COUNCIL REGULATION (EC) No 826/2004

of 26 April 2004

prohibiting imports of Atlantic blue-fin tuna *(Thunnus thynnus)* originating in Equatorial Guinea and Sierra Leone and repealing Regulation (EC) No 2092/2000

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 1994 the International Commission for the Conservation of Atlantic Tunas (ICCAT), to which the European Community is a contracting party, adopted an action plan to ensure the effectiveness of its conservation programme for Atlantic blue-fin tuna.

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

(4) ICCAT has identified Equatorial Guinea and Sierra Leone as countries whose vessels fish Atlantic blue-fin tuna in a manner which diminishes the effectiveness of the organisation's tuna conservation measures, substantiating its findings with data concerning catches, trade and the observation of vessels.

(5) Imports of Atlantic blue-fin tuna originating in Belize, Equatorial Guinea and Honduras are currently prohibited by Council Regulation (EC) No 2092/2000 of 28 September 2000 prohibiting imports of Atlantic blue-fin tuna *(Thunnus thynnus)* originating in Belize, Honduras and Equatorial Guinea [1].

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

(7) ICCAT has taken note of the progress of cooperation with Belize for the conservation of Atlantic blue-fin tuna. At its 2003 annual meeting it recommended the lifting, as of 1 January 2004, of the prohibition of imports of Atlantic blue-fin tuna in any form imposed by the contracting parties on Belize.

(8) ICCAT's attempts to encourage Equatorial Guinea and Sierra Leone to comply with measures for the conservation and management of Atlantic blue-fin tuna have been to no avail.

(9) ICCAT has recommended its contracting parties to take appropriate steps to prohibit imports of Atlantic blue-fin tuna products in any form from Sierra Leone and to continue prohibiting such imports from Equatorial Guinea. These measures will be lifted as soon as it is established that the countries in question have brought their fishing practices into line with ICCAT's measures. These measures should therefore be implemented by the Community, which has sole competence in this matter.

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

(11) For the sake of transparency, Regulation (EC) No 2092/2000 should be therefore 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 Article 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. 1.

[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).