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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	27 June 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	ANNEX to the Recommendation for a Council Decision authorising the opening of negotiations for the establishment of a regional fisheries management organisation or arrangement for the conservation and management of marine living resources in the western and central Atlantic ocean

Delegations will find attached document COM(2019) 291 final - ANNEX - Annex

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Brussels, 27.6.2019
COM(2019) 291 final

ANNEX

ANNEX

to the

Recommendation for a Council Decision authorising the opening of negotiations for the establishment of a regional fisheries management organisation or arrangement for the conservation and management of marine living resources in the western and central Atlantic ocean

ANNEX

Directives for negotiations to be conducted by the Commission on behalf of the European Union for the establishment of a regional fisheries management organisation or arrangement for the conservation and management of marine living resources in the western and central Atlantic Ocean

1. The purpose of the negotiations is to enable the European Union to participate in the negotiation process of the Western and Central Atlantic Fisheries Commission (WECAFC) in order to conclude an agreement to set up a regional fisheries management organisation or arrangement (hereafter ‘the Agreement’) which can take legally binding decisions for the conservation and management of marine living resources in the western and central Atlantic Ocean.
2. In the negotiations with the other Parties involved in setting up a regional fisheries management organisation or arrangement for the conservation and management of marine living resources in the western and central Atlantic ocean, the Commission shall act so as to ensure that the Agreement:
 - is consistent with international law, and in particular with the provisions of the 1982 United Nations Convention on the Law of the Sea, the 1995 Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the 1995 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, without affecting the rights and obligations of coastal states, the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;
 - ensures the compatibility between conservation and management measures established for the same stocks in the waters under national jurisdiction and the measures adopted in respect of the high seas in accordance with Article 118 of the United Nations Convention on the Law Of the Sea (UNCLOS) and Article 8 of the United Nations Fish Stocks Agreement (UNFSA);
 - does not infringe upon the role and mandates of the International Commission for the Conservation of Atlantic Tuna (ICCAT) and/or the Northwest Atlantic Fisheries Organisation (NAFO) and ensures strong cooperation and coordination between relevant measures taken respectively on the basis of the agreement and by ICCAT and/or NAFO;
 - promotes the Union’s conservation and management approach across the world's oceans and strengthens its commitment to the long-term conservation and sustainable use of global fisheries resources;
 - is consistent with the objectives and principles pursued by the Union with the common fisheries policy as laid down in Regulation (EU) 1380/2013;
 - establishes a regional fisheries management organisation or arrangement which can take legally binding decisions for the conservation and management of marine living resources in the western and central Atlantic Ocean;
 - allows for the participation of fishing entities and regional economic integration organisations (REIOs) to which its member States have transferred power over matters covered by the Agreement;

- has as its main objective the conservation and management of fishery resources, including exploratory fisheries, by implementing the precautionary approach and aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield; while providing a fair standard of living for those who depend on fishing activities and contributing to the availability of seafood supplies.
- aims at implementing the ecosystem-based approach to fisheries management, in the context of climate change, so as to contribute to the sustainable management of oceans in all its dimensions, ensure that any negative impacts of fishing activities on the marine ecosystem are minimised, and endeavour to avoid the degradation of the marine environment.
- covers all or part of the current WECAFC area, preferably including the exclusive economic zones (EEZ) of coastal States;
- includes an efficient decision-making process preferably providing, where applicable, for majority voting mechanisms and objection procedures;
- includes appropriate, inclusive and transparent mechanisms for collecting relevant data and elaborating robust scientific advice to underpin decision-making as well as an appropriate involvement of stakeholders;
- includes appropriate mechanisms to promote the effective monitoring, control and surveillance of fisheries activities, combatting illegal, unregulated and unreported (IUU) fishing, and to promote the regulation of transshipment activities, an inspection programme both at sea and in port, and the traceability of fisheries products;
- supports cooperation to combat forced labour associated to IUU fishing and to promote decent work in fisheries in line with the Work in Fishing Convention of the International Labour Organisation (ILO);
- includes a mechanism to promote compliance with the Agreement and the measures adopted by the organisation or the arrangement established by the Agreement;
- establishes a periodic review of the measures adopted by the organisation or arrangement established by the Agreement;
- includes an appropriate administrative structure and bodies, and sufficient financial resources, to which all Members contribute in a fair manner;
- allows access to, and appropriate share of, the fisheries resources for the EU fleet in the area covered;
- includes a process for the peaceful settlement of disputes;
- takes into account, as appropriate, any specific circumstances of Small Islands Development States in the area covered.