



CCSBT-EC/1510/15

Admittance of new Members to the Extended Commission

Purpose

To consider application(s) for Membership of the Extended Commission (EC).

Please note that the European Union (EU) has requested that this agenda item be dealt with as close as possible to the start of the EC meeting (see Circular #2015/049).

Background

As advised in CCSBT Circular #2015/021, the EU has submitted a signed “Agreement in the form of an exchange of letters between the European Union and the Convention for the Conservation of Southern Bluefin Tuna concerning the membership of the European Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna”. This Agreement is provided at **Attachment A**. The letter from the EU within the Agreement is dated 29 April 2015. **Attachment B** provides the authorisation of the Council of the European Union empowering Ambassador Juhansone to sign the letter on behalf of the EU. The Agreement applies provisionally from the day following the date of the CCSBT Executive Secretary’s reply (drafted as letter B of **Attachment A**) pending notification by the EU of the completion of procedures for its conclusion.

The CCSBT’s “Resolution to Establish an Extended Commission and an Extended Scientific Committee” (EC-Resolution) is provided at **Attachment C**.

Paragraph 7 of the EC-Resolution states that:

“In deciding whether to admit an applicant, the Extended Commission shall evaluate the commitment provided by the applicant at paragraph 6 together with the applicant’s record of compliance with decisions of the Extended Commission.”

In relation to this:

- The EU’s Monthly catch reports and its Annual Reports to the Compliance Committee (CC) and the EC both indicate that the EU has caught SBT within the previous three calendar year period¹ as required by paragraph 6 of the EC-Resolution.
- The EU’s letter at **Attachment A** states that: *“The EU would like to indicate its firm commitment to continue to respect the terms of the CCSBT Convention and comply with decisions of the Extended Commission.”*
- The EU has been a Cooperating Non-Member (CNM) of the CCSBT since October 2006 and the CCSBT has renewed the CNM status of the EU at subsequent annual reviews of that status. The CCSBT 21 meeting confirmed the continuing CNM status of the EU, requesting that the EU submit the appropriate CDS documentation to the Secretariat.

¹ The last reported non-zero catches being during 2012.

- The Extended Commission has often noted at its annual meetings that the EU has had difficulties in complying with either the CCSBT's Monthly Catch Reporting requirements or its Catch Documentation Scheme (CDS). However, the EU's compliance with Monthly Catch Reporting requirements has improved substantially since mid-2013. In addition, The CCSBT 21 report notes that: *"The EU reassured Members that it would be complying further with CDS requirements in future."*

Paragraph 8 of the EC-Resolution states that:

"If the Extended Commission decides to admit the applicant, it shall negotiate with the applicant a formula to govern the level of catch of SBT by the applicant pending the next decision of the Commission setting a total allowable catch and its allocation among the Members. Upon the successful completion of the negotiations referred to in the previous sentence, the Executive Secretary will exchange letters with the applicant as referred to in paragraph 6; the applicant shall thereupon assume the status of Member of the Extended Commission."

In relation to this:

- The EU's letter at **Attachment A** states that: *"Regarding Paragraph 8 of the Resolution there are no changes to the EU entitlement of 10 tonnes for the years 2015-2017."*

During intersessional discussion following CCSBT Circular #2015/021, all Members of the EC either agreed to admit the EU to the EC or welcomed the EU's progress on its process to become a Member of the EC. However, a request was made to decide on whether or not to admit the EU following discussion of the EU's current compliance with CCSBT measures (including the situation of SBT bycatch by the EU fleet, implementation of the CCSBT Catch documentation scheme as well as plans for full implementation of the scheme) at CC 10 and/or CCSBT 22. This was reported in CCSBT Circular #2015/029.

Agenda Item 2.3.2 (Compliance of Cooperating Non-Members) of the CC Provisional Agenda provides an opportunity for the CC to consider the performance of CNMs in complying with CCSBT management measures and to provide recommendations for any areas that require improvement. Information discussed at this agenda item is intended to assist the EC in making its decisions on whether to continue the status of existing CNMs and/or whether to accept applications from CNMs to join the EC.

