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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.3.2009  
COM(2009) 107 final

Proposal for a

**COUNCIL DECISION**

**for the establishment of the Community position in the General Fisheries Commission  
for the Mediterranean (GFCM)**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

According to article 300(2), second subparagraph of the EC Treaty, where bodies set up by international agreements are called upon to adopt decisions having legal effects, except for decisions supplementing or amending the institutional framework of the agreements concerned, the Community position relating to such decisions shall be established by the Council on a proposal by the Commission.

In view of this obligation, and following a similar proposal on establishing a Community position in ICCAT (Council Decision for the establishment of the Community position in the International Commission for the Conservation of Atlantic Tuna (ICCAT) of 11<sup>th</sup> November 2008, Doc. 14863/08, PECH 278 RESTREINT), the European Commission proposes the present decision, which concerns the General Fisheries Commission for the Mediterranean (GFCM).

The purpose of the enclosed proposal is to establish the Community position in the GFCM when it is called upon to adopt recommendations having legal effect for the Community, as set out in the attached draft Council Decision.

In line with the powers vested in the Commission pursuant to the EC Treaty, the European Commission represents the interests of the Community in Regional Fisheries Management Organisations. Accordingly, the European Commission negotiates, speaks and votes on behalf of the Community. In the case of the GFCM this competence covers, in particular, issues related to fisheries management, compliance and budget. The Commission also ensures active participation of the Community in the meetings of Contracting Parties.

Member States are also contracting parties to the GFCM. There may be items of mixed competence and items of Member States competence. However, as past experience has shown, it is highly advisable and in the Community's interest to reach, as much as possible, a common position.

The European Commission and Member States provide, at the request of the GFCM, any available statistical, scientific and other information that may be needed, and see to it that scientists attend scientific meetings.

The Council establishes the Community position for the annual meetings of the GFCM, where that body is called upon to take a decision having legal effects, in accordance with article 300 (2), second subparagraph.

That Community positions are based on the latest available statistical, biological and other scientific information transmitted by the scientific committee of the RFMO, including information and advice on the biology and population dynamics of the fish species concerned, the state of the fish stocks, the effect of fishing on those stocks, and measures for their conservation and management.

In the light of the above, the Commission proposes that the Council adopts the enclosed mandate on behalf of the European Community with regard to the annual meetings of the

GFCM for decisions having legal effects, with the exception of decisions supplementing or amending the institutional framework of the agreements establishing the GFCM.

Proposal for a

**COUNCIL DECISION**

**for the establishment of the Community position in the General Fisheries Commission  
for the Mediterranean (GFCM)**

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 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. Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy 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 ecosystem 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) The European Community, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the General Fisheries Commission for the Mediterranean ("GFCM"). The GFCM may, on the basis of scientific evidence, make binding recommendations designed to maintain the populations of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels which will permit the maximum sustainable catch for food and other purposes.
- (3) Pursuant to the second subparagraph 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

HAS DECIDED AS FOLLOWS:

*Article 1*

The position to be adopted on behalf of the Community in the General Fisheries Commission for the Mediterranean (GFCM), when that Commission is called upon to adopt decisions having legal effects, is set out in the Annex to this Decision.

*Article 2*

This 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 General Fisheries Commission for the Mediterranean in 2014.

Done at Brussels,

*For the Council*  
*The President*

## ANNEX

### **The Community position in the GFCM**

#### **1. PRINCIPLES**

In the framework of GFCM, 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 living aquatic resources in the convention area of the GFCM, to promote the gradual implementation of an ecosystem approach to fisheries management and to minimise the impact of fishing activities on marine ecosystem, 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 GFCM recommendations are in accordance with the objectives of the GFCM Convention;
- c) ensure that GFCM recommendations 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 consistency with the measures adopted by other Regional Fisheries Management Organisations;
- e) seek synergy with the policy that the Community is pursuing as part of its bilateral fishery relations with third countries, and coherence with its external relations policy;
- f) ensure that the Community's international commitments are respected.

#### **2. ORIENTATIONS**

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

- a) conservation and management measures for fisheries resources based on best scientific advice available. Where necessary, specific measures for stocks which suffer from overfishing shall be considered in order to avoid any increase of fishing activities;
- b) long-term management plans for the recovery or the sustainable exploitation of fisheries resources to ensure progressive stabilisation of fishing activities within

sustainable limits, without prejudice to emergency measures that may be required to tackle unexpected situations;

- c) measures to ensure that fishing effort is commensurate with fishing opportunities. For fisheries exploiting overfished stocks, fleet overcapacity needs to be addressed, while seeking efforts from third countries equivalent to those of the Community;
- d) technical measures such as minimum size, mesh and hook sizes, dimension and rigging of fishing gear, spatio-temporal closures and marine protected areas, on the basis of best available scientific advice;
- e) monitoring, control and surveillance measures, with a view to ensuring proper control of the fishing activities, of the fleet capacity and of the implementation of port State measures, to strengthen compliance with GFCM rules and alignment with the Community legislation on IUU activities;
- f) effective trade measures designed to ensure conservation of GFCM stocks;
- g) institutional modernisation of GFCM.