowed to restrict imports to the extent necessary for protecting the conservation of living marine resources, when such measures are similar to measures the Community has taken for the same purpose.

The ICCAT management measures for bluefin tuna are directed at a reduction in the fishing mortality for that species in order to assure its future conservation.

The proposals the Commission has submitted to the Council pursue the same purpose in reducing catches of bluefin tuna and in adopting technical measures to protect, inter alia, juvenile fish.

Proposal for a
Council Regulation (EC) No

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas fishery resources, which are an exhaustible natural resource, must be protected in the interests of biological balances and global food security;

Whereas the European Community recognises the authority and the responsibility of the competent international organisations for stocks fished in international waters, and actively encourages their action; whereas the Community therefore subscribes to the objectives fixed by the International Commission for the Conservation of Atlantic Tuna (ICCAT) and endorses the measures in its 1994 and 1996 recommendations aimed at ensuring the effectiveness of the blue-fin tuna conservation programme;

Whereas the European Community has become a Contracting Party to ICCAT, from 14.11.1997, and is bound to implement the measures in question; whereas implementation must be handled by the Community, which has sole competence in the matter; whereas overfishing of Atlantic blue-fin tuna caused ICCAT to adopt an action plan in 1994 to ensure the effectiveness of measures to conserve the species; whereas the stocks 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 management and conservation measures;

Whereas in 1995 ICCAT identified Belize and Honduras 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;

Whereas ICCAT's attempts to encourage the two countries to comply with measures for the conservation and management of Atlantic blue-fin tuna have been to no avail;

Whereas ICCAT has instructed the contracting parties to take appropriate measures to prohibit imports from Belize and Honduras of Atlantic blue-fin tuna products in any form; whereas this measure 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 this measure must therefore be implemented by the Community;

Whereas this measure is 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 0302 39 11, 0302 39 91, 0303 49 21, 0303 49 23, 0303 49 29, ex 0303 49 90, ex 0304 10 98, ex 0304 20 45, 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 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 for the Community 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 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, on ...

For the Council

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