Basic information

2005/0137(AVC) AVC - Assent procedure (historic)	Procedure completed
Conservation of marine and fisheries resources: tropical tuna, conclusion of the Convention for the strengthening of the Inter-American Commission IATTC, established by the 1949 Convention between the United States and Costa Rica called Antigua Convention **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	FREITAS Duarte (PPE-DE)	15/09/2005

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2730	2006-05-22

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	

Key events

Date	Event	Reference	Summary
20/07/2005	Initial legislative proposal published	COM(2005)0325	Summary
07/12/2005	Legislative proposal published	14343/2005	Summary
01/02/2006	Committee referral announced in Parliament		
21/03/2006	Vote in committee		Summary
22/03/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0070/2006	
27/04/2006	Decision by Parliament	T6-0150/2006	Summary
27/04/2006	Results of vote in Parliament		
22/05/2006	Act adopted by Council after consultation of Parliament		
22/05/2006	End of procedure in Parliament		

16/08/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0137(AVC)
Procedure type	AVC - Assent procedure (historic)
Procedure subtype	International agreement
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1 EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/29777

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE368.018	01/02/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0070/2006	22/03/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0150/2006	27/04/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14343/2005	07/12/2005	Summary

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2005)0325	20/07/2005	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2006/0539
OJ L 224 16.08.2006, p. 0022-0023 Summary

Conservation of marine and fisheries resources: tropical tuna, conclusion of the Convention for the strengthening of the Inter-American Commission IATTC, established by the 1949 Convention between the United States and Costa Rica called Antigua Convention

2005/0137(AVC) - 07/12/2005 - Legislative proposal

At its meeting on 28 October 2005, the Working Party on Internal and External Fishery Policy examined the above proposal. The Working Party unanimously agreed to the text of the proposal, but introduced one amendment consisting of changing the legal basis in order to ask the European Parliament for its assent (the Danish, Polish and United Kingdom delegations entered parliamentary scrutiny reservations on the text of the proposal. The United Kingdom and Poland have now lifted their reservation. Denmark expects to lift its reservation before 14 December 2005).

The Commission representative entered a scrutiny reservation on the change of legal basis which was subsequently lifted on 17 November 2005.

The text, as finalised by the legal linguistic experts, should now be forwarded to the European Parliament in order to obtain its assent in accordance with Article 300(3), second alinea of the TEC. Subsequently, the text will be submitted for formal approval to COREPER/Council.

The rest of the text has not been modified therefore please refer to the previous initial proposal.

Conservation of marine and fisheries resources: tropical tuna, conclusion of the Convention for the strengthening of the Inter-American Commission IATTC, established by the 1949 Convention between the United States and Costa Rica called Antigua Convention

2005/0137(AVC) - 27/04/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Duarte **FREITAS** (EPP-ED, PT) giving its assent to conclusion of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica.

Conservation of marine and fisheries resources: tropical tuna, conclusion of the Convention for the strengthening of the Inter-American Commission IATTC, established by the 1949 Convention between the United States and Costa Rica called Antigua Convention

2005/0137(AVC) - 22/05/2006 - Final act

PURPOSE : to conclude the Convention for the Strengthening of the Inter-American Tropical Tuna Commission.

LEGISLATIVE ACT : Council Decision 2006/539/EC on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica.

CONTENT : the Inter-American Tropical Tuna Commission (IATTC) is a Regional Fisheries Organisation which has the competence to regulate fisheries in the Eastern Pacific Ocean for highly migratory fish stocks. It was established by the 1949 Convention between the United States of America and the Republic of Costa Rica. The IATTC adopted a Resolution in 1998 launching the process of drafting the text of a new IATTC Convention to replace that of 1949. The new Convention is known as “the Antigua Convention”. The Antigua Convention is a comprehensive text that effectively strengthens the IATTC and ensures that it will exercise its responsibilities towards the effective conservation and management of the EPO highly migratory fish stocks according to the principles and standards set out in the 1982 United Nation Convention on the Law of the Sea.

The Community has participated in the drafting of the Antigua Convention and has actively contributed to the process.

This Decision formally concludes the Antigua Convention on behalf of the Community. The Antigua Convention replaces, for all the parties to the Convention, the 1949 Convention as soon as the former enters into force. Spain will denounce the 1949 Convention when the Antigua Convention enters into force.

Conservation of marine and fisheries resources: tropical tuna, conclusion of the Convention for the strengthening of the Inter-American Commission IATTC, established by the 1949 Convention between the United States and Costa Rica called Antigua Convention

2005/0137(AVC) - 20/07/2005 - Initial legislative proposal

PURPOSE : to conclude, on behalf of the EC, the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the USA and the Republic of Costa Rica.

PROPOSED ACT : Council Decision.

