

Original language: English

**PROPOSAL BY THE EUROPEAN UNION TO ADDRESS
THE POTENTIAL CHANGE OF DEPOSITARY OF THE ICCAT CONVENTION IN THE
ARTICLES OF THE CONVENTION AND IN THE PROTOCOL AMENDING THE
CONVENTION**

PROTOCOL

The Contracting Parties to the International Convention for the Conservation of Atlantic Tunas, adopted in Rio de Janeiro on 14 May 1966,

Have agreed as follows:

Article 1

Articles [*reference to Articles that will be amended, including Article XII, XIII, XIV, XV and XVI*] of the International Convention for the Conservation of Atlantic Tunas are modified as follows:

[...]

Article XII

1. This Convention shall remain in force for ten years and thereafter until a majority of the Contracting Parties agree to terminate it.
2. At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on December thirty-first of any year including the tenth year by written notification of withdrawal given on or before December thirty-first of the preceding year to ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union.
3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same December thirty-first by giving written notification of withdrawal to ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union not later than one month from the date of receipt of information from ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union concerning any withdrawal, but not later than April first of that year.

Article XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. ~~The Director General of the Food and Agriculture Organization of the United Nations~~ The Secretary General of the Council of the European Union shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union. Notifications of acceptance of amendments shall be deposited with ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union.

Article XIV

1. This Convention shall be open for signature by the Government of any State which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.
2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union.
3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval, or adherence on the date of such deposit.
4. This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.
5. Upon the deposit of its instrument of formal confirmation or adherence, any organization referred to in paragraph 4 shall be a Contracting Party having the same rights and obligations in respect of the provisions of the Convention as the other Contracting Parties. Reference in the text of the Convention to the term "State" in Article IX, paragraph 3, and to the term "government" in the Preamble and in Article XIII, paragraph 1, shall be interpreted in this manner.
6. When an organization referred to in paragraph 4 becomes a Contracting Party to this Convention, the member states of that organization and those which adhere to it in the future shall cease to be parties to the Convention; they shall transmit a written notification to this effect to ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union.

Article XV

~~The Director General of the Food and Agriculture Organization of the United Nations~~ The Secretary General of the Council of the European Union shall inform all Governments referred to in paragraph 1 of Article XIV and all the organizations referred to in paragraph 4 of the same Article of deposits of instruments of ratification, approval, formal confirmation on adherence, the entry into force of this Convention, proposals for amendment, notifications of acceptance of amendments, entry into force of amendments, and notifications of withdrawal.

Article XVI

The original of this Convention shall be deposited with ~~the Director General of the Food and Agriculture Organization of the United Nations~~ the Secretary General of the Council of the European Union who shall send certified copies of it to the Governments referred to in paragraph 1 of Article XIV and to the organizations referred to in paragraph 4 of the same Article.

Article 2

1. The original of this Protocol, the English, French and Spanish texts of which are equally authentic, shall be deposited with the Secretary General of the Council of the European Union, who shall, from its adoption, act as depositary of the ICCAT Convention and who shall send a certified copy of the Protocol to each of the Contracting Party to the Convention. The depositary shall further inform all Contracting Parties of deposits of instruments of ratification, approval or adherence and entry into force of this Protocol.
2. This Protocol shall be open for signature in [city of signature] on [date of signature]. The Contracting Parties to the Convention that have not signed the Protocol may nevertheless deposit at any time their instruments of acceptance with the Secretary General of the Council of the European Union.
3. Upon adoption of this Protocol the Director General of the Food and Agriculture Organization of the United Nations shall, without delay, [deposit with] [transfer to] the Secretary General of the Council of the European Union the original of the Convention; subsequent amendments and protocols; all instruments of ratification, approval, or adherence to the original Convention and subsequent amendments; notifications of withdrawal; and other official documents deposited with the Food and Agriculture Organization of the United Nations in its previous capacity as depositary of the original Convention.

Article 3

This Protocol shall enter into force for all Contracting Parties the ninetieth day following the deposit of the last instrument of ratification, approval or adherence by three-quarters of the Contracting Parties, with the exception of the parts of Article 1 amending Articles XIII, XIV, XV and XVI of the ICCAT Convention and of Article 2, which shall enter into force upon adoption of this Protocol.