



Council of the
European Union

078288/EU XXVI. GP
Eingelangt am 16/10/19

Brussels, 16 October 2019
(OR. en)

13156/19

PECHE 452
DELECT 193

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 October 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2019) 7290 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 15.10.2019 supplementing Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

Delegations will find attached document C(2019) 7290 final.

Encl.: C(2019) 7290 final



Brussels, 15.10.2019
C(2019) 7290 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 15.10.2019

supplementing Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The purpose of the proposal is to supplement Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down the conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (the NAFO Regulation) with technical documents of conservation and enforcement rules of the Northwest Atlantic Fisheries Organisation (NAFO CEM).

The NAFO Regulation provides that the Commission must adopt a delegated act supplementing it with parts of, and Annexes to, the NAFO CEM listed in the Annex to the NAFO Regulation. The Annex lists 44 NAFO CEM documents of a very technical nature, specifying aspects such as the format and content of information exchange, scientific terminology or closures of vulnerable areas. Article 50(1) of the NAFO Regulation sets a deadline of 6 months (from the Regulation's entry into force) for the Commission to adopt the delegated act.

The content of the proposal is based on the most technical documents of the NAFO CEM. These technical documents are binding for the EU and the Member States. In order for individuals or legal persons to apply these documents, they must be transposed to Union law.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The proposal contains technical parts of the NAFO CEM that are already binding for the Union and the Member States. The Member States are consulted in the run-up to and during the NAFO meetings at which these parts of NAFO CEM are adopted, and they are consulted throughout negotiations at the NAFO annual meetings.

The Regulation was presented to co-legislators for consultation at expert level in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making¹.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Annex of the proposal lists 44 NAFO CEM documents. Firstly, the Annex contains fisheries management information: list of species, minimum fish size, templates for the conduct of exploratory bottom fishing activities. It includes the geographical coordinates tables and maps for boundary points delineating the portion of Division 3L, boundary points delineating the shrimp closure area and boundary points delineating the 200 metre bathymetric curve, as well as a graph of the Division 3L 200 metre depth restriction line, and

¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, Interinstitutional Agreement of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

Division 3M closed area. Furthermore, it includes the geographical references related to the protection of vulnerable marine ecosystems (VMEs) in the Regulatory Area from bottom fishing activities, for example, existing bottom fishing areas, and area restrictions for bottom fishing activities.

Secondly, the Annex includes documents for the catch reporting and observer programme such as: Recording of Catch, Rules of Confidentiality, Vessel Notification and Authorization, Data Exchange Format and Protocols, VMS Data Format, Format for the Communication of Catches and Reports by Fishing Vessels, Observer Report, Product Form Presentation 3-Alpha Codes, Port State Control Prior Request Forms, Standardized Observer Report Template and Fishing Logbooks Information by Haul.

Thirdly, the Annex contains detailed information on gear: mesh measurement and gauges, and authorized topside chafers/shrimp toggle chains.

Finally, the Annex includes several documents on inspection and port control obligations: Surveillance Report Form, Report of Inspection, Report on Port State Control Inspection, Documents of identity, NAFO Inspection Pennants, NAFO Inspection Seal, Construction and Use of Boarding Ladders, as well as Principles for Inspections.

COMMISSION DELEGATED REGULATION (EU) .../...

of 15.10.2019

supplementing Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007¹, and in particular Article 50(1) thereof,

Whereas:

- (1) The Union is party to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries ('the NAFO Convention'), approved by Council Regulation (EEC) No 3179/78².
- (2) An amendment to the NAFO Convention was adopted on 28 September 2007 and approved by Council Decision 2010/717/EU³.
- (3) The Northwest Atlantic Fisheries Organisation (NAFO) adopts decisions for the conservation of fisheries resources under its purview. Those acts are addressed to the Contracting Parties of the NAFO Convention and include obligations for the operators. Upon their entry into force, the NAFO conservation and enforcement measures are binding on all NAFO Contracting Parties, including the Union. They are to be incorporated in Union law to the extent to which they are not already provided for by that law.
- (4) The European Parliament and the Council adopted Regulation (EU) 2019/833 in order to incorporate the NAFO conservation and enforcement measures in Union law.

¹ OJ L 141, 28.5.2019, p.1.

² OJ L 378, 30.12.1978, p. 1.

³ OJ L 321, 7.12.2010, p. 1.

- (5) Article 50 of Regulation (EU) 2019/833 requires the Commission to adopt delegated acts supplementing that Regulation with certain provisions of and Annexes to the NAFO conservation and enforcement measures,

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation and the Annexes thereto, as referred to in the Annex to Regulation (EU) 833/2019, are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15.10.2019

For the Commission
The President
Jean-Claude JUNCKER