



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from:	General Secretariat of the Council
to:	Permanent Representatives Committee/Council
Subject:	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 (<i>Thunnus obesus</i>) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No 1036/2001 – Outcome of the European Parliament's first reading (Strasbourg, 3 to 6 February 2014)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts took place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the Committee on Fisheries presented a report with two amendments to the proposal for a Regulation. These amendments had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 5 February 2014, the plenary adopted the Committee's two amendments. No other amendments were adopted.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position, which is contained in its legislative resolution as set out in the Annex hereto¹.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position. The act would then be adopted in the wording which corresponds to the Parliament's position.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Imports of Atlantic bigeye tuna *I**

European Parliament legislative resolution of 5 February 2014 on the 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 (COM(2013)0185 – C7-0091/2013 – 2013/0097(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0185),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0091/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 22 January 2014 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0475/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0097

Position of the European Parliament adopted at first reading on 5 February 2014 with a view to the adoption of Regulation (EU) No .../2014 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

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 procedure¹,

¹ Position of the European Parliament of 5 February 2014.

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. The ICCAT Convention established an International Commission for the Conservation of Atlantic Tunas (ICCAT) which adopts conservation and management measures. Those measures 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 identifying 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.

¹ ***Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).***

- (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. ICCAT has substantiated 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 the provisions of its resolution 98-18, to prohibit imports of Atlantic bigeye tuna and its products in any form from those countries.
- (6) In 2004, imports of Atlantic bigeye tuna originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone into the Union were prohibited by Council Regulation (EC) No 827/2004¹.
- (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 lifting trade-restrictive measures against those three countries *in relation to Atlantic bigeye tuna and its products*.

¹ ***Council Regulation (EC) No 827/2004 of 26 April 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 (OJ L 127, 29.4.2004, p. 21).***

- (8) As a consequence, **Council** Regulation (EC) No 919/2005¹ amended Regulation (EC) No 827/2004 to lift the prohibition on imports *of Atlantic bigeye tuna and its products* from Cambodia, Equatorial Guinea and Sierra Leone into the Union. Following that amendment, Regulation (EC) No 827/2004 only prohibits **such** imports from Bolivia and Georgia..
- (9) At its 22nd regular annual meeting in 2011, ICCAT acknowledged the actions taken by Bolivia and Georgia and adopted recommendation 11-19 lifting the prohibition on imports of Atlantic bigeye tuna and its products that continued to apply to those two countries.
- (10) Regulation (EC) No 827/2004 should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 827/2004 is repealed.

¹ **Council Regulation (EC) No 919/2005 of 13 June 2005 amending Regulation (EC) No 827/2004 as regards the prohibition of imports of Atlantic bigeye tuna from Cambodia, Equatorial Guinea and Sierra Leone, and repealing Regulation (EC) No 826/2004 prohibiting imports of blue-fin tuna from Equatorial Guinea and Sierra Leone and Regulation (EC) No 828/2004 prohibiting imports of swordfish from Sierra Leone (OJ L 156, 18.6.2005, p. 1).**

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

For the European Parliament
The President

For the Council
The President