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NOTE

From:	European Economic and Social Committee
On:	9 December 2020
To:	The President of the Council of the European Union
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Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007 [COM(2020) 308 final – 2020/0139 (COD)] - Opinion of the European Economic and Social Committee

Delegations will find in annex the Opinion of the European Economic and Social Committee on the above-mentioned Proposal.

Other language versions, if needed, will soon be available on the following website :

https://dmsearch.eesc.europa.eu/search/opinion_

NAT/799

Fisheries – transposition of IATTC measures

OPINION

European Economic and Social Committee

Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007
[COM(2020) 308 final – 2020/0139 (COD)]

Rapporteur working alone: **Javier Garat Perez**

Referral	European Parliament, 23/07/2020 Council, 20/07/2020
Legal basis	Article 43(2) and Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Agriculture, Rural Development and the Environment
Adopted in section	12/11/2020
Adopted at plenary	02/12/2020
Plenary session No	556
Outcome of vote (for/against/abstentions)	227/0/9

1. Conclusions and recommendations

- 1.1 The EESC is of the view that control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC) need to be transposed into EU law, the aim being to ensure that they are uniformly and effectively implemented within the EU. The transposition should adhere strictly to what has been agreed in the IATTC, without imposing any new obligations on European vessels. The Committee therefore supports the proposal for a regulation.
- 1.2 However, the Committee recommends taking into account the considerations it set out in its opinion on *Conservation and enforcement measures in the area of the Northwest Atlantic Fisheries Organisation (NAFO)*¹.
- 1.3 In the EESC's view, therefore, the proposal presented does not establish an efficient mechanism for transposing IATTC rules and does not resolve the issue of needing to update them every year.
- 1.4 The Committee is in favour of a mechanism that is simpler and more efficient, and therefore proposes drafting a regulation with a single article stipulating that the European Union must without fail apply IATTC rules to its fleet.
- 1.5 The EESC stresses the risk involved in introducing a system of delegated acts, as this would give the Commission the power to legislate without being required to follow the ordinary procedures.

2. Gist of the Commission proposal

- 2.1 The purpose of the present proposal² is to transpose into EU law the control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC), to which the European Union (EU) has been a contracting party since 2006.
- 2.2 The IATTC Convention specifies that its Resolutions are binding and that the contracting parties are to take the necessary steps to ensure implementation of and compliance with the Convention and any conservation and management measures adopted pursuant to it.
- 2.3 The European Union thus has an obligation to ensure compliance with all the measures approved by the IATTC with the measures laid down in the present proposal covering those adopted by the IATTC since 2008. The proposed regulation also includes a mechanism to facilitate the implementation of IATTC measures in the future.

¹ EESC opinion on *Conservation and enforcement measures – NAFO*, (not yet published in the OJ).

² Proposal for a Regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EU) No 520/2007 [COM(2020) 308 final]: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0308&qid=1603701098515>.

- 2.4 The proposal provides for delegated powers to be conferred on the Commission, pursuant to Article 290 of the Treaty on the Functioning of the European Union, enabling it to implement any amendments to measures approved at the IATTC's annual meetings and ensuring a level playing field between European fishing vessels and those of other IATTC contracting parties.
- 2.5 The measures envisaged in the proposal concern the technical specifications of shark lines and, in general, the protection of certain shark species, closure periods, provisions on the design and deployment of fish aggregating devices (FADs), data collection, protection of seabirds, scientific observer coverage, the Regional Vessel Register, data and statistical programmes and turtle mortality guidelines.

3. General comments

- 3.1 The EESC is of the view that control, conservation and management measures adopted by the Inter-American Tropical Tuna Commission (IATTC) need to be transposed into EU law, the aim being to ensure that they are uniformly and effectively implemented within the EU. The transposition should adhere strictly to what has been agreed in the IATTC, without imposing any new obligations on European vessels.
- 3.2 However, in the Committee's view, bearing in mind that the IATTC frequently amends its conservation and control measures at its annual meetings, the proposal does not establish an efficient mechanism for transposing the measures adopted by the IATTC or for updating them.
- 3.3 The EESC believes that the most efficient mechanism for regularly updating the rules adopted by the IATTC would be to draft a simple regulation, clearly explaining the need for regular updates of measures concerning at least the competences allocated and containing a single article summarising the European Union's firm commitment to apply without fail the rules adopted annually by the IATTC to its fleet.
- 3.4 Otherwise, the EESC warns that there is a risk of a permanent mismatch between IATTC rules and the legislation published by the EU, something that could generate a high degree of legal uncertainty.

Brussels, 2 December 2020

Christa SCHWENG

The president of the European Economic and Social Committee
