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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 27 April 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2020) 2561 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 27.4.2020
amending Commission Delegated Regulation (EU) 2020/124 as regards
certain provisions of, and Annexes to, the conservation and enforcement
measures of the Northwest Atlantic Fisheries Organisation (NAFO)

Delegations will find attached document C(2020) 2561 final.

Encl.: C(2020) 2561 final



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

of 27.4.2020

amending Commission Delegated Regulation (EU) 2020/124 as regards certain provisions of, and Annexes to, the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The purpose of the proposal is to amend Delegated Regulation supplementing Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures applicable in the Convention area of the Northwest Atlantic Fisheries Organisation (the NAFO Regulation) with technical documents of conservation and enforcement rules of the Northwest Atlantic Fisheries Organisation (NAFO CEM).

Regulation (EU) 2019/833 requires the Commission to adopt a delegated act to supplement the NAFO Regulation with the NAFO CEM provisions and Annexes listed in the annex to that Regulation. The annex lists 44 NAFO CEM documents of a 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 out a deadline of 6 months from the Regulation's entry into force for the European Commission to adopt the delegated act.

The Commission adopted on 15 October 2019 the Delegated Regulation supplementing Regulation (EU) 2019/833 with 44 NAFO CEM documents that entered into force on 9 February 2020. However, the last NAFO annual meeting, held in September 2019, further amended nine annexes to the NAFO CEM. The amendments entered into force on 3 December 2019 and have to be transposed into Union law for the upcoming fishing season. The current proposal incorporates those amendments.

The current proposal is based on the technical documents of the NAFO CEM, which are binding for the EU and the Member States. These documents should be applied by individuals and legal persons. This Regulation transposes these documents into Union law.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The proposal contains technical parts of the NAFO CEM 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 Delegated Regulation Annex lists nine NAFO CEM documents. It contains fisheries management information such as a list of species and templates on the conduct of exploratory bottom fishing activities. The Annex also provides new formats for vessel notification and authorisation, data exchange protocols, communication of catches and reports, an observer report as well as a standardised observer report template and inspection report. Furthermore, it sets out new drawings for authorised topside chafers/shrimp toggle chains.

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).

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amending Commission Delegated Regulation (EU) 2020/124 as regards certain provisions of, and Annexes to, the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)

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) The European Parliament and the Council adopted Regulation (EU) 2019/833 in order to incorporate the NAFO conservation and enforcement measures in Union law.
- (3) Article 50 of Regulation (EU) 2019/833 requires the Commission to adopt a delegated act to supplement it with the provisions of and Annexes to the NAFO conservation and enforcement measures referred to in the Annex to that Regulation.
- (4) Article 50 of Regulation (EU) 2019/833 also empowers the Commission to adopt delegated acts in accordance with Article 51 to subsequently amend that delegated act.
- (5) Commission Delegated Regulation (EU) 2020/124³ supplemented Regulation (EU) 2019/833 with a number of NAFO conservation and enforcement measures.
- (6) The NAFO at its annual meeting in September 2019 amended nine annexes of its conservation and enforcement measures, related to the list of Vulnerable Marine Ecosystems (VME) indicator species (Part VI of Annex I.E), the vessel notification and authorisation formats (Annex II.C), the list of species (Annex I.C), the authorised topside chafers/shrimp toggle chains (Annex III.B), the format of the catch report (Annex II.D), the format of the cancellation catch report (Annex II.F), the standardised observer report

¹ OJ L 141, 28.5.2019, p.1.

² OJ L 378, 30.12.1978, p. 1.

³ OJ L 34, 06.02.2020, p.1.

template (Annex II.M), the observer report (Annex II.G), the inspection report (Annex IV.B). These annexes become binding on the Union on 3 December 2019.

- (7) These changes should also be incorporated into Union law. Therefore, Commission Delegated Regulation (EU) 2020/124 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Delegated Regulation (EU) 2020/124 is amended in accordance with 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, 27.4.2020

For the Commission
The President
Ursula VON DER LEYEN