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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 23 September 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: COM(2014) 580 final

Subject: Proposal for a COUNCIL DECISION concerning the conclusion, on behalf
of the European Union, of the amended Agreement for the establishment
of the General Fisheries Commission for the Mediterranean

Delegations will find attached document COM(2014) 580 final.

Encl.: COM(2014) 580 final



EUROPEAN
COMMISSION

Brussels, 23.9.2014
COM(2014) 580 final

2014/0274 (NLE)

Proposal for a

COUNCIL DECISION

**concerning the conclusion, on behalf of the European Union, of the amended Agreement
for the establishment of the General Fisheries Commission for the Mediterranean**

EXPLANATORY MEMORANDUM

The Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM), under the provisions of Article XIV of the FAO constitution, was approved by the FAO Conference in 1949 and entered into force in 1952. Amendments to this Agreement were approved in 1963, 1976 and 1997. The European Community acceded to the GFCM on 16 June 1998 through Decision 98/416/EC¹. Mediterranean and Black Sea EU Member States are also parties to this Agreement.

The GFCM is a so-called Regional Fisheries Management Organisation (RFMO), with the aim of promoting the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Mediterranean and Black Sea.

An amendment of the GFCM Agreement was launched in 2013 following a performance review finalised in 2011, which concluded that the Agreement should be amended to clarify the objectives and functions of the GFCM, and strengthen its efficiency.

The amended Agreement was negotiated with the GFCM Contracting Parties. The legal Service of the FAO also participated to the debate. The Council authorised the Commission to negotiate on behalf of the Union on matters falling within the Union's competence. The negotiations were carried out by Member States and the Commission as per their respective areas of competence in accordance to the terms of the mandate. Throughout the negotiations, Member States and the Commission coordinated regularly and closely throughout the negotiation process.

The Contracting Parties to the GFCM endorsed the "Amended Agreement for the establishment of the General Fisheries Commission for the Mediterranean" at the GFCM 38 Annual Session on 19-24 May 2014.

The amended Agreement revises the structure and content of the current one, so as to bring it in line with modern RFMO instruments. Main changes introduced are as follows:

- A clearer explanation of the purpose and underlying principles of the GFCM Agreement. The new Agreement sets a clear overall objective of biological, social, economic and environmental sustainability of living marine resources. It also introduces definitions of the terms that are necessary for the correct interpretation of the Agreement. Better defined functions of the GFCM, which include the promotion of common fishery management through multiannual management plans, the establishment of fisheries restricted areas, and the collection and dissemination of data. In this context, the new Agreement integrates core elements of the Common Fisheries Policy regarding the objective of maximum sustainable yield, the ecosystem and precautionary approach, the reduction of discards, the fight against illegal, unreported and unregulated fishing.
- Provisions for the establishment of measures/sanctions to address non-compliance by Members/non-Members

¹ OJ L 190 , 4.7.1998, p. 34 – 35

- Establishment of a well-defined dispute settlement mechanism in case disputes arise between Contracting Parties.

The amended Agreement is in line with the main objectives of the Common Fisheries Policy.

The proposal intends to conclude the amended GFCM Agreement on behalf of the European Union.

The text of the amended Agreement in annex to the proposed Council Decision will undergo a final legal check by the FAO, which should be finalised in October 2014. The text may therefore undergo changes, which are not expected to be of substance. In order to avoid unnecessary delays in the conclusion of the amended Agreement, the Commission proceeds to the submission of the current proposal. The Commission will ensure that the FAO validated text is submitted to the Council before discussions in the Council Working Party start.

The Council is requested to adopt the proposal as soon as possible following the consent of the European Parliament.

Proposal for a

COUNCIL DECISION

concerning the conclusion, on behalf of the European Union, of the amended Agreement for the establishment of the General Fisheries Commission for the Mediterranean

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal from the Commission²,

Having regard to the consent of the European Parliament³,

Whereas:

- (1) The Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM), was established and approved at the Fifth Session of the FAO Conference in 1949, entered into force on 20 February 1952.
- (2) The European Community became a contracting party to the GFCM through the adoption by the Council of Decision (98/416/EC) of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean⁴.
- (3) By virtue of Article 1, third paragraph, of the Treaty on European Union, the European Union has replaced and succeeded to the European Community.
- (4) On 15 November 2013 the Council authorised the Commission to negotiate, on behalf of the Union, amendments to the GFCM Agreement on matters falling under the Union's competence.
- (5) Negotiations were carried out by Member States and the Commission as per their respective areas of competence in accordance to the mandate and in close coordination between them.
- (6) Negotiations were successfully concluded at the GFCM meeting from 19 to 24 May 2014, which endorsed by consensus a text of an amended Agreement.
- (7) The purpose of the amendment is to modernise the GFCM and reinforce its role in the conservation of fisheries resources in its area of competence.

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 190 , 4.7.1998, p. 34 – 35

- (8) The objectives, general principles and functions of the GFCM been been reviewed and broadened to ensure the long term conservation and sustainable use of living marine resources and their environment.
- (9) The amended Agreement is in line with the principles of the Union's Common Fisheries Policy, it is therefore in the Union's interest to approve it,

HAS ADOPTED THIS DECISION:

Article 1

The amended Agreement establishing the General Fisheries Commission for the Mediterranean as set out in the Annex is hereby concluded.

Article 2

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to notify the FAO of the European Union's acceptance of the amended Agreement.

Article 3

This Decision shall enter into force 20 days after its publication in the *Official Journal of the European Union*. It shall be published in the *Official Journal of the European Union*.

The date of entry into force of the amended Agreement for the establishment of the General Fisheries Commission for the Mediterranean shall be published in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council
The President*