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN UNION
AND THE COMMISSION FOR THE CONSERVATION
OF SOUTHERN BLUEFIN TUNA (CCSBT)
CONCERNING THE MEMBERSHIP OF THE UNION
IN THE EXTENDED COMMISSION OF THE CONVENTION
FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

A. Letter from the European Union

Brussels, 29 April 2015

Sir,

I have the honour to refer to the Resolution to establish an Extended Commission and an Extended Scientific Committee (hereafter “the Resolution”), as amended by the 20th Meeting of the CCSBT in October 2013.

Paragraph 6 of the Resolution establishes that any regional economic integration organisation, entity or fishing entity, vessels flagged to which have caught SBT at any time in the previous three calendar years, may express its willingness to the Executive Secretary of the Commission to become a member of the Extended Commission and Extended Scientific Committee. To this end, the Executive Secretary of the CCSBT, on behalf of the Commission, will conduct an Exchange of Letters with the representative of such regional economic integration organisation, entity or fishing entity to this effect.

Regarding Paragraph 8 of the Resolution there are no changes to the EU entitlement of 10 tonnes for the years 2015-2017.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the CCSBT and the European Union to become Member of the CCSBT Extended Commission and Extended Scientific Committee in accordance with the provisions contained in the Resolution mentioned above.

The EU would like to indicate its firm commitment to continue to respect the terms of the CCSBT Convention and comply with decisions of the Extended Commission.

This Agreement shall apply provisionally from the day following the day of your reply pending the notification by the Union of the completion of the procedures for its conclusion.

Please accept, Sir, the assurance of my highest consideration.

For the European Union

A handwritten signature in blue ink, appearing to read "A. Hansone", is written in a cursive style. The signature is positioned below the text "For the European Union".

B. Letter from the CCSBT

Madam,

I have the honour to acknowledge receipt of your letter of 29 April 2015, which reads as follows:

“I have the honour to refer to the Resolution to establish an Extended Commission and an Extended Scientific Committee (hereafter “the Resolution”), as amended by the 20th Meeting of the CCSBT in October 2013.

Paragraph 6 of the Resolution establishes that any regional economic integration organisation, entity or fishing entity, vessels flagged to which have caught SBT at any time in the previous three calendar years, may express its willingness to the Executive Secretary of the Commission to become a member of the Extended Commission and Extended Scientific Committee. To this end, the Executive Secretary of the CCSBT, on behalf of the Commission, will conduct an Exchange of Letters with the representative of such regional economic integration organisation, entity or fishing entity to this effect.

Regarding Paragraph 8 of the Resolution there are no changes to the EU entitlement of 10 tonnes for the years 2015-2017.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the CCSBT and the European Union to become Member of the CCSBT Extended Commission and Extended Scientific Committee in accordance with the provisions contained in the Resolution mentioned above.

The EU would like to indicate its firm commitment to continue to respect the terms of the CCSBT Convention and comply with decisions of the Extended Commission.

This Agreement shall apply provisionally from the day following the day of your reply pending the notification by the Union of the completion of the procedures for its conclusion.”.

I have the honour to confirm that your letter and this reply constitute an Agreement between the CCSBT and the European Union to become Member of the CCSBT Extended Commission and Extended Scientific Committee.

Please accept, Madam, the assurance of my highest consideration.

For the CCSBT



Luxembourg, 20 April 2015

FULL POWERS

THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN UNION

has decided by these presents to confer full powers on

Ilze JUHANSONE

Ambassador,

Permanent Representative of the Republic of Latvia,
Chairman of the Permanent Representatives Committee

to sign, on behalf of the European Union, the Agreement in the form of an Exchange of Letters between the European Union and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) concerning the membership of the Union in the Extended Commission of the Convention for the Conservation of Southern Bluefin Tuna.

The Council, upon completion of the internal procedures necessary for the conclusion of the Agreement, reserves the right to approve the instruments signed by its Plenipotentiaries in pursuance of the full powers conferred by these presents.

