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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.9.2009
COM(2009) 474 final

Proposal for a

COUNCIL DECISION

**on the establishment of the Community position to be adopted in the South East Atlantic
Fisheries Organisation**

EXPLANATORY MEMORANDUM

According to the second subparagraph of Article 300(2) of the EC Treaty, the positions to be adopted on behalf of the Community in Regional Fisheries Management Organisations when they are called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending their institutional framework, must be decided on by the Council, acting by a qualified majority on a proposal from the Commission.

In view of this obligation, and following similar Council Decisions and proposals from the European Commission for other Regional Fisheries Management Organisations, the European Commission proposes the present decision to establish the Community position to be adopted in the South East Atlantic Fisheries Organisation. This proposal follows the same approach as for other Regional Fisheries Management Organisations so as to ensure consistency.

Proposal for a

COUNCIL DECISION

on the establishment of the Community position to be adopted in the South East Atlantic Fisheries Organisation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 33 of the EC Treaty, in conjunction with Article 32 thereof, provides that one of the objectives of the Common Fisheries Policy is to assure the availability of supplies. Regulation (EC) N° 2371/2002¹ provides that the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It also provides that the Community shall aim at a progressive implementation of an eco-system-based approach to fisheries management, and aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interest of consumers.
- (2) By Decision 2002/738/EC², the European Community approved the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean, which established the South East Atlantic Fisheries Organisation (SEAFO). The SEAFO Commission is authorised to adopt measures concerning the long-term conservation and sustainable use of all living marine resources in the Convention Area.
- (3) Pursuant to the second sub-paragraph of Article 300 (2) of the EC Treaty, the position of the Community in bodies set up by regional fisheries agreements which are called upon to adopt decisions having legal effects (but not modifying the institutional framework of the agreements concerned) must be adopted by qualified majority by Council decision, on a proposal from the Commission.

¹ OJ L 358, 31.12.2002, p. 59

² OJ L 111, 20.4.2001, p. 15

HAS DECIDED AS FOLLOWS:

Article 1

The position to be adopted on behalf of the Community in the Commission of the South East Atlantic Fisheries Organisation when that Commission is called upon to adopt decisions having legal effects is set out in the Annex to this Decision.

Article 2

The Community position set out in the Annex to the present Decision shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the Commission of the South East Atlantic Fisheries Organisation in 2014.

Done at Brussels,

*For the Council
The President*

ANNEX

The Community position in the Commission of the South East Atlantic Fisheries Organisation

1. PRINCIPLES

In the framework of the SEAFO, the European Community shall:

- a) act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy, notably through the precautionary approach to provide for the sustainable exploitation of species regulated by the SEAFO, to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-systems, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) ensure that SEAFO measures are in accordance with the objectives of the SEAFO Convention;
- c) ensure that SEAFO measures are consistent with international law, and in particular with the provisions of the UN Convention on the 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;
- d) promote consistent positions within Regional Fisheries Management Organisations;
- e) seek synergy with the policy that the Community is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its external relations policy;
- f) ensure that the Community's international commitments are respected.

2. ORIENTATIONS

The European Community shall, where appropriate, endeavour to support the adoption of the following actions by the SEAFO:

- a) stringent conservation and management measures based on the best scientific advice available, to ensure the long term conservation and sustainable use of the fisheries resources to which the SEAFO Convention applies. Where necessary, specific measures for stocks which suffer from overfishing shall be considered in order to avoid any increase of fishing activities;
- b) measures to take due account of the impact of fishery operations on ecologically related species such as seabirds, cetaceans, seals and marine turtles;

- c) conservation and management measures for species belonging to the same ecosystems, or associated with or dependent upon, the harvested fishery resources;
- d) protective measures for vulnerable marine ecosystems in the SEAFO area in line with UNGA Resolutions;
- e) acceptance of applications from responsible fishing countries to join the SEAFO.