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PECHE 16

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be adopted on behalf of the European Union in the meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

COUNCIL DECISION (EU) 2021/…

of …

on the position to be adopted on behalf of the European Union in the meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the 'Agreement'), negotiated under the aegis of the Food and Agriculture Organization (FAO), of which the Union is a Member, was approved by the Union by means of Council Decision 2011/443/EU[1]. The Agreement entered into force on 5 June 2016.

(2) The meeting of the Parties is the decision-making body under the Agreement and has the authority to adopt measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing that are binding on the Parties. It meets every two years, or more frequently if it so decides.

(3) Article 24(2) of the Agreement provides that, four years after the entry into force of the Agreement, FAO is to convene a meeting of the Parties to review and assess the effectiveness of the Agreement in achieving its objective ('the first review meeting'). The Parties are then to decide on further such meetings as necessary. Special meetings of the Parties can also be held at such other times as may be deemed necessary by the Parties, or at the written request of any Party.

[1] Council Decision 2011/443/EU of 20 June 2011 on the approval, on behalf of the European Union, of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (OJ L 191, 22.7.2011, p. 1).

(4) It is appropriate to establish the position to be adopted on the Union's behalf for the first review meeting, which is due to take place from 31 May to 4 June 2021, as well as for the three subsequent biennial meetings of the Parties and any related intersessional meetings, as 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], Regulation (EU) 2017/2403 of the European Parliament and of the Council[3] and Commission Implementing Regulation (EU) No 404/2011[4].

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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 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).

4 Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

(5) In view of the need for the position of the Union to take account of new developments, based on relevant information presented before or during the meeting of the Parties, procedures should also 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 position to be adopted on the Union's behalf in the meeting of the Parties.

(6) The objective of the Agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures. The Agreement reduces the incentives for vessels engaged in IUU fishing to continue to operate, while preventing fishery products derived from such fishing from reaching national and international markets.

(7) IUU fishing constitutes one of the most serious threats to the sustainable exploitation of living aquatic resources and jeopardises the very foundation of the Union common fisheries policy as well as international efforts to promote better ocean governance.

(8) The meeting of the Parties is responsible for the adoption of measures designed to ensure the implementation of the Agreement and thereby the long-term conservation and sustainable use of living marine resources and marine ecosystems. The Union should play an active, effective and constructive role in the meeting of the Parties in order to ensure the implementation of the Agreement and foster international cooperation on IUU fishing,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf in the meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing shall be in accordance with the principles and guidelines on the position to be taken on the Union's behalf in the meeting of the Parties[1].

2. The position referred to in paragraph 1 is established for the first review meeting, as well as for the three subsequent biennial meetings of the Parties and any related intersessional meetings.

Article 2

1. Before each meeting of the Parties, where 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 provided to the Commission, in accordance with the principles and guidelines referred to in Article 1(1).

[1] See document ST 5410/21 at http://register.consilium.europa.eu.

2. For the purposes of paragraph 1, and on the basis of the information referred to therein, the Commission shall, in sufficient time before each meeting of the Parties, submit to the Council 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.

3. If, in the course of a meeting of the Parties, 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.

Article 3

The position referred to in Article 1(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 following the third biennial meeting of the Parties after the first review meeting.

Article 4

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

Done at …

For the Council
The President