Basic information

2021/0103(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Western and Central Pacific Fisheries Convention Area: conservation and management measures Amending Regulation 2007/520 2006/0030(CNS) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.15 Fisheries agreements and cooperation 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	CARVALHAIS Isabel (S&D)	20/05/2021
	Shadow rapporteur CARVALHO Maria da Graça (EPP) YTTERELL Emma (Renew) O'SULLIVAN Grace (Greens/EFA) ILČIĆ Ladislav (ECR) PIMENTA LOPES João (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	SINKEVIČIUS Virginijus

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
23/04/2021	Legislative proposal published	COM(2021)0198	Summary
26/04/2021	Committee referral announced in Parliament, 1st reading		
25/01/2022	Vote in committee, 1st reading		
31/01/2022	Committee report tabled for plenary, 1st reading	A9-0009/2022	Summary
03/03/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
07/03/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
09/03/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
12/07/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2022)004952 PE734.345	
12/09/2022	Debate in Parliament		
13/09/2022	Decision by Parliament, 1st reading	T9-0313/2022	Summary
13/09/2022	Results of vote in Parliament		
04/10/2022	Act adopted by Council after Parliament's 1st reading		
19/10/2022	Final act signed		
26/10/2022	Final act published in Official Journal		

Technical information

Procedure reference	2021/0103(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2007/520 2006/0030(CNS)
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/9/05881

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE694.999	20/09/2021	
Amendments tabled in committee		PE702.895	06/12/2021	
Committee report tabled for plenary, 1st reading/single reading		A9-0009/2022	31/01/2022	Summary
Text agreed during interinstitutional negotiations		PE734.345	29/06/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0313/2022	13/09/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2022)004952	29/06/2022	
Draft final act	00036/2022/LEX	19/10/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0198	23/04/2021	Summary
Commission response to text adopted in plenary	SP(2022)564	20/10/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2656/2021	09/06/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2022/2056
OJ L 276 26.10.2022, p. 0001

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

2021/0103(COD) - 31/01/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Isabel CARVALHAIS (S&D, PT) 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 520/2007.

The committee recommended that the European Parliament’s position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows:

Scope and purpose

The amended text stipulated that the Regulation should apply to Union fishing vessels carrying out fishing in the Western and Central Pacific Fisheries Convention Area. Its aim is to incorporate into European Union law the conservation and management measures (CMMs) adopted by the Western and Central Pacific Fisheries Commission (WCPFC).

The mission of the European Fisheries Control Agency (EFCA) is, *inter alia*, to organise the operational coordination of fisheries control and inspection activities by Member States for the implementation of international control and inspection programmes such as the ones implemented in WCPFC CMMs, and to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties.

It is therefore appropriate for the EFCA to be the body that receives from Member States and transmits to the WCPFC Secretariat information relating to control and inspection, such as at sea inspection reports and notifications of the WCPFC.

Sea turtles

Members stressed that Union fishing vessel should bring on board any captured hard-shell sea turtle (family Cheloniidae) that is comatose or inactive as soon as possible after capture and foster its recovery, including giving it resuscitation, before returning it to the water. Masters and operators of Union fishing vessels should ensure that crew is aware of and use proper mitigation and handling techniques.

Marine pollution

The amended text stipulated that Union fishing vessels should be prohibited from discharging marine waste produced on board or any plastics, including plastic packaging, items containing plastic and polystyrene into the sea.

Record of fishing vessels

Members, once again, stressed the need to include the EFCA in the information exchange scheme to and from the WCPFC secretariat, Member States, fishing vessels masters, fishing inspectors and Regional Observer Programme observers. In this regard, Member States should notify EFCA, with the Commission in copy, of any factual information showing that there are reasonable grounds to suspect that a vessel is that not on the Record is or has been engaged in fishing for or transhipment of highly migratory fish stocks in the Convention Area. Submission of vessel record data to the Commission, with EFCA in copy, should be in an electronic transmission that meet the electronic formatting specification.

Regional Observer Programme (ROP)

ROP observers should remain attentive and shall collect information on any practices that could harm the environment. The observers should, *inter alia* , observe the ethnic traditions and customs of the flag State of the entire crew.

Infringements

Any intimidation of or physical attacks on the ROP observer should constitute a serious infringement. Moreover, any fishing activities of non-contracting party fishing vessels should also be reported by the Member States to EFCA, with the Commission in copy, and the flag State of the vessel in question.

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

2021/0103(COD) - 23/04/2021 - Legislative proposal

PURPOSE: to transpose into European Union (EU) law the conservation and management measures adopted by the Western and Central Pacific Fisheries Commission (WCPFC).

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: 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. WCPFC's conservation and management measures apply to the entire WCPFC Convention Area.

The WCPFC is empowered to adopt conservation and management measures (CMMs) for the living resources of the sea under its jurisdiction, which are binding on the Contracting Parties.

CONTENT: the proposed Regulation aims to implement existing measures of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), which are binding on the Contracting Parties. It establishes management and conservation measures for fisheries in the Convention area and in respect of fish species covered by the Convention.

The regulation would apply to EU vessels fishing in the WCPFC Convention area and to the rules on fishing authorisation.

The proposal:

- 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 transhipment 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;

- provides for delegated powers to the Commission to provide for changes to WCPFC measures, which are likely to be frequent.

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 transhipment 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.