COUNCIL OF THE EUROPEAN UNION

Brussels, 9 June 2008

10490/08

PECHE 138

"I/A" ITEM NOTE
from: General Secretariat of the Council
to: Permanent Representatives Committee (Part 1) / Council
No. Cion prop.: 10104/08 PECHE 125 - COM(2008) 333
Subject: Council Decision authorising the Commission to conduct negotiations for the elaboration of an international legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing
– Adoption

1. On 29 May 2008, the Commission submitted to the Council a recommendation from the Commission to Council in order to authorise the Commission to conduct negotiations for the elaboration of an international legally-binding instrument on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing. ¹

2. The Danish delegation entered a parliamentary scrutiny reserve. ²

3. On 6 June 2008, the Working Party on External Fisheries Policy reached an agreement on the text with a small amendment to paragraph four, third indent of the attached negotiations directives.

² The Danish delegation is expected shortly to be able to lift this reserve.
4. In these circumstances, COREPER could suggest that the Council adopts the decision and the attached negotiating directives as set out in the Annex to this note as an A-item at one of its forthcoming sessions.
ANNEX

COUNCIL DECISION

of

authorising the Commission to conduct negotiations for the elaborations of an international legally-binding instrument on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Recommendation from the Commission¹,

HAS DECIDED AS FOLLOWS:

Single Article

The Council authorises the Commission to negotiate, on behalf of the European Community and in line with the appended negotiating directives, with other interested parties with a view to the elaboration of an international legally-binding instrument on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

NEGOTIATING DIRECTIVES

The Commission shall conduct negotiations on behalf of the Community with a view to the elaboration of an international legally binding instrument on Port State measures which shall be geared towards preventing, deterring and eliminating IUU fishing.

The Commission shall make sure that the text of the agreement is consistent with international law, and in particular with the provisions of the UN Convention on Law of the Sea, the UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

The Commission shall also act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy and, insofar as the agreement affects developing countries, take into account the orientations defined in the context of the "Policy coherence for development" process.

The Commission shall support the establishment of an instrument which binds its Parties to enact measures:

- to deter vessels engaged in or supporting IUU fishing activities from using their ports;

- to inspect vessels present in their ports and presumed to have engaged in or supported such activities;

- to ensure a proper follow up of inspections and adopt appropriate measures, in accordance with international law, towards operators of vessels or vessels where it can be established that they were engaged in or have supported IUU fishing activities.
The Commission shall promote the insertion of the agreement into an integrated approach designed to deter, prevent and eliminate IUU fishing, based notably on international cooperation and monitoring and control measures applying to the whole chain of fishing and related activities ("from the net to the plate").

The Commission shall make sure that the agreement is effectively designed to target IUU fishing activities without discriminating against vessels which operate in compliance with applicable laws, regulations or conservation and management measures.

The Commission shall support the position that the provisions of the agreement shall be constitutive of minimum standards which do not prevent its Parties from enacting, as Port States and in accordance with international law, more stringent measures against IUU fishing.

The Commission shall ensure that the agreement contains appropriate provisions enabling the Community to become a Party thereto.

The Commission shall report to the Council on the outcome of the negotiations and, where appropriate, on any problem that may arise during the negotiations.