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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	11 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 403 final - ANNEX
Subject:	ANNEXES to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation and repealing Decision (EU) 2019/863

Delegations will find attached document COM(2023) 403 final - ANNEX.

Encl.: COM(2023) 403 final - ANNEX

EUROPEAN
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Brussels, 11.7.2023
COM(2023) 403 final

ANNEXES 1 to 2

ANNEXES

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation and repealing Decision (EU) 2019/863

ANNEX I

The position to be taken on the Union's behalf in the Northwest Atlantic Fisheries Organisation (NAFO)

1. PRINCIPLES

In the framework of the NAFO, the Union shall:

(a) ensure that measures adopted within the NAFO are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;

(b) promote the objectives of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) and at the 15th Conference of the Parties to the Convention on Biological Diversity (COP 15), in particular as regards stepping up the protection of marine biodiversity and the protection of 30 % of the world's ocean through marine protected areas;

(c) contribute to the implementation of European Green Deal, including the Biodiversity and Climate Adaptation Strategies, notably concerning the protection of nature, and Farm to Fork strategies, and a stronger Europe in the world;

(d) pursue the objectives of the Plastics Strategy and the Zero pollution Action plan, notably the reduction of plastics and marine pollution;

(e) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy, notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management and limiting environmental impacts of fishing activities, to avoid and reduce, as far as, possible unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;

(f) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy[1];

(g) be in line with the objectives of the Joint Communication on the EU's International Ocean Governance agenda[2] regarding marine biodiversity conservation, as well as the Council conclusions on that Joint Communication;[3]

(h) work towards an appropriate involvement of stakeholders in the preparation phase for NAFO measures and ensure that measures adopted within the NAFO are in accordance with the objectives of the NAFO Convention;

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1 7087/12 REV 1 ADD 1 COR 1.

2 JOIN/2022/28 final of 24.06.2022.

3 15973/22 of 13.12.2022.

(i) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs);

(j) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, environment, trade, development, research and innovation;

(k) aim to create a level playing field for the Union fleet within the NAFO regulatory area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;

(l) promote coordination between the NAFO, existing RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;

(m) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the NAFO:

(a) measures to promote the conservation and full restoration of biodiversity, the sustainability of the stocks, and the integration of climate change considerations in the decision-making process;

(b) conservation and management measures for fisheries resources in the NAFO regulatory area based on the best scientific advice available, and the precautionary approach including Total Allowable Catches and quotas or effort regulation in fisheries harvesting living marine biological resources regulated by the NAFO, which would achieve the maximum sustainable yield. Where necessary, specific measures for stocks, which suffer from overfishing shall be considered in order to keep the fishing effort in line with available fishing opportunities;

(c) measures to promote data collection, scientific research and science-based management decisions, the strengthening of its compliance committee, a culture of compliance and periodical independent performance reviews;

(d) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the regulatory area, including IUU vessel listing, and cross-listing with other RFMOs, and measures to promote the traceability of fish and fishery products based on the Voluntary Guidelines for Catch Documentation Schemes;

(e) monitoring, control and surveillance measures in the NAFO regulatory area in order to ensure efficiency of control and compliance with measures adopted within the NAFO, including the strengthening of control on transhipment operations based on the FAO Voluntary Guidelines for Transhipment;

(f) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including protective measures for vulnerable marine ecosystems in the regulatory area in line with the NAFO Convention, while taking into account the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce

as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;

(g) measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, including measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear based on the FAO Voluntary Guidelines on the Marking of Fishing Gear;

(h) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;

(i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);

(j) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;

(k) developing approaches related to tackling impacts of non-fishing activities on the marine biological resources in the regulatory area;

(l) additional technical measures based on advice from the subsidiary bodies and working groups of NAFO.

ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Northwest Atlantic Fisheries Organisation

Before each meeting of the NAFO Commission, 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 set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council, or to its preparatory bodies, in sufficient time before each meeting of the NAFO Commission, a written 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 expressed on the Union's behalf.

If in the course of a NAFO Commission meeting 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.