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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be taken on behalf of the European Union at the meetings of the Parties to the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean

COUNCIL DECISION (EU) 2020/…

of …

on the position to be taken on behalf of the European Union at the meetings of the Parties to the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean ('the Agreement') was concluded by the Union by Council Decision (EU) 2019/407[1]. The Agreement is expected to enter into force later this year.

(2) The meeting of the Parties is responsible for the adoption of measures designed to ensure the Agreement's implementation in order to achieve the objective of preventing unregulated fishing in the high seas portion of the central Arctic Ocean through the application of precautionary conservation and management measures as part of a long-term strategy to safeguard healthy marine ecosystems and to ensure the conservation and sustainable use of fish stocks. Such measures may become binding upon the Union.

[1] Council Decision (EU) 2019/407 of 4 March 2019 on the conclusion, on behalf of the European Union, of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean (OJ L 73, 15.3.2019, p. 1).

(3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[1] provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains the population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing, to the avoidance and reduction, as far as possible, of unwanted catches, and to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.

[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).

(4) As stated in the Council conclusions of 19 November 2019 on Oceans and Seas, including the Arctic, the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'An integrated European Union policy for the Arctic', and the Council Conclusions of 24 March 2017 on 'International ocean governance: an agenda for the future of oceans', support for the Agreement and the possible creation of a regional fisheries management organisation or arrangement in the Arctic high seas is an important objective for the Union in order to safeguard the Arctic environment and ensure sustainable development in and around the Arctic region on the basis of international cooperation.

(5) It is appropriate to establish the position to be taken on the Union's behalf at the meeting of the Parties to the Agreement for the period 2020-2024, as conservation and management measures under the Agreement will be binding on the Union and capable of decisively influencing the content of Union law, namely Council Regulations (EC) No 1005/2008[1] and (EC) No 1224/2009[2], and Regulation (EU) 2017/2403 of the European Parliament and of the Council[3].

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1 Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) 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).

2 Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the Common Fisheries Policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

3 Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

(6) In view of the limited knowledge on and nature of fishery resources in the Agreement Area, and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the Parties, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2020-2024.

(7) This Decision may be followed at a later stage by a further separate Council decision on the opening of negotiations to establish one or more additional regional or subregional fisheries management organisations or arrangements in the Arctic high seas,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the meetings of the Parties to the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean ('the Agreement') shall be in accordance with the principles and orientations on the position to be taken on the Union's behalf at meetings of the Parties to the Agreement[1].

Article 2

Before each meeting of the Parties to the Agreement, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations referred to in Article 1.

To that effect, and based on that information, the Commission shall transmit to the Council, in sufficient time before each meeting of the Parties to the Agreement, a document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be taken on the Union's behalf.

If in the course of a meeting of the Parties to the Agreement it is impossible to reach an agreement, including on the spot, the matter shall be referred to the Council or its preparatory bodies in order for the Union's position to take account of new elements.

[1] See doc. ST 11439/20 on http://register.consilium.europa.eu.

Article 3

The Union's position referred to in Article 1 shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the meeting of the Parties to the Agreement in 2025.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at …,

For the Council
The President