

Council Decision (EU) 2019/858 of 14 May 2019 on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA

COUNCIL DECISION (EU) 2019/858

of 14 May 2019

on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2008/780/EC<sup>(1)</sup>, the Union concluded the Southern Indian Ocean Fisheries Agreement (SIOFA)<sup>(2)</sup>, which established the Meeting of the Parties to the SIOFA.
- (2) The Meeting of the Parties to the SIOFA is responsible for the management and conservation measures of the fishery resources of the SIOFA area. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(3)</sup> provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels, which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are outstanding changes not yet made to Council Decision (EU) 2019/858. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission ‘International ocean governance: an agenda for the future of oceans’ and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions ‘European Strategy for Plastics in a Circular Economy’, refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Meeting of the Parties to the SIOFA for the period 2019-2023, as conservation and enforcement measures adopted by the annual Meeting of the Parties to the SIOFA will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008<sup>(4)</sup> and (EC) No 1224/2009<sup>(5)</sup>, and Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>(6)</sup>.
- (7) The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties to the SIOFA does not provide for a review of the Union's position within the Meeting of the Parties to the SIOFA before the 2022 annual meeting. However, the vast majority of the Council Decisions setting the Union's position within the different RFMOs to which the Union is a Contracting Party are due for revision before the 2019 annual meetings of those RFMOs. Therefore, to promote improved coherence amongst the Union position in all RFMOs and to streamline the revision process, it is appropriate to bring forward the revision of the Decision of 12 June 2017 and to repeal it and replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the SIOFA area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the Meetings of the Parties to the SIOFA, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

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- (1) Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement ([OJ L 268, 9.10.2008, p. 27](#)).
- (2) [OJ L 196, 18.7.2006, p. 15](#).
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22](#)).
- (4) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ([OJ L 286, 29.10.2008, p. 1](#)).
- (5) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1](#)).
- (6) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 ([OJ L 347, 28.12.2017, p. 81](#)).

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