**The President of the Council
of the European Union**



**RESOLUTION TO ESTABLISH AN EXTENDED COMMISSION AND AN
EXTENDED SCIENTIFIC COMMITTEE**

And

**RULES OF PROCEDURE OF THE EXTENDED COMMISSION FOR THE
CONSERVATION OF SOUTHERN BLUEFIN TUNA**

*adopted at the Seventh Annual Meeting (18 – 21 April 2001),
revised at the Tenth Annual Meeting (7 – 10 October 2003)
and replaced at the Twentieth Annual Meeting (14 – 17 October 2013)*

RESOLUTION TO ESTABLISH AN EXTENDED COMMISSION AND AN EXTENDED SCIENTIFIC COMMITTEE

The Commission for the Conservation of Southern Bluefin Tuna (the Commission):

RECOGNISING that ensuring the sustainability of the Southern Bluefin Tuna (SBT) stock requires that all those States, regional economic integration organisations and entities or fishing entities fishing this species work together through the Commission;

CONSIDERING that continued fishing for SBT by States, regional economic integration organisations and entities or fishing entities not adhering to the Commission's conservation and management measures substantially diminishes the effectiveness of those measures;

RECOGNISING the continuing need to encourage all States eligible to accede to the Convention for the Conservation of Southern Bluefin Tuna (the Convention) to do so, and to encourage regional economic integration organisations and entities or fishing entities with vessels fishing for SBT to implement the Commission's conservation and management measures;

Decides as follows:

1. Acting under Articles 8.3(b) and 15.4 of the Convention, the Commission hereby establishes an Extended Commission for the Conservation of Southern Bluefin Tuna (the Extended Commission) and an Extended Scientific Committee, whose Members shall be comprised of the Parties to the Convention and any regional economic integration organisation, entity or fishing entity, vessels flagged to which¹ have caught SBT at any time in the previous three calendar years, that is admitted to membership by the Extended Commission pursuant to this Resolution.
2. The Extended Commission and the Extended Scientific Committee shall perform the same tasks as the Commission and the Scientific Committee including, but not limited to, deciding upon a total allowable catch and its allocation among the Members. All Members shall have equal voting rights. A regional economic integration organisation that is a Member shall have one vote and its member States shall have no right to vote in the Extended Commission². The provisions of the Convention relating to the Commission and the Scientific Committee (Articles 6 to 9, except for 6.9 and 6.10) shall apply *mutatis mutandis* with regard to the Extended Commission and the Extended Scientific Committee. Any dispute concerning the interpretation or implementation of this Resolution, including the articles of the Convention specified in the Resolution, or the Exchange of Letters referred to in paragraph 6, shall be resolved by negotiation, inquiry, mediation, conciliation, arbitration or other peaceful means agreed by the parties to the dispute.
3. The Secretariat of the Commission shall function as the Secretariat of the Extended Commission.

¹ Including vessels flagged to a State that is a Member of the regional economic integration organisation.

² This lack of voting right in the Extended Commission does not apply to a member State of a regional economic integration organisation that becomes a Member of the Commission in representation of one of its territories that is not part of the regional economic integration organisation.

4. The Extended Commission shall report forthwith to the Commission if the latter is in session, and in any other case before the latter's next meeting or session of a meeting, all decisions it adopts. Decisions so reported shall become decisions of the Commission at the end of the session of the meeting to which they were reported, unless the Commission decides to the contrary. Any decision of the Commission that affects the operation of the Extended Commission or the rights, obligations or status of any individual Member within the Extended Commission should not be taken without prior due deliberation of that issue by the Extended Commission.

5. The Rules of Procedure for the Extended Commission shall be as annexed to this Resolution. Any revision to the Rules shall be made by the Extended Commission.

6. Any regional economic integration organisation, entity or fishing entity, vessels flagged to which¹ have caught SBT at any time in the previous three calendar years, may express its willingness to the Executive Secretary of the Commission to become a member of the Extended Commission. The Executive Secretary of the Commission, on behalf of the Commission, will conduct an Exchange of Letters with the representative of such regional economic integration organisation, entity or fishing entity to this effect. In so doing, the applicant shall give the Commission its firm commitment to respect the terms of the Convention and comply with such decisions of the Extended Commission as become decisions of the Commission pursuant to paragraph 4.

