Basic information

2018/0304(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO) Repealing Regulation (EC) No 2115/2005 2004/0229(CNS) Repealing Regulation (EC) No 1386/2007 2006/0200(CNS) Amended by 2019/0272(COD) Amended by 2020/0095(COD) Amended by 2022/0035(COD) Amended by 2023/0056(COD) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas 3.15.15 Fisheries agreements and cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	SERRÃO SANTOS Ricardo (S&D)	04/09/2018
	Shadow rapporteur KUHN Werner (PPE) VAN DALEN Peter (ECR) BILBAO BARANDICA Izaskun (ALDE) FERREIRA João (GUE/NGL) AFFRONTE Marco (Verts/ALE)	

Council of the European Union

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

European Economic and Social Committee

Key events

Date	Event	Reference	Summary

07/08/2018	Legislative proposal published	COM(2018)0577	Summary
10/09/2018	Committee referral announced in Parliament, 1st reading		
10/01/2019	Vote in committee, 1st reading		
10/01/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
16/01/2019	Committee report tabled for plenary, 1st reading	A8-0017/2019	Summary
30/01/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
11/02/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
19/02/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE634.854 GEDA/A/(2019)001627	
17/04/2019	Decision by Parliament, 1st reading	T8-0417/2019	Summary
17/04/2019	Results of vote in Parliament		
07/05/2019	Act adopted by Council after Parliament's 1st reading		
20/05/2019	Final act signed		
20/05/2019	End of procedure in Parliament		
28/05/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0304(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 2115/2005 2004/0229(CNS) Repealing Regulation (EC) No 1386/2007 2006/0200(CNS) Amended by 2019/0272(COD) Amended by 2020/0095(COD) Amended by 2022/0035(COD) Amended by 2023/0056(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/14451

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE627.630	25/09/2018	
Amendments tabled in committee		PE629.540	23/10/2018	
Amendments tabled in committee		PE629.541	23/10/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0017/2019	16/01/2019	Summary
Text agreed during interinstitutional negotiations		PE634.854	15/02/2019	
Text adopted by Parliament, 1st reading/single reading		T8-0417/2019	17/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001627	15/02/2019	
Draft final act	00034/2019/LEX	20/05/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0577	07/08/2018	Summary
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	
Follow-up document	COM(2023)0518	11/09/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5155/2018	23/01/2019	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/0833
OJ L 141 28.05.2019, p. 0001 Summary

Delegated acts

Reference	Subject

2019/2872(DEA)	Examination of delegated act
2020/2626(DEA)	Examination of delegated act
2021/2614(DEA)	Examination of delegated act
2022/2587(DEA)	Examination of delegated act
2023/2535(DEA)	Examination of delegated act

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

2018/0304(COD) - 28/05/2019 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures (CEM) applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007.

CONTENT: the Regulation aims 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. The Union has been a contracting party to NAFO since 1979.

The Regulation covers the measures adopted by NAFO since 2008 and the entry into force of the amended NAFO Convention on 18 May 2017.

Since 2008, the CEMs have been amended at every annual meeting of NAFO Contracting Parties. Under this Regulation, the new provisions are incorporated into Union law, including conservation measures for certain species, protection of vulnerable marine ecosystems, inspection procedures at sea and in port, vessel requirements, monitoring of fishing activities and additional port State measures.

In order to ensure a level playing field between EU fishing vessels and other fleets fishing for bluefin tuna, the measures of the International Commission for the Conservation of Atlantic Tunas (ICCAT) contained in Recommendation 18-02 concerning by-catches, farming and fishing capacity and open fishing seasons are included in Regulation (EU) 2016/1627 on a multi-annual recovery programme for bluefin tuna stocks in the eastern Atlantic and Mediterranean.

Given that NAFO's CEMs are amended each year, the proposal provides for the possibility of conferring delegated powers on the Commission under Article 290 of the Treaty on the Functioning of the European Union (TFEU) to take into account changes, which are likely to be frequent.

ENTRY INTO FORCE: 17.6.2019.

APPLICATION: from 21.6.2019.

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

2018/0304(COD) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 577 votes to 20 with 8 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation and repealing Council Regulation (EC) No 2115/2005 and Council Regulation (EC) No 1386/2007.

On 7 August 2018, the Commission presented a proposal for a regulation seeking to transpose into EU law the conservation and enforcement measures (CEMs) adopted by the Northwest Atlantic Fisheries Organisation (NAFO), to which the European Union (EU) has been a contracting party since 1979.

The proposal relates to the measures adopted by NAFO since 2008 and to the entry into force on 18 May 2017 of the amended NAFO Convention.

