



NAT/796
Conservation and enforcement measures – NAFO

OPINION

European Economic and Social Committee

Proposal for a Regulation of the European Parliament and of the Council amending the 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
[COM(2020) 215 final – 2020/95(COD)]

Rapporteur: **Gabriel SARRÓ IPARRAGUIRRE**

Referral	European Parliament, 17/06/2020 Council, 08/06/2020
Legal basis	Articles 43(2) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Agriculture, Rural Development and the Environment
Adopted in section	08/07/2020
Adopted at plenary	18/09/2020
Plenary session No	554
Outcome of vote (for/against/abstentions)	215/0/4

1. **Conclusions and recommendations**

- 1.1 The EESC reiterates the views it set out on the proposal for a Regulation under consideration in Opinion 2018/05155¹, the conclusions and recommendations of which were as follows.
- 1.2 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.
- 1.3 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.
- 1.4 The Committee is in favour of a more efficient, simpler mechanism and therefore proposes drafting a regulation that contains a single article stipulating that the European Union must without fail apply NAFO measures to its fleet.
- 1.5 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 main aim of the proposal under consideration is to transpose into EU law the conservation and enforcement measures adopted at the 41st annual meeting of the Northwest Atlantic Fisheries Organisation (hereinafter referred to as NAFO), held in September 2019.
- 2.2 A number of technical amendments are thus proposed in relation to terminology concerning catch and effort limitations, closure of fisheries, catch retained on-board, mesh sizes and fishing and production logbooks, including additional inspection duties and simplifying the monthly catch reports.
- 2.3 Specific editorial changes are proposed for Greenland halibut, the production logbook and infringement procedures, making references to this organisation's website on the control and surveillance of fishing vessels.
- 2.4 Other proposed measures concern clarifying the use of gauges and the conservation and management of sharks, proposing a ban on the targeted fishing of Greenland shark and a reduction in by-catches of this species. Provisions on chartering arrangements are also clarified.
- 2.5 The proposal also delegates to the Commission powers to amend the conservation and enforcement provisions on technical issues such as mesh sizes, sorting grids or grates and toggle chains in Northern prawn fishing, and area restrictions for bottom-fishing activities. The aim of all of this is to transpose into EU law, in an efficient and simple way, any possible future

¹ EESC opinion on Conservation and control measures in the Northwest Atlantic Fisheries Organisation, [OJ C 159, 10.5.2019, p. 60](#).

amendments to be adopted by NAFO which concern these conservation and enforcement measures.

2.6 The proposal amends Regulation 2019/833 of the European Parliament and of the Council, of 20 May 2019.

3. **General comments**

3.1 The EESC believes that the conservation and enforcement measures adopted at the last annual meeting of NAFO should be transposed into EU law so as to ensure that they are applied uniformly throughout the EU.

3.2 The Committee believes, however, that the transposition procedure is still not based on an efficient mechanism, since these measures are amended every year and the EU's bureaucratic procedures are very slow, leading to a continuous time-lag between the rules adopted by NAFO and EU legislation.

3.3 The EESC points out that we are examining this proposal for a regulation precisely because no other, more efficient procedure, such as the one proposed by this Committee in 2019 and supported by the Member States' authorities and the sectors concerned, has yet been adopted. This would be a simple regulation containing a single article, which would include a commitment by the European Union to apply the rules approved by NAFO each year to its fleet without fail.

3.4 The Committee warns that the current procedure gives rise to a situation of legal uncertainty, not only for businesses but also for authorities themselves, due to the conflicting regulations; furthermore, it creates distortions in the implementation of measures with regard to non-EU fleets.

3.5 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.

Brussels, 18 September 2020

Luca JAHIER
President of the European Economic and Social Committee
