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European Union

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Subject: Recommendation from the Commission to the Council to authorise the Commission to negotiate amendments to the Agreement establishing the Indian Ocean Tuna Commission

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 29 September 2023.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 April 2006

8480/06

RESTREINT UE

PECHE 105

COVER NOTE

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

date of receipt: 19 April 2006

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject : Recommendation from the Commission to the Council to authorise the
Commission to negotiate amendments to the Agreement establishing the Indian
Ocean Tuna Commission

Delegations will find attached Commission document SEC(2006) 481 final.

Encl.: SEC(2006) 481 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.4.2006
SEC(2006) 481 final

RESTREINT UE

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

**to authorise the Commission to negotiate amendments to the Agreement establishing the
Indian Ocean Tuna Commission**

DECLASSIFIED

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

to authorise the Commission to negotiate amendments to the Agreement establishing the Indian Ocean Tuna Commission

A. EXPLANATORY MEMORANDUM

The Indian Ocean Tuna Commission (IOTC) is a Regional Fisheries Organisation established under Article XIV of the FAO Constitution. This Commission is mandated to manage tuna and tuna-like species with the objective of ensuring the conservation and optimal utilisation of those stocks and the sustainable development of the fisheries in the Agreement Area.

Over recent years, it has become evident that the current structure of the Organisation operating under the FAO auspices cannot attain its primary objective of the conservation and sustainable management of the tuna resources in the Indian Ocean. This situation has dramatic consequences on the stocks in the region.

The origin of this situation is the fact that Taiwan, a major fishing player in the IOTC Area fishing more than 40% of key species, is not a party to the IOTC as the Organisation is within the FAO-UN framework, where there is no recognition of Taiwan.

After three years of discussions on this issue, the Members of the IOTC agreed unanimously at the 2005 IOTC Annual Meeting held in Seychelles from 30 May to 3 June 2005 that the current structure of this Commission does not permit the Organisation to be effective.

The IOTC consequently took the decision to hold a Special Meeting in 2006 to consider an amendment of the Agreement to ensure that the Organisation can attain its objectives and operate in a more effective and efficient manner, thereby requiring the withdrawal of IOTC from the FAO framework.

The envisaged amendments will not create any new obligations on the Members. These amendments simply remove from the Agreement the precise provisions that link the IOTC to the FAO. The sole objective is the modification of the relationship between IOTC and FAO. Thus, in conformity to Article XX paragraph 4 of the IOTC Agreement, there is no need to ratify the revised IOTC Agreement and the amendments will take effect from the date of their adoption by the IOTC.

B. RECOMMENDATION

In the light of the above, the Commission hereby recommends that the Council:

- authorises the Commission to open negotiations with the other interested parties within the IOTC for the modification of the Agreement and other instruments of the Indian Ocean Tuna Commission;
- authorizes the Commission to carry out the negotiations, in consultation with an "ad hoc" committee established by the Council to assist it in this task, in accordance with the attached negotiation directives.

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ANNEX

Negotiating Directives

1. The European Commission shall negotiate on behalf of the European Community the necessary amendments to the Agreement and other instruments of the Indian Ocean Tuna Commission (IOTC). These amendments are intended to remove from the IOTC Agreement the provisions that link the IOTC to FAO.

It will ensure that the Community fishing interests in the Agreement area will be fully safeguarded, and will contribute effectively to the attainment of the objectives of the Agreement.

Within the framework of these negotiations, the European Commission will act as follows:

- in accordance with the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982,
 - in conformity with the principles included in the agreement, of 4 August 1995, for the purposes of the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Stocks,
 - taking into account the Code of conduct for responsible fishing and in particular of the agreement of FAO to promote compliance with international conservation and management measures by fishing vessels on the High Seas,
 - in consistency with the objectives pursued by the policy of co-operation to the development in the region of the Indian Ocean.
2. The European Commission will ensure that the amendments to the IOTC Agreement will not create any new obligations for the Members.
 3. The Commission will keep the Council informed of the progress of the negotiations.