



Council of the
European Union

Brussels, 11 February 2021
(OR. en)

5410/21

Interinstitutional File:
2020/0354 (NLE)

PECHE 23

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Principles and guidelines on the position to be adopted on the Union's behalf in the meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
----------	---

PRINCIPLES AND GUIDELINES ON THE POSITION TO BE ADOPTED
ON THE UNION'S BEHALF IN THE MEETING OF THE PARTIES TO THE AGREEMENT
ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL,
UNREPORTED AND UNREGULATED FISHING

1. PRINCIPLES

In the framework of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing ('the Agreement'), the Union shall observe, *inter alia*, the following principles:

- (a) ensure that measures adopted under the Agreement are consistent with the Agreement itself as well as with international law, and in particular with the international commitments of the Union under the United Nations Convention on the Law of the Sea (UNCLOS)¹, the 1995 Agreement relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (UNFSA)² and the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas³;

¹ OJ L 179, 23.6.1998, p. 3

² OJ L 189, 3.7.1998, p. 16.

³ OJ L 177, 16.7.1996, p. 26.

- (b) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy as laid down in Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹ and in accordance with the provisions of the Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing established by Council Regulation (EC) No 1005/2008²;
- (c) act in accordance with the Council conclusions of 19 March 2012 on the Commission communication on the external dimension of the common fisheries policy, with the aim that the external dimension follow the same principles and promote the same standards for fisheries management and control as applied in Union waters; promote a level playing field, *inter alia* to support transparent trade in fisheries products that is subject to strictly observed and controlled standards; and promote initiatives concerning the role of port States and flag States in combating IUU fishing;

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

² Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

- (d) act in accordance with the Council conclusions on oceans and seas and the Council conclusions on the joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission entitled 'International ocean governance: an agenda for the future of oceans', and promote measures to support and enhance the effective implementation of the Agreement as a contribution to the sustainable management of oceans in all its dimensions;
- (e) follow a zero-tolerance approach to IUU fishing, considering in particular that the political and socio-economic conditions arising as a result of COVID-19 may have created an enabling environment for unscrupulous actors to undertake IUU fishing or to facilitate trade in fishery products derived from such fishing, making it even more necessary to take drastic measures under the Agreement.

2. GUIDELINES

The Union shall endeavour to develop and support the adoption of the following actions and guidelines aimed at ensuring universal participation in and effective implementation of the Agreement:

- (a) ensure coherence with other Union policies, in particular in the fields of external relations, environment, trade, employment, development, and research and innovation, and seek consistency and synergy with the policies pursued by the Union in the context of its bilateral fisheries relations with third countries;

- (b) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) and regional fisheries bodies (RFBs) and the coordination of those organisations with regard to the Agreement;
- (c) support the adoption of global capacity development programmes to assist developing States in preparing for implementation or in implementing the Agreement, while ensuring, where necessary, complementarity with the assistance to third countries provided by the Union in the fight against IUU fishing;
- (d) promote measures strengthening cooperation between the Parties to the Agreement and other global and regional organisations, within their mandates, where appropriate, as well as with non-Parties, where desirable and applicable;
- (e) support measures promoting the ratification of the Agreement by non-Parties, including through global awareness-raising and capacity-building to ensure that States understand both the benefits of the Agreement as well as the requirements of its implementation, should they become Parties;
- (f) support measures developing and promoting the use of tools (technologies, information exchange systems, registers, etc.) to support and facilitate the implementation of the Agreement, and ensure that they are compatible with those developed within the Union for addressing similar purposes;

- (g) support measures aimed at strengthening transparency, dialogue and cooperation with relevant stakeholders, including fishers, the fishing industry, civil society organisations, scientists and academia, on matters related to the implementation of the Agreement, and, where appropriate, measures aimed at improving their involvement and participation in the work related to the implementation of the Agreement in accordance with the common practice adopted in other multilateral agreements.
-