

Western and Central Pacific Fisheries Convention Area: conservation and management measures

2021/0103(COD) - 13/09/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 581 votes to 4, with 38 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down conservation and management measures applicable in the Western and Central Pacific Fisheries Convention Area and amending Council Regulation (EC) No 520/200.

The purpose of the proposal is to transpose into EU law the conservation and management measures (CMMs) adopted by the Western and Central Pacific Fisheries Commission (WCPFC). The EU has been a Contracting Party to the WCPFC since 2004, when it ratified the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The WCPFC is the regional fisheries management organisation (RFMO) responsible for the management of fisheries resources in the Western and Central Pacific Ocean.

Parliament adopted its position at first reading under the ordinary legislative procedure.

The Regulation lays down management and conservation measures relating to fishing in the area covered by the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which the Union has acceded pursuant to Decision 2005/75/EC, and with respect to the species of fish under the purview of that Convention. It applies to Union fishing vessels engaged in fishing activities in the Convention area.

The Regulation:

- deals with conservation and management measures, including provisions for: purse seine vessels fishing for tropical tuna and longline vessels fishing for swordfish; closure of fisheries; prohibition of fishing on data buoys; provisions on fishing in the vicinity of fish aggregating devices, their deployment and design; and setting rules for transshipment in port;
- sets out measures designed to protect marine species in the WCPFC Convention Area, such as: oceanic white tip, silky and hammerhead sharks; mobulid rays, including provisions for data collection and reporting on these rays, as well as their release; and sea turtles, seabirds and cetaceans;
- sets rules on: requirements for vessels, their marking and identification; the vessels monitoring scheme, including the WCPFC regional vessels register scheme; bunkering duties; and the charter notification scheme;
- contains provisions on: the WCPFC regional observer scheme, including rules on the coverage of the observer programme; the rights and responsibilities of vessel operators and masters; the safety of observers; and the reporting duties and obligations of observers;
- regulates boarding and inspection procedures, the list of serious infringements, provisions for evidence, and enforcement and use of force;

- covers port State measures, and the procedure in the event of suspected illegal, unreported and unregulated fishing activities;
- contains final provisions on issues such as confidentiality of reports and electronic messages and delegated powers.

The main changes to the Commission's proposal concern the following points:

European Fisheries Control Agency (EFCA)

The amended text stresses the need to adopt provisions in the Regulation that include the EFCA, once designated by the Commission as a body designated by the Commission which receives from Member States information relating to control and inspection, such as at-sea inspection reports and relevant notifications under the WCPFC Regional Observer Programme (ROP), and transmits this information to the WCPFC Secretariat.

Marine pollution

A new provision prohibits EU fishing vessels from discharging any plastics, oil, fuel products or oily residues, garbage, food waste, domestic waste, incinerator ashes and sewage into the sea. That prohibition will not apply to fishing gears or devices supporting fishing, such as FADs, released into the water for fishing.

Regional Observer Programme (ROP)

The objective of the ROP is to collect verified catch data, other scientific data, and additional information on fisheries in the Convention area and to monitor the implementation of CMMs. The ROP will apply to vessels fishing: (a) exclusively on the high seas; (b) on the high seas and in waters under the jurisdiction of one or more coastal States; and (c) in waters under the jurisdiction of two or more coastal States.

ROP observers will be expected to remain attentive and collect information on practices that may be detrimental to the environment, in accordance with the applicable CMM.

Rights and obligations of vessel operators, masters and crews

These rights will include:

- a reasonable period of prior notification of the placement of an ROP observer;
- the compliance of that observer with the general rules of behaviour, hierarchy, laws and regulations applicable; and
- the opportunity to review and comment on the ROP observer's report, and the right to include additional information deemed relevant or a personal statement;
- privacy in crew personal areas.

Guidelines

The Commission will provide Member States which have fishing opportunities in the fisheries managed by the WCPFC, with any guidelines adopted by the WCPFC, in particular with regard to: (a) the handling practices for mobulid rays; (b) the best handling practises of whale sharks and other sharks; (c) the handling of sea turtles; and (d) the safe release of cetaceans.

Confidentiality and data protection

All personal data collected, transferred and stored under this Regulation will be treated in accordance with the General Data Protection Regulation. Personal data processed under this Regulation will not be stored for a period longer than 10 years, except if those personal data are necessary to allow the follow-up of an infringement or an inspection, or for the purpose of judicial or administrative procedures. In those cases, the personal data may be stored for 20 years. If personal data are retained for a longer period, the data shall be anonymised.