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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2019) 97 final - ANNEXES 1 to 2
Subject:	ANNEXES to the proposal for a Council Decision concerning the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation and repealing Decision 9784/17

Delegations will find attached document COM(2019) 97 final - ANNEXES 1 to 2.

Encl.: COM(2019) 97 final - ANNEXES 1 to 2

EUROPEAN
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Brussels, 6.3.2019
COM(2019) 97 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 South Pacific Regional Fisheries Management Organisation and repealing Decision 9784/17

ANNEX I

The position to be taken on the Union's behalf in the South Pacific Regional Fisheries Management Organisation (SPRFMO)

1. PRINCIPLES

In the framework of the SPRFMO, 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, 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 taking account of the interests of consumers;

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

c) ensure that measures adopted within the SPRFMO 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 field of external relations, employment, 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 SPRFMO 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

[1] 7087/12 REV 1 ADD 1 COR 1.

[2] JOIN(2016) 49 final of 10.11.2016.

conclusions on that Joint communication[3] and promote measures to support and enhance the effectiveness of the SPRFMO and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;

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

k) 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 SPRFMO:

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 SPRFMO, which would achieve the maximum sustainable yield exploitation rate on a progressive, incremental basis at the latest by 2020. 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 in order to ensure efficiency of control and compliance with measures adopted within the SPRFMO;

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 SPRFMO Convention area in line with the SPRFMO Convention and 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;

e) 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;

f) 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;

[3] 7348/1/17 REV 1 of 24.3.2017.

h) 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);

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

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

ANNEX II

Year to year specification of the Union position to be taken at meetings of the South Pacific Regional Fisheries Management Organisation

Before each meeting of the SPRFMO 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 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 SPRFMO 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 SPRFMO Commission 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.