7. In deciding whether to admit an applicant, the Extended Commission shall evaluate the commitment provided by the applicant at paragraph 6 together with the applicant's record of compliance with decisions of the Extended Commission.

8. If the Extended Commission decides to admit the applicant, it shall negotiate with the applicant a formula to govern the level of catch of SBT by the applicant pending the next decision of the Commission setting a total allowable catch and its allocation among the Members. Upon the successful completion of the negotiations referred to in the previous sentence, the Executive Secretary will exchange letters with the applicant as referred to in paragraph 6; the applicant shall thereupon assume the status of Member of the Extended Commission.

9. Any Member of the Extended Commission that is not a Member of the Commission shall be entitled to appoint one representative, to be accompanied by experts and advisers, as an Observer to meetings of the Commission and its subsidiary bodies, including the Scientific Committee. Such representative shall be entitled to be present and speak as an Observer at meetings of the Commission and its subsidiary bodies.

10. The Extended Commission shall decide upon an annual budget. The contributions to the budget of an applicant that is admitted as its Member shall be determined by application *mutatis mutandis* of Article 11 of the Convention.

11. The provisions of this Resolution relating to participation by regional economic integration organisations and entities or fishing entities in the operations of the Extended Commission are solely for the purposes of the Convention.

12. For the purposes of this Resolution, 'regional economic integration organisation' means a regional economic integration organisation to which its member States have transferred competence over matters covered by the Convention, including the authority to make decisions binding on its member States in respect of those matters.

13. This Resolution replaces the Resolution to Establish an Extended Commission and an Extended Scientific Committee of 20 April 2001 (the 2001 Resolution), which is hereby repealed. Any entity or fishing entity admitted as a Member through an Exchange of Letters under the 2001 Resolution shall continue as a Member of the Extended Commission under this Resolution.

RULES OF PROCEDURE OF THE EXTENDED COMMISSION FOR THE CONSERVATION OF SOUTHERN BLUEFIN TUNA

Rule 1

Representation

1. Each Member shall be represented on the Extended Commission by not more than three delegates who may be accompanied by experts and advisers. Each Member shall inform the Executive Secretary of the Extended Commission of the names of its delegates to the Extended Commission including identification of the head of the delegation and experts and advisers accompanying such delegates, and of any change thereof, as far in advance as possible before the commencement of each meeting of the Extended Commission.

2. Each Member shall designate a correspondent who shall have primary responsibility for liaison with the Executive Secretary during the periods between meetings and shall promptly inform the Executive Secretary of the name and address of such a correspondent and of any change thereof.

Rule 2

Other matters

Except for Rule 4(3) and Rule 9, the Rules of Procedure of the Commission for the Conservation of Southern Bluefin Tuna apply *mutatis mutandis* to the Extended Commission on other matters, subject to the following amendments:

(a) Replace Rule 2(1) with the following:

‘Until such time as a Secretariat is established and the location of the headquarters of the Extended Commission is determined, the annual meetings of the Extended Commission shall be hosted by one of the Members by rotation or as otherwise agreed.’

(b) Replace Rule 2(b) with the following:

‘After a Secretariat has been established and the location of the headquarters of the Extended Commission has been determined, each annual meeting of the Extended Commission shall be hosted by one of the Members by rotation. In the event that a Member does not wish to host an annual meeting, that meeting shall be held at the headquarters of the Extended Commission, unless otherwise decided by the Extended Commission.’

Rule 3

Co-operating Non-Members

A State, regional economic integration organisation or entity that is admitted to the Extended Commission in the capacity of a co-operating non-member will have the right to participate actively in meetings of the Extended Commission, the Extended Scientific Committee and their subsidiary bodies, including, but not limited to, the right to make proposals and the right to speak, but not to vote. The Extended Commission may decide to restrict the participation of a cooperating non-member in a particular Agenda item.