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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.9.2009  
COM(2009) 484 final

Proposal for a

**COUNCIL DECISION**

**on the establishment of the Community position to be adopted in the North East Atlantic  
Fisheries Commission**

## **EXPLANATORY MEMORANDUM**

According to the second subparagraph of Article 300(2) of the EC Treaty, the positions to be adopted on behalf of the Community in Regional Fisheries Management Organisations when they are called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending their institutional framework, must be decided on by the Council, acting by a qualified majority on a proposal from the Commission.

In view of this obligation, and following similar Council Decisions and proposals from the European Commission for other Regional Fisheries Management Organisations, the European Commission proposes the present decision to establish the Community position to be adopted in the North East Atlantic Fisheries Commission. This proposal follows the same approach as for other Regional Fisheries Management Organisations so as to ensure consistency.

Proposal for a

## **COUNCIL DECISION**

### **on the establishment of the Community position to be adopted in the North East Atlantic Fisheries Commission**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with the second subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 33 of the EC Treaty, in conjunction with Article 32 thereof, provides that one of the objectives of the Common Fisheries Policy is to assure the availability of supplies. Regulation (EC) N° 2371/2002<sup>1</sup> provides that the Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems. It also provides that the Community shall aim at a progressive implementation of an eco-system-based approach to fisheries management, and aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interest of consumers.
- (2) By Decision 81/608/EEC<sup>2</sup>, the European Community approved the 1982 Convention on Future Multilateral Co-operation in North-East Atlantic Fisheries, which was subsequently amended in 2005. The Convention established a North East Atlantic Fisheries Commission (NEAFC) which is charged with making recommendations, as appropriate, concerning fisheries conducted beyond the areas under jurisdiction of Contracting Parties, and which may make recommendations concerning fisheries conducted within an area under jurisdiction of a Contracting Party, designed to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits. Such recommendations may become binding upon the Community.
- (3) Pursuant to the second sub-paragraph of Article 300 (2) of the EC Treaty, the position of the Community in bodies set up by regional fisheries agreements which are called upon to adopt decisions having legal effects (but not modifying the institutional

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<sup>1</sup> OJ L 358, 31.12.2002, p. 59

<sup>2</sup> OJ L 227, 12.8.1981, p. 21

framework of the agreements concerned) must be adopted by qualified majority by Council decision, on a proposal from the Commission.

HAS DECIDED AS FOLLOWS:

*Article 1*

The position to be adopted on behalf of the Community in the North East Atlantic Fisheries Commission when that Commission is called upon to adopt decisions having legal effects is set out in the Annex to this Decision.

*Article 2*

The Community position set out in the Annex to the present Decision shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the North East Atlantic Fisheries Commission in 2014.

Done at Brussels,

*For the Council*  
*The President*

## ANNEX

### **The Community position in the North East Atlantic Fisheries Commission**

#### **1. PRINCIPLES**

In the framework of the NEAFC, the European Community shall:

- a) act in accordance with the objectives pursued by the Community within the framework of the Common Fisheries Policy, notably through the precautionary approach to provide for the sustainable exploitation of species regulated by the NEAFC, to promote the gradual implementation of an ecosystem-based approach to fisheries management, and to minimise the impact of fishing activities on marine eco-systems, as well as through the promotion of economically viable and competitive Community fisheries, providing a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) ensure that NEAFC measures are in accordance with the objectives of the NEAFC Convention;
- c) ensure that NEAFC measures are consistent with international law, and in particular with the provisions of the UN Convention on the Law of the Sea, the UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas;
- d) promote consistent positions within Regional Fisheries Management Organisations;
- e) seek synergy with the policy that the Community is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its external relations policy;
- f) ensure that the Community's international commitments are respected.

#### **2. ORIENTATIONS**

The European Community shall, where appropriate, endeavour to support the adoption of the following actions by the NEAFC:

- a) conservation and management measures for fisheries resources in the NEAFC Regulatory Area and, where appropriate, the NEAFC Convention Area based on the best scientific advice available, including TACs and quotas for species regulated by the NEAFC. Where necessary, specific measures for stocks which suffer from overfishing shall be considered in order to avoid any increase of fishing activities;
- b) protective measures for vulnerable marine ecosystems in the NEAFC Regulatory Area in line with UNGA Resolutions;
- c) reinforcement of monitoring, control and surveillance measures in the NEAFC Regulatory Area in order to strengthen compliance with NEAFC measures;

- d) reinforcement of action against IUU fishing activities;
- e) development of common approaches with other Regional Fisheries Management Organisations, including the Northwest Atlantic Fisheries Organisation, the North Atlantic Salmon Conservation Organisation and the International Commission for the Conservation of Atlantic Tunas;
- f) additional technical measures based on advice from the International Council for the Exploration of the Sea;
- g) continued modernisation of the NEAFC following the performance review.