Council of the European Union

Brussels, 10 December 2021
(OR. en)

Interinstitutional File:
2021/0413(NLE)

14940/21
ADD 1

PECHE 497

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 December 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 785 final - ANNEX
Subject:	ANNEXES to the proposal for a Council Decision concerning the position to be taken on behalf of the European Union in the North Pacific Fisheries Commission

Delegations will find attached document COM(2021) 785 final - ANNEX.

Encl.: COM(2021) 785 final - ANNEX

EUROPEAN
COMMISSION

Brussels, 10.12.2021
COM(2021) 785 final

ANNEXES 1 to 2

ANNEXES

to the

proposal for a Council Decision

concerning the position to be taken on behalf of the European Union in the North Pacific Fisheries Commission

ANNEX I

The position to be taken on the Union's behalf in the North Pacific Fisheries Commission (NPFC)

1. PRINCIPLES

In the framework of the NPFC, the Union shall:

a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), 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, 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, and, by promoting economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities, while also taking account of the interests of consumers;

b) work towards appropriate involvement of stakeholders in the preparation of NPFC measures and ensure that measures adopted within the NPFC are in accordance with the objectives of the NPFC Convention;

c) ensure that measures adopted within the NPFC 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;

d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;

e) 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 fields of external relations, environment, trade, development, research and innovation;

f) ensure that the Union's international commitments are respected;

g) 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];

h) aim to create a level playing field for the Union fleet within the NPFC Convention 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;

i) be in line with the Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans*[2], as well as the Council conclusions on that Joint Communication[3], and promote measures to support and

[1] 7087/12 REV 1 ADD 1 COR 1.
[2] JOIN(2016) 49 final of 10.11.2016.
[3] 7348/1/17 REV 1 of 24.3.2017.

enhance the effectiveness of the NPFC and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making);

j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations within their mandates, where appropriate;

k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the Kobe process for tuna RFMOs.

2. ORIENTATIONS

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

a) conservation and management measures for fisheries resources in the Convention area based on the best scientific advice available, including total allowable catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the NPFC, which would achieve the maximum sustainable yield exploitation rate on a progressive and incremental basis. Where necessary, those conservation and management measures shall include specific measures for stocks which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;

b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;

c) monitoring, control and surveillance measures in the Convention area to ensure efficiency of control and compliance with measures adopted within the NPFC;

d) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including 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, protective measures for vulnerable marine ecosystems in the NPFC Convention area, in line with the NPFC Convention and the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, and measures to avoid and reduce as far as possible unwanted catches, including vulnerable marine species in particular, and to gradually eliminate discards;

e) measures to reduce the impact of abandoned, lost or otherwise discarded fishing gear (ALDFG) in the ocean and to help identify and recover such gear;

f) 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);

g) measures that aim to prohibit fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;

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

i) additional technical measures based on advice from the subsidiary bodies and working groups of the NPFC.

ANNEX II

Year-to-year specification of the position to be taken by the Union at meetings of the North Pacific Fisheries Commission

Before each meeting of the NPFC, 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 European Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the European Commission shall transmit to the Council, or to its preparatory bodies, in sufficient time before each meeting of the NPFC, a written document setting out the proposed specification of the Union's position for discussion and endorsement.

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