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COVER NOTE

From:	Secretary General of the Council
date of receipt:	7 January 2014
To:	Delegations
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 (doc. 8408/13 PECHE 144 COMER 79 WTO 90 CODEC 806 - COM(2013) 185 final)

Delegations will find attached the Report with the vote of the European Parliament Committee on Fisheries on the above. This Report will be examined shortly in the Fisheries Working Party.



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0000/2013

17.12.2013

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council repealing Council Regulation (EC) N°827/2004 prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) N°1036/2001 (COM(2013)0185 – C7-0091/2013 – 2013/0097(COD))

Committee on Fisheries

Rapporteur: Raül Romeva i Rueda

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout, e.g. ‘’. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0000/2013),
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.

Amendment 1

Proposal for a regulation

Recital 7

Text proposed by the Commission

(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.

Amendment

(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 *in relation to Atlantic bigeye*

tuna and its products.

Amendment 2

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) As a consequence, Regulation (EC) No 827/2004 has been amended by Regulation (EC) No 919/2005, so that it continues prohibiting *such* imports only from Bolivia and Georgia, whereas imports from Cambodia, Equatorial Guinea and Sierra Leone are permitted again.

⁶ OJ L 156, 18.6.2005, p. 1.

Amendment

(8) As a consequence, Regulation (EC) No 827/2004 has been amended by Regulation (EC) No 919/2005, so that it continues prohibiting imports *of Atlantic bigeye tuna and its products* only from Bolivia and Georgia, whereas imports from Cambodia, Equatorial Guinea and Sierra Leone are permitted again.

⁶ OJ L 156, 18.6.2005, p. 1.

EXPLANATORY STATEMENT

The proposal from the Commission concerns the repeal of Regulation 827/2004, which prohibited the importation of bigeye tuna products from Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone.

That regulation has its origins in the 1990s, in the glory days when ICCAT was at the forefront of the fight against IUU fishing, even before it was commonly referred to as IUU fishing. At the time, ICCAT was pioneering the use of innovative tools to use and was the first to impose import bans from countries that were suspected of allowing vessels flying their flag to disregard international rules and norms. It also was the first or at least among the first to establish black lists of vessels that had been observed fishing illegally or extra-legally.

This chapter of ICCAT's history deserves a serious analysis, for it forms a critical part of the international campaign against IUU fishing, but that is beyond the scope of this simple report.

Initially, ICCAT took action against Non-Contracting Parties, adopting resolutions that led to a number of import bans for various products (bluefin tuna, bigeye tuna, swordfish). Then, confronted with accusations of bias for only acting against Non-Contracting Parties, it began to act against Contracting Parties as well.

One unfortunate, but inevitable, consequence of imposing a series of import bans against individual countries was reflagging on the part of vessels. ICCAT thus engaged in a game that resembled "chase the flag" as vessels would leave one register that was subject to a ban for another, leaving ICCAT to scramble to find, and then identify, the recipient flag State.

Another consequence was that the Non-Contracting Parties became Contracting Parties, for the legal interpretation of the relevant ICCAT resolutions (including by the then-European Community) was that as non-compliant flag States became members, the import bans were lifted - without any demonstration whatsoever that the new Contracting Parties had done anything to clean up their act and in the absence of an efficient MCSE system. In some cases they had to be re-identified as Contracting Parties and subject to a new ban. However, in the end, ICCAT considered that the problems had been sufficiently addressed to lift the bans and the black list which in 2000 contained 345 vessels¹ shrunk to 29 in 2012² which leads many people to believe that IUU fishing has almost been eradicated in the area.

This regulation represents one of the last vestiges of that part of the ICCAT history.

Nonetheless, tuna fishing and trading being what it is, especially for valuable species such as bluefin and bigeye tuna, the current complexity of ICCAT measures attempting to control fishing and trade attests to the fact that IUU fishing is still an important consideration in the Atlantic fisheries for tuna and tuna-like fisheries. It is too early to lower our guard.

In that context, it is important to note that Cambodia was pre-identified by the Commission in

¹ <http://www.fao.org/docrep/005/y3274e/y3274e07.htm>

² <http://www.iccat.int/en/IUU.asp>

its Decision of 15 November 2012, under the EU's IUU regulation 1005/2008 as a non-cooperating country.

PROCEDURE

Title	Repeal of 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 of Regulation (EC) No 1036/2001	
References	COM(2013)0185 – C7-0091/2013 – 2013/0097(COD)	
Date submitted to Parliament	8.4.2013	
Committee responsible Date announced in plenary	PECH 16.4.2013	
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 16.4.2013	
Not delivering opinions Date of decision	ENVI 25.4.2013	
Rapporteur(s) Date appointed	Raül Romeva i Rueda 6.5.2013	
Discussed in committee	18.6.2013	4.11.2013
Date adopted	17.12.2013	
Result of final vote	+: -: 0:	14 0 0
Members present for the final vote	John Stuart Agnew, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Marek Józef Gróbarczyk, Isabella Lövin, Gabriel Mato Adrover, Maria do Céu Patrão Neves, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Nils Torvalds, Jarosław Leszek Wałęsa	
Substitute(s) present for the final vote	Jens Nilsson, Antolín Sánchez Presedo	
Substitute(s) under Rule 187(2) present for the final vote	Andrzej Grzyb	