Council of the European Union

Brussels, 28 September 2023
(OR. en)

13519/23

Interinstitutional File: 2023/0206(COD)

CODEC 1716
PECHE 400

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	11316/23 + ADD 1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down conservation, management and control measures applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries, amending Regulation (EU) 2019/1241 of the European Parliament and of the Council and Council Regulation (EC) No 1224/2009, and repealing Council Regulation (EEC) No 1899/85 and Regulation (EU) No 1236/2010 - Opinion of the European Economic and Social Committee

Delegations will find attached the opinion of the European Economic and Social Committee on the above-mentioned proposal.

OPINION

European Economic and Social Committee

Convention in the North-East Atlantic Fisheries

Conservation and control measures applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries

[COM(2023) 362 final – 2023-206-COD]

NAT/883

Rapporteur: Francisco Javier GARAT PÉREZ

Referral European Parliament, 11/09/2023

Council, 15/09/2023

Legal basis Article 43(2) and Article 304 of Treaty on the Functioning of the European Union

Section responsible Section for Agriculture, Rural Development and the Environment

Adopted in section 7/09/2023

Adopted at plenary 20/09/2023

Plenary session No 581

Outcome of vote

(for/against/abstentions) 204/01/05

1. Conclusions and recommendations

1.1 The Committee believes that the conservation and enforcement measures adopted by the North-East Atlantic Fisheries Commission (NEAFC) should be transposed into EU law, with a view to achieving their uniform and effective implementation within the EU. It therefore supports the proposal put forward by the European Commission.

1.2 However, as it has stated in previous opinions , the Committee believes that the transposition procedure is still not based on an efficient mechanism, since these measures are amended every year and the EU's bureaucratic procedures are very slow, leading to a continuous time-lag between the rules adopted by NEAFC and EU legislation.

1.3 In any event, the EESC stresses the important role of regional fisheries management organisations (RFMOs) in adopting conservation, management and control measures for fish stocks in the high seas and calls on the European Commission and the Member States, together with the other contracting parties, to empower those organisations as much as possible by equipping them with the economic, human and scientific resources needed to achieve their objectives properly.

2. Gist of the legislative proposal

2.1 NEAFC is the RFMO responsible for managing the fishery resources covered by the Convention on future multilateral cooperation in the North-East Atlantic (NEAFC Convention).

2.2 NEAFC adopts conservation, management and control measures to ensure the long-term conservation and optimum utilisation of the fishery resources under its purview. These measures are adopted as recommendations which are binding on the contracting parties as soon as they enter into force, unless an objection is submitted under Article 12(2) of the NEAFC Convention.

2.3 All NEAFC contracting parties are members of NEAFC, which adopts measures by consensus or by a qualified majority vote in accordance with the NEAFC Convention. Before each NEAFC meeting, the European Commission, on behalf of the Union, draws up negotiating guidelines based on a five-year multiannual position established by a Council decision and scientific advice provided by the International Council for the Exploration of the Sea (ICES) and in line with the Common Fisheries Policy. These negotiating guidelines are presented, discussed and approved in the Council Working Party and further adjusted, to take account of real-time developments, in coordination meetings with Member States held at NEAFC's annual meetings.

2.4 At its annual meetings, NEAFC adopts new measures which its Secretariat notifies to the contracting parties after the meeting as NEAFC decisions. After receiving a notification, the European Commission informs the Council about the adoption of new measures, along with the planned date for their entry into force. It is incumbent on the Union to ensure compliance with these measures, as NEAFC international obligations, as soon as they enter into force.

2.5 In 2022, the EU had 301 fishing vessels authorised to operate in the NEAFC Regulatory Area. The latest implementation of conservation, management and control measures adopted by NEAFC was enacted by Regulation (EU) Nº 1236/2010 and amended several times. Since then, NEAFC has amended some measures that are already in force and has adopted new measures that have not yet been transposed into EU law. This relates to the measures under the NEAFC control and enforcement scheme and to the measures adopted by NEAFC under:

- Recommendation 19:2014 on area management measures for the protection of vulnerable marine ecosystems in the NEAFC Regulatory Area, as amended by Recommendation 06:2023;
- Recommendations 08:2023 and 09:2023 amending the list of NEAFC regulated resources covered by the NEAFC scheme of control and enforcement;
- Recommendation 10:2023 banning discards in the NEAFC Regulatory Area;
- Recommendation 11:2023 on the control of transhipment operations at sea;
- Recommendation 12:2023 on control measures applicable to commercial research vessels.

2.6 The main purpose of the European Commission's proposal is therefore to incorporate into EU law the conservation, management and control measures adopted by NEAFC. At the same time, the proposal aims to compile all NEAFC measures in one regulation. Currently, Regulation (EU) No 1236/2010 and, to a certain extent, Council Regulation (EC) No 1224/2009, include provisions implementing NEAFC control measures. Given that provisions implementing NEAFC conservation and management measures that apply to the NEAFC Regulatory Area are set out in Council Regulation (EEC) No 1899/85 and Regulation (EU) 2019/1241, it is appropriate to replace the relevant provisions of those Regulations by a single legislative act.

2.7 The proposal also aims to implement certain measures stemming from the Union's international commitments relating to the control of four pelagic fisheries in the North-East Atlantic: mackerel, horse mackerel, blue whiting and herring.

3. **General comments**

3.1 The Committee believes that the conservation and enforcement measures adopted by NEAFC should be transposed into EU law, with a view to achieving their uniform and effective implementation within the EU. It therefore supports the proposal put forward by the European Commission.

3.2 The Committee believes, however, that the transposition procedure is still not based on an efficient mechanism, since these measures are amended every year and the EU's bureaucratic procedures are very slow, leading to a continuous time-lag between the rules adopted by NEAFC and EU legislation.

3.3 In any event, the EESC stresses the important role of RFMOs in adopting conservation, management and control measures for fish stocks in the high seas and calls on the European Commission and the Member States, together with the other contracting parties, to empower those organisations as much as possible by equipping them with the economic, human and scientific resources needed to achieve their objectives properly.

4. **Specific comments**

4.1 With regard to the measures laid down in Chapter III of Title III, the Committee considers that these measures should be excluded for coastal fleets operating within 200 miles of the exclusive economic zones of the EU Member States and that the control of activity within them should remain the responsibility of the Member States.

Brussels, 20 September 2023.

Oliver Röpke

The president of the European Economic and Social Committee