



European Economic and Social Committee

NAT/757

Conservation and control measures in the Northwest Atlantic Fisheries Organisation

OPINION

European Economic and Social Committee

Proposal for a Regulation of the European Parliament and of the Council laying down conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation and repealing Council Regulation (EC) No 2115/2005 and Council Regulation (EC) No 1386/2007

[COM(2018) 577 final – 2018/0304 (COD)]

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Referral	Council, 03/09/2018 European Parliament, 10/09/2018
Legal basis	Articles 43(2) and 304 of the Treaty on the Functioning of the European Union
Bureau decision	18/09/2018
Section responsible	Section for Agriculture, Rural Development and the Environment
Adopted at plenary	23/01/2019
Plenary session No	540
Outcome of vote (for/against/abstentions)	104/0/2

1. Conclusions and recommendations

- 1.1 The EESC believes that the conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (NAFO) should be transposed into EU law, with a view to achieving their uniform and effective implementation within the EU.
- 1.2 However, the Committee is of the view that the proposal presented does not establish an efficient mechanism for transposing the measures adopted by NAFO and does not resolve the issue of having to update these measures each year.
- 1.3 The Committee is in favour of a more efficient, simpler mechanism and therefore proposes drafting a regulation containing a single article establishing that the European Union must necessarily apply NAFO measures to its fleet.
- 1.4 The EESC stresses the risks involved in introducing a system of delegated acts, granting the Commission the power to legislate without following ordinary procedures.

2. Summary of the Commission proposal

- 2.1 The proposal presented aims to transpose the measures adopted by NAFO between 2008 and 2017 into EU law, the latter being the year that the amended NAFO Convention entered into force. As these measures are amended annually, the proposal encompasses transposition of the most recent measures and establishes a mechanism to speed up and facilitate those which need to be applied in the future.
- 2.2 It therefore provides for the delegation of powers to the Commission, so it can regulate measures relating to the operation of vessels that carry out their activities in this Regulatory Area. These measures cover, for example, fishing opportunities (quota and / or fishing effort limitations), the closure of fisheries, by-catches, the fishing of certain species (skate, northern prawns, Greenland halibut), shark conservation, fishing gear used, the protection of vulnerable marine ecosystems and inspection and monitoring of this activity. In total, thirty different types of measures are described.
- 2.3 The proposal repeals Council Regulations (EC) 2115/2005 and (EC) 1386/2007.

3. General comments

- 3.1 The EESC considers it necessary to transpose conservation and enforcement measures adopted by NAFO, with the aim of achieving their uniform and effective implementation within the EU.
- 3.2 However, bearing in mind the fact that NAFO amends its conservation and enforcement measures every year, the Committee is of the view that the proposal presented does not provide an efficient mechanism for transposing measures adopted by NAFO, nor for updating them each year.

- 3.3 The Committee believes that the most efficient mechanism for carrying out these regular updates to NAFO measures would be to adopt a simple regulation explaining the regular need to update at least the relevant rules in the thirty areas proposed, and containing a single article that summarises the European Union's firm commitment to applying without fail the measures adopted by NAFO each year to its fleet.
- 3.4 Otherwise, the EESC warns that there is a risk of a permanent mismatch between NAFO measures and EU legislation published, which has the potential to generate a high degree of uncertainty.
- 3.5 The Committee highlights its concerns regarding the linked reduction in the time limits provided for certain procedures, as the Commission has reduced the deadline for specific communications to Member States. They in turn will be required to reduce the deadlines for communication with the operators of fishing vessels.
- 3.6 In the Committee's view, the only aspect that will be facilitated by the introduction of a system of delegated acts is that the Commission will be able to establish rules without having to follow the ordinary procedures.

4. **Specific comments**

- 4.1 **Article 5(1)** establishes that each Member State is to ensure that catch and effort limitations apply to stocks identified in fishing opportunities. The EESC believes that the text should read "catch and/or effort limitations".
- 4.2 The wording of **Article 28(3)**, which refers to the electronic reporting by the observer programme, is unclear. Paragraph 1 is even less clear as it is uncertain whether it can apply to the electronic observer without saying so explicitly. The Committee therefore believes that confusion may arise regarding the interpretation of the content of this article.
- 4.3 The EESC considers that **Article 31(1)(a)**, referring to surveillance procedures, also does not clarify how, without having carried out an inspection, a volumetric evaluation or an evaluation of the catch composition of the content of a haul can be carried out.

Brussels, 23 January 2019

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