Fishery resources: transposal into Community law of control and technical measures adopted by the Northwest Atlantic Fisheries Organisation NAFO

2006/0200(CNS) - 23/10/2006 - Legislative proposal

PURPOSE: to update Community rules transposing conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (NAFO).

PROPOSED ACT: Council Regulation.

CONTENT: in September 2003 the Northwest Atlantic Fisheries Organisation (NAFO) substantially revised the *"Conservation and Enforcement Measures applicable to fishing vessels operating in Areas beyond the limits of the national jurisdiction of the Contracting Parties in the Conservation Area."* The new NAFO provisions entered into force in January 2004. The Community, as a contracting party, is obliged to apply these provisions. The purpose of this Regulation is to transpose the revised NAFO measures into Community law. In doing so the Community is bringing together a number of related, though separate legislative acts, under one Regulation.

The new measures, to be transposed:

- provide for control measures that will apply to vessels flying the flag of the Contracting Parties and who are operating in the NAFO area;

- provide for inspection arrangements both at sea and in port;

- include inspection, surveillance and infringement procedures;

- provide for mandatory inspections of non-Contracting Party vessels where they enter the ports of the Contracting Parties voluntarily; and

- prohibit the landing and transhipment of catches if they have been taken in breach of NAFO conservation measures.

Many of these measures have already been transposed into Community law. The body of legislation that covers conservation and enforcement measures are:

- Regulation 1956/88/EEC adopting provisions for the application of the scheme of joint international inspection adopted by the NAFO;

- Regulation 2868/88/EEC laying down detailed rules for the application of the Scheme of Joint International Inspections adopted by NAFO;

- Regulation 189/92/EC adopting provisions for the application of certain control measures adopted by NAFO;

- Regulation 3680/93/EC laying down certain conservation and management measures for fishery resources in the Regulatory area as defined in the Convention on Future Multilateral Co-operation in NAFOP;

- Regulation 3069/95/EC establishing a European Community observer scheme applicable to Community fishing vessels operating in the Regulatory Area of NAFO; and

- Regulation 1262/2000/EC laying down certain control measures in respect of vessels flying the flag of non-Contracting Parties to NAFO.

It is the intention of this Regulation to repeal all of the above and incorporate the new measures under this one Regulation. In addition to repealing the above, recently agreed legislation on TAC and quotas will be transferred to this new Regulation.

In other provisions, the Regulation stipulates that each Member State must ensure that the activities of its vessels outside the Community fishery zone are subject to proper monitoring and to inspections /surveillance in order to ensure compliance with Community rules. As a result, Member States whose vessels are authorised to fish in the NAFO Regulatory Areas must assign inspectors to NAFO in order to undertake such monitoring and surveillance exercises. The Member States are expected to co-operate with one another when applying these measures.