The position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure amends the Commission proposal as follows:

Scope

The Regulation applies to Union fishing vessels used or intended for use for the purposes of commercial fishing activities conducted on fishery resources in the NAFO Regulatory Area, as defined in Annex I to the Convention, as well as activities by third country vessels under the Convention in Union waters or territory. It lays down the rules for the application by the Union of the CEM for their uniform and effective implementation within the Union.

In order to ensure a level playing field between Union fishing vessels and other fleets fishing for bluefin tuna, the ICCAT measures laid down in Recommendation 18-02 relating to by-catches, farming and fishing capacity and open seasons are included in Regulation (EU) 2016/1627.

Conservation and management measures

Not less than ten days prior to the commencement of a fishery research period, the flag Member State shall, by electronic transmission, notify the Commission of all research vessels flying its flag it has authorised to conduct research activities in the Regulatory Area. It shall immediately notify the Commission of the termination of research activities by any vessel temporarily engaged in research.

Member States may permit fishing vessels flying their flag to fish for stocks in which it has not been allocated a quota in accordance with the fishing opportunities in force (the 'Others' quota), if such quota exists and notification of closure has not been given by the NAFO Executive Secretary.

With respect to the conservation and management of sharks, the proposed regulation prohibits the removal of shark fins on board vessels and retaining on board, transhipping or landing shark fins fully detached from a carcass.

The master of the vessel fishing in the Regulatory Area shall have equipment on board the fishing vessel to retrieve lost gear, make every reasonable effort to retrieve lost gear as soon as possible and not deliberately abandon fishing gear, except for safety reasons.

Protection of vulnerable marine ecosystems (VME)

The master of the vessel shall start exploratory bottom fishing activities only after being authorised in accordance with the conservation and management measures adopted by the NAFO Commission to prevent significant adverse impacts of the exploratory fishing activities on VMEs. He shall have a scientific observer on board for the duration of the exploratory bottom fishing activity.

Observer programme

Each fishing vessel, while conducting fishing activities in the Regulatory Area, shall carry at all times at least one observer. A fishing vessel shall not commence fishing until the observer is deployed on the fishing vessel. The failure to carry an observer if required shall be considered a serious infringement.

A Member State may allow fishing vessels flying its flag to carry an observer for less than 100 %, but not less than 25 % of the fishing trips conducted by its fleet, or of the days the fishing vessels are present in the Regulatory Area during the year, on the condition that the flag Member State, for the vessels not carrying an observer fulfil a certain number of requirements.

Observers shall be independent and impartial, and have the training, knowledge, skills and abilities to perform all of the duties, functions and requirements as specified in the regulation. They shall execute their duties and functions in an unbiased manner regardless of nationality and of which flag the vessel is flying, and shall be free from undue influence or benefit linked to the fishing activity of any vessel fishing in the Regulatory Area.

Procedure for amendments

Six months after the date of entry into force of this Regulation, the Commission shall adopt a delegated act supplementing the Regulation with the provisions of and Annexes to the CEM referred to in the Annex to the Regulation. The Commission is empowered to adopt delegated acts to subsequently amend that delegated act.

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 transhipments;
- 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.

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

2018/0304(COD) - 16/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Ricardo SERRÃO SANTOS (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council laying down conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation and repealing Council Regulation (EC) No 2115/2005 and Council Regulation (EC) No 1386/2007.

On 7 August 2018, the Commission presented a proposal for a regulation seeking to transpose into EU law the conservation and enforcement measures (CEMs) adopted by the Northwest Atlantic Fisheries Organisation (NAFO), to which the European Union (EU) has been a contracting party since 1979.

The proposal relates to the measures adopted by NAFO since 2008 and to the entry into force on 18 May 2017 of the amended NAFO Convention.

The committee recommended that the position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure amend the Commission proposal as follows.

Transposition into EU law

Members believed that the transposition into EU law of any future recommendation amending the NAFO CEM should be done according to the ordinary legislative procedure and not through delegated acts as proposed by the Commission.

Research vessels

Members stated that research vessels must include in their research plans all fishing activities to be carried out, including those conducted outside the regulatory area. Research activities other than those included in the research plans must not be permitted.

It is clarified that the maximum amount of Northern prawn that can be caught in Area 3L is that established for the flag Member State of the research vessel.

Shark conservation measures

Research should be undertaken to identify ways to make fishing gear more selective for the protection of sharks and elasmobranch species. Members recalled hat current rules highlight the 'at risk' status of elasmobranch species such as sharks and rays and that, according to the findings of the International Union for the Conservation of Nature, shark populations and marine ecosystems, are under severe threat.

Members also specified that:

- there are catch and fishing effort limitations, which are applied to stocks independently of each other;

- the port state control provisions of vessels flying the flag of another contracting party should apply to all fisheries resources and not just to fish.