COUNCIL REGULATION (EC) No 828/2004

of 26 April 2004

prohibiting imports of Atlantic swordfish (*Xiphias gladius*) originating in Sierra Leone and repealing Regulation (EC) No 2093/2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Fishery resources, which are an exhaustible natural resource, should be protected in the interests of biological balances and global food security.

(2) In 1995 the International Commission for the Conservation of Atlantic Tunas (ICCAT), to which the European Community is a contracting party, adopted, to ensure the effective conservation of the species, an action plan to ensure the effectiveness of the conservation programme for Atlantic swordfish.

(3) The stocks concerned cannot be managed effectively by the ICCAT contracting parties, whose fishermen are obliged to reduce their catches of Atlantic swordfish, unless all non-contracting parties fishing Atlantic swordfish cooperate with ICCAT and comply with its conservation and management measures.

(4) In 1998 ICCAT identified Belize and Honduras, and in 2002 Sierra Leone, as countries whose vessels fish Atlantic swordfish in a manner which diminishes the effectiveness of the organisation's swordfish conservation measures, substantiating its findings with data concerning catches, trade and the activities of vessels.

(5) Imports of Atlantic swordfish originating in Belize and Honduras are currently prohibited by Council Regulation (EC) No 2093/2000 of 28 September 2000 prohibiting imports of Atlantic swordfish (*Xiphias gladius*) originating in Belize and Honduras. [1]

(6) ICCAT has taken note of the strengthening of cooperation with Honduras for the conservation of Atlantic swordfish. At its 2001 annual meeting it recommended the lifting of the prohibition of imports of Atlantic swordfish in any form, imposed by the contracting parties on Honduras.

(7) ICCAT has taken note of the strengthening of cooperation with Belize for the conservation of Atlantic swordfish. At its 2003 annual meeting it lifted, as of 1 January 2004, the prohibition of imports of Atlantic swordfish in any form, imposed by the contracting parties on Belize.

(8) ICCAT's attempts to encourage Sierra Leone to comply with measures for the conservation and management of Atlantic swordfish have been to no avail.

(9) ICCAT has recommended its contracting parties to take appropriate steps to ban imports of these products in any form from Sierra Leone. These measures will be lifted as soon as it is established that the country in question has brought its fishing practices into line with ICCAT's measures. These measures should therefore be implemented by the Community, which has sole competence in the matter.

(10) These measures are compatible with the Community's obligations under other international agreements.

(11) For the sake of transparency, Regulation (EC) No 2093/2000 should therefore be repealed and replaced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, 'importation' means the customs procedures referred to in Articles 4(15)(a), (15)(b) and (16)(a) to (16)(f) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code. [2]

[1] OJ L 249, 4.10.2000, p. 3.

[2] OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Commission Regulation (EC) No 60/2004 (OJ L 9, 15.1.2004, p. 8).