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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 September 2022)

I. INTRODUCTION

On 13 July 2022, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal without amendments, the Council would approve the European Parliament's position.

In this context, the rapporteur, Isabel CARVALHAIS (S&D, PT), tabled the Commission's proposal for a Regulation. No amendments were presented.

II. VOTE

The Parliament adopted its first-reading position on 13 September 2022 by taking over the Commission proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

ANNEX
(13.9.2022)

P9_TA(2022)0312

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

European Parliament legislative resolution of 13 September 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (COM(2022)0051 – C9-0046/2022 – 2022/0035(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2022)0051),

– having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0046/2022),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 24 March 2022[1],

– having regard to the undertaking given by the Council representative by letter of 13 July 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries (A9-0198/2022),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] OJ C 290, 29.7.2022, p. 149.

P9_TC1-COD(2022)0035

Position of the European Parliament adopted at first reading on 13 September 2022 with a view to the adoption of Regulation (EU) 2022/… of the European Parliament and of the Council amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[2],

Acting in accordance with the ordinary legislative procedure[3],

Whereas:

(1) Regulation (EU) 2019/833 of the European Parliament and of the Council[4] was adopted in order to implement into Union law the most up-to-date rules for conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO). That Regulation was subsequently amended by Regulation (EU) 2021/1231 of the European Parliament and of the Council[5], in order to implement into Union law the NAFO measures adopted at its annual meetings in 2019 and 2020.

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2 OJ C 290, 29.7.2022, p. 149.

3 Position of the European Parliament of 13 September 2022.

4 Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures 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) 1386/2007 (OJ L 141, 28.5.2019, p. 1).

5 Regulation (EU) 2021/1231 of the European Parliament and of the Council of 14 July 2021 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 274, 30.7.2021, p. 32).

(2) NAFO subsequently adopted at its 43rd annual meeting, in September 2021, a number of legally binding decisions for the conservation of fishery resources under its purview as regards catch retention for the 'Others' quota, port inspection of landings of cod in Division 3M and of Greenland halibut, and reinforced provisions on monitoring, infringements and enforcement ('the NAFO decisions').

(3) The NAFO decisions are addressed to the NAFO Contracting Parties, but also contain obligations for operators. Following their entry into force on 2 December 2021, NAFO conservation and enforcement measures ('CEMs') are binding on all NAFO Contracting Parties. Therefore, they are to be incorporated into Union law to the extent that they are not already provided for by Union law.

(4) Regulation (EU) 2019/833 should therefore be adapted in order to apply those new CEMs to Union fishing vessels.

(5) Certain provisions of the CEMs are likely to be amended at future NAFO annual meetings following the introduction of new technical measures in relation to changing stock biomass and a review of area restrictions for bottom fishing activities. Therefore, in order to swiftly incorporate into Union law such future amendments to the CEMs, before the start of fishing season, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of landing and inspection measures for Greenland halibut and control measures for cod in Division 3M. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[6]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(6) Regulation (EU) 2019/833 should therefore be amended accordingly,

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6 OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2019/833

Regulation (EU) 2019/833 is amended as follows:

(1) in Article 7(3), point (d) is replaced by the following:

"(d) where a ban on fishing applies (moratoria) or when the "Others" quota opened for that stock has been fully taken: 1 250 kg or 5 %, whichever is the greater, in regard to those Contracting Parties following their notification of the use of the "Others" quota in accordance with Article 6;";

(2) in Article 9a(1), point (c) is replaced by the following:

"(c) each Member State shall inspect in its ports at least 50 % of the landings or transhipment of cod catches from Division 3M and prepare an inspection report in the format prescribed in Annex IV.C to the CEM referred to in point 9 of the Annex to this Regulation, and send it to the NAFO Executive Secretary, with the Commission and EFCA in copy, within 12 working days from the date on which the inspection was completed. That report shall identify and provide details of any infringement of this Regulation detected during the port inspection. It shall include all relevant information available with regard to infringements detected at sea during the current trip of the inspected fishing vessel.";

(3) in Article 10(1), point (e) is replaced by the following:

"(e) each Member State shall inspect in its ports each landing of Greenland halibut, if the quantity of that stock on board represents either more than 5 % of the total catch or more than 2 500 kg, and prepare an inspection report in the format prescribed in Annex IV.C to the CEM referred to in point 9 of the Annex to this Regulation, and send it to the NAFO Executive Secretary, with the Commission and EFCA in copy, within 14 working days from the date on which the inspection was completed. The report shall identify and provide details of any infringement of this Regulation detected during the port inspection. It shall include all relevant information available

with regard to infringements detected at sea during the current trip of the inspected fishing vessel.";

(4) in Article 29, paragraph 1 is replaced by the following:

"1. Each Member State shall, not later than 1 November each year, send the following information to EFCA (with the Commission in copy), which shall ensure that that information is sent to the NAFO Executive Secretary:

(a) the contact information of the competent authority which shall act as the contact point for the purpose of immediate notification of infringements in the Regulatory Area, and any subsequent changes to that information, not less than 15 days before the change comes into effect;

(b) the names of inspectors and inspector trainees and the name, radio call sign and communication contact information of each inspection platform it has assigned to the Scheme. It shall notify changes to the particulars so notified, whenever possible, not less than 60 days in advance.";

(5) in Article 35(1), point (g) is replaced by the following:

"(g) fishing with an unauthorised mesh size, grid or grate bar spacing, or without the use of sorting grids or grates, in contravention of Article 13 or Article 14;";

(6) Article 36 is amended as follows:

(a) in paragraph 1, point (d) is replaced by the following:

"(d) ensure that sanctions applicable in respect of infringements, and to the extent possible under national legislation for repeated serious infringements, in particular those identified under Article 35(3), point (c) (iii) and (iv), are adequate in severity to be effective in securing compliance, deterring further infringements or their repetition and depriving the offenders of the benefits accruing from the infringement.";

(b) in paragraph 2, the following points are added:

"(e) increased or additional reporting requirements, such as enhanced reporting frequency or additional data to be reported; and

(f) increased or additional monitoring requirements, such as the deployment of an observer or an inspector on board or the installation of remote electronic monitoring implemented in accordance with relevant technical specifications for fishing vessels operating in the Regulatory Area.";

(7) in Article 40, paragraph 3 is replaced by the following:

"3. The Member State shall send to the Commission the contact information of the competent authority, which shall act as the contact point for the purposes of receiving requests in accordance with Article 39(5) and providing confirmation in accordance with Article 39(6). The Commission shall send that information to the NAFO Executive Secretary.";

(8) in Article 50, paragraph 2 is amended as follows:

(a) point (c) is replaced by the following:

"(c) procedures concerning vessels with more than 50 tonnes live weight total catch on board, entering the Regulatory Area to fish for Greenland halibut as regards the content of notifications provided for in Article 10(2), points (a) and (b), conditions for commencement of fishing provided for in Article 10(2), point (d), and provisions on landing and inspection concerning Greenland halibut provided for in Article 10(1), point (e);",

(b) the following point is added:

"(l) control measures for cod in Division 3M as provided for in Article 9a.".

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …, ...

For the European Parliament	*For the Council*
The President	*The President*