



OPINION

European Economic and Social Committee

Conservation and enforcement measures – NAFO

Proposal for a regulation of the European Parliament and of the Council amending
Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable
in the Regulatory Area of the Northwest Atlantic Fisheries Organization
[COM(2022) 51 final – 2022/0035 (COD)]

NAT/865

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Referral	European Parliament, 17/2/2022 Council, 28/2/2022
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 at plenary	24/3/2022
Plenary session No	568
Outcome of vote (for/against/abstentions)	219/0/0

1. Conclusions and recommendations

- 1.1 The EESC again reiterates the views it set out on the proposal for a regulation under consideration in opinion 2018/05155¹ and in opinion 2020/02842², 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 Organization (NAFO) should be transposed into EU law, with a view to achieving their uniform and effective implementation within the EU.
- 1.3 However, it considers that the proposal under consideration 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 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 legislative proposal

- 2.1 The main aim of the proposal under consideration is to transpose into EU law the conservation and enforcement measures adopted by NAFO in its annual meeting in September 2021.
- 2.2 It incorporates amendments concerning the calculation of the "Others" quota, on flanking measures for cod in Division 3M, as well as Greenland halibut in relation to inspection of landings.
- 2.3 Also included are new provisions concerning additional procedures, serious infringements related to the use of certain mesh, grate or sorting grid sizes, and reinforced measures on the follow-up for infringements, and the transmission of documents to NAFO and the European Fisheries Control Agency.
- 2.4 The proposal delegates powers to the Commission to amend Regulation (EU) 2019/833 concerning landing inspections for Greenland halibut, and control measures for cod in Division 3M, should NAFO amend its measures in the future.
- 2.5 The EESC recognises the need to speed up the adoption of these provisions in order to allow EU vessels to fish under the same conditions as the other NAFO Contracting Party vessels.

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

² EESC opinion on the *Conservation and enforcement measures – NAFO*, [OJ C 429, 11.12.2020, p. 279](#).

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 reiterates the need to adopt a more efficient procedure, such as that proposed by the EESC in 2019 and 2020, which was also supported by the administrations of the Member States and the sectors concerned. 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 again warns that continuing with this regulation could lead to conflicting rules or, at the very least, periods of legal uncertainty for administrations and even businesses themselves, which won't know whether they are required to comply with the previous rules, which would be those still in force in the EU, or with the new rules. Furthermore, it creates distortions in the application of measures with regard to non-EU fleets.
- 3.5 The EESC believes that the only thing that will make it easier to introduce the system of delegated acts is for the Commission to lay down rules without having to go through the ordinary procedures.

Brussels, 24 March 2022

Christa SCHWENG

The President of the European Economic and Social Committee