CONTENT : the Inter-American Tropical Tuna Commission (IATTC) is a Regional Fisheries Organisation which has the competence to regulate fisheries in the Eastern Pacific Ocean (EPO) for highly migratory fish stocks. This RFO was established by the 1949 Convention between the United States of America and the Republic of Costa Rica. The IATTC membership now comprises 14 coastal and fishing States with interests in the region.

The Community has been operating in the EPO tuna fisheries for many years. Currently, the EC tuna fishing fleet operating in the EPO counts 5 purse seiners targeting in particular skipjack tuna and its catches amounted to 31,000 Metric Tonnes in 2002. Its presence in the region requires it to co-operate with other interested coastal and fishing States, Entities and Organisations towards the conservation and management of the highly migratory fish stocks placed under IATTC Competence. As such, the Community became a member of the Agreement on the International Dolphin Conservation Program (AIDCP). The Agreement seeks the effective conservation of dolphin stocks affected by tuna fisheries in the EPO and its operation has been entrusted to the Secretariat of the IATTC. In 1999, the Community signed the AIDCP (Council Decision 1999/337/EC) and subsequently decided to apply it provisionally (Council Decision 1999/386/EC).

Contrary to the AIDCP provisions, the 1949 Convention rules on accession of new members are limited to States and therefore prevent the accession of the Community to IATTC under its present terms. In light of the Community's established interest in the fisheries subject to IATTC competence, a process for the amendment of the 1949 Convention was launched with the adoption in 1999 of the Guayaquil Protocol, whereby the 1949 Convention is modified so that Regional Economic Integration Organisations such as the Community may become members of this RFO. However, the entry into force of this Protocol has proved to be long and laborious. The Protocol has been signed by just 8 IATTC members, and ratified by only four among these. It will only enter into force once all IATTC Parties have ratified it.

In light of the lengthiness of this process, the Community agreed to allow Spain, the only Member State whose vessels operate in the Area, to become a Member of IATTC under the present terms of the 1949 Convention. Council Decision 1999/405/EC authorises Spain's accession on a temporary basis and on account of "unique circumstances" without creating any precedent, or affecting the Community's exclusive competence in fisheries matters. Even under this exceptional regime, it has taken until 2003 for Spain to receive the 'nihil obstat' from all other Members to accede to the IATTC.

The discussions that ended with the adoption of the Guayaquil Protocol also led the Contracting Parties of the IATTC to recognise the need to bring the statute of the Organisation up to date with recent developments in the international Law of the Sea: the United Nations Convention on the Law of the Sea of 1982, its implementing Agreements, and the Code of Conduct for Responsible Fisheries. As a result, IATTC adopted a Resolution in 1998 launching the process of drafting the text of a new IATTC Convention to replace that of 1949. The new Convention is known as "the Antigua Convention". It will enter into force 15 months after the deposit of the 7th instrument of ratification by a current Contracting Party to IATTC. The Antigua Convention was opened for signature on 14 November 2003 in United States of America (the Depositary).

The Community was invited since the beginning to participate in the drafting of the Antigua Convention and has actively contributed to the process. In particular, the Community sought to ensure that the new Convention text would contain the necessary provisions so that the IATTC would become an open Organisation, allowing any party with a real interest to become a Member. The Antigua Convention is a comprehensive text that effectively

strengthens the IATTC and ensures that it will exercise its responsibilities towards the effective conservation and management of the EPO highly migratory fish stocks according to the principles and standards set out in the Law of the Sea.

Spain accession to IATTC does not affect the Community's rights under international law to sign the Antigua Convention, since Council Decision 1999 /405/EC only applies to the 1949 Convention. According to the Decision, Spain is required to denounce the 1949 Convention on the date of the Community's accession. Since it seems most likely that the Antigua Convention will enter into force before the Community can accede to the 1949 Convention, it is necessary to provide for Spain's denunciation of the latter Convention in those

circumstances, taking account of the fact that the Community will be party to the Antigua Convention as soon as it enters into force. A provision to that effect is included in the attached decision.

The Community should therefore proceed to conclude the Antigua Convention in order to become a full member of IATTC, without prejudice to the possibility of its earlier accession under the 1949 Convention in case the Guayaquil Protocol enters into force before the Antigua Convention does.

FINANCIAL IMPACT:

- Budget line: 11.03.02 : contributions to international fishery organisations.

- Duration of the action : unlimited from 2005. The annual expenditures will depend on the contribution the Community makes to the Organisation's budget to be decided at the annual meeting of the IATTC.

- Operational expenditures: 4.2 m EUR over 6 years (0.7 m EUR annually) ;

- Administrative expenditures: 0.3 m EUR over 6 years (0.05 m EUR annually) ;

- Total expenditures : 4.5 m EUR (0.75 m EUR/year) ;

- Administrative expenditures not included in the reference amount: 3.18 m EUR (human resources: 2.58 m EUR, comprising 0.43 m EUR annually ; other administrative costs : 0.6 m EUR, comprising 0.1 m EUR annually) ;

- Total indicative cost of the intervention: 7.68 m EUR (1.28 m EUR annually).