

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

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PURPOSE: to approve on behalf of the EU the Agreement on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

PROPOSED ACT: Council Decision.

BACKGROUND: the European Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982, which inter alia requires all members of the international community to cooperate in managing and conserving the biological resources of the sea. It is a contracting party to the 1995 Agreement on the implementation of the provisions of the United Nations Convention of the Law of the Sea, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which entered into force on 11 December 2001.

The Thirty Sixth session of the Food and Agriculture Organisation (FAO) Conference, held in Rome between 18-23 November 2009 adopted the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) under Article XIV of the FAO Constitution.

The Agreement was signed on 22 November 2009 on behalf of the European Community in accordance with Council Decision of 20 November 2009⁵, subject to its conclusion at a later date.

The fight against IUU fishing constitutes an essential component of the Common Fisheries Policy and the EU should be able to foster international cooperation on this matter by participating actively and constructively in the adoption of an international instrument on Port State measures. The EU has participated in this process from the start and has played an active and constructive role in the drafting of the Agreement.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43 with Article 218(6)(a) TFEU.

CONTENT: given that the European Union is a major player in international fisheries and one of the main global markets for fishery products, the Council is called upon to approve this Agreement on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing on behalf of the EU.

The objective of the Agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems. It contains provisions regarding:

- entry into port (designation of ports, advance request for port entry and port entry authorisation or denial);
- use of ports;
- inspections and follow-up actions;

- role of flag states;
- requirements of developing states;
- dispute settlement.

BUDGETARY IMPLICATION: the proposal has no implications for the EU budget.