

Conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO)

2018/0304(COD) - 07/08/2018 - Legislative proposal

PURPOSE: to lay down conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: since 1979, the Union has been a party to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention). NAFO has the authority to adopt **legally-binding decisions** for the conservation of fisheries resources under its purview. Upon their entry into force, the NAFO conservation and enforcement measures (ECMs) are binding on all NAFO Contracting Parties and, in the case of the Union, are to be incorporated into Union law to the extent to which they are not already covered by Union law.

An amendment to the NAFO Convention was adopted on 28 September 2007 and approved by Council Decision 2010/717/EU. Council Regulation (EC) No 1386/2007 transposed the NAFO conservation and enforcement measures into Union law.

The NAFO conservation and enforcement measures were amended by every annual meeting of NAFO Contracting Parties from 2008 onwards. **These new provisions need to be incorporated in the Union law;** including for conservation measures for certain species, protection of vulnerable marine ecosystems, inspection procedures at sea and in port, vessels requirements, monitoring of fishing activities and additional Port State measures.

CONTENT: the proposal for a Regulation seeks to **transpose into Union law the conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (NAFO)** which are binding on the Contracting Parties with a view to their uniform and effective implementation within the Union. Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 would be repealed.

The proposal covers conservation and management measures, including provisions on catch limitations, closure of fisheries, transfer of quotas and by-catches. It also contains provisions on:

- mesh size, marking of gear, minimum size of fish, and management measures for Northern prawns, skate, Greenland halibut and sharks;
- the protection of vulnerable marine ecosystems in the NAFO Regulatory Area, including area restrictions on bottom fishing activities and conditions for bottom fishing in new areas;
- lists of vessels, vessel markings, and chartering arrangements;
- the rules on monitoring and reporting catches, product labelling, vessel monitoring systems and transshipments;
- the observer scheme, including rules on the observer programme and on electronic reporting;

- inspection and surveillance at sea in the NAFO Regulatory Area. It lays down general rules for inspection and surveillance, sets out provisions for inspections and surveillance procedures and covers the provisions on infringements and serious infringements;
- port state control, including reporting obligations with regard to designated ports and points of contact, provisions on notification for entry into port and authorisations to land or tranship;
- reporting obligations with regard to port inspections;
- fishing vessels from countries that are not contracting parties to NAFO, including provisions on presumption of illegal, unreported and unregulated (IUU) activities, sighting and inspection at sea and in port, provisional IUU vessels list and actions against vessels IUU listed vessels.

The proposal also legislates on the existing practice of notifications by the Commission and the European Fisheries Control Agency to the NAFO Executive Secretary containing information on EU-flagged fishing vessels.

Given that NAFO's ERMs are amended each year, the proposal provides for delegated powers granted to the Commission under Article 290 of the Treaty on the Functioning of the European Union (TFEU), to cater for amendments to measures, which are expected to be frequent.