EUROPEAN
COMMISSION

Brussels, 14.12.2020
COM(2020) 802 final

ANNEXES 1 to 2

ANNEXES

to the

Proposal for a COUNCIL DECISION

on the position to be taken on behalf of the European Union at meetings of the Parties to the Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

ANNEX I

The position to be taken on the European Union's behalf at meetings of the Parties to the Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

1. PRINCIPLES

In the framework of the Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the Union shall inter alia observe the following principles:

(a) ensure that measures adopted under the Agreement are consistent with the Agreement itself as well as with international law, and in particular with the international commitments of the Union under the United Nations Convention on the Law of the Sea (UNCLOS)[1], the 1995 Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)[2], the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas[3];

(b) act in accordance with the objectives and principles pursued by the Union within the Common Fisheries Policy as laid down in Regulation (EU) 1380/2013 and in accordance with the provisions of the Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing established by Regulation (EC) N°1005/2008;

(c) act in accordance with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy[4], and aim that the external dimension follow the same principles and promote the same standards for fisheries management and control as applied in Union waters; promote a level playing field, inter alia to support transparent trade in fisheries products that is subject to standards strictly observed and controlled; and promote initiatives concerning the role of port states and flag states in combating illegal, unregulated and unreported (IUU) fishing;

(d) act in accordance with the Council conclusions on Oceans and Seas[5], the Council conclusions[6] on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on 'International ocean governance: an agenda for the future of oceans'[7], and promote measures to support and enhance the effective implementation of the Port State Measures Agreement as a contribution to sustainable management of oceans in all its dimensions;

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1 OJ L 179, 23.6.1998, p. 3
2 OJ L 189, 3.7.1998, p. 16.
3 OJ L 177, 16.7.1996, p. 26.
4 7087/12 REV 1 ADD 1 COR 1.
5 14249/19 of 19.11.2019.
6 7348/1/17 REV 1 of 24.3.2017.
7 JOIN(2016) 49 final of 10.11.2016.

(e) follow a zero-tolerance approach to IUU fishing, considering in particular that the political and socio-economic conditions arising as a result of COVID-19 may have created an enabling environment for unscrupulous actors to undertake IUU fishing or to facilitate its trade, making it even more necessary to take drastic measures under this Agreement;

2. ORIENTATIONS

The Union shall endeavour to develop and support the adoption of the following actions and orientations, aiming at ensuring universal participation in and effective implementation of the Agreement:

(a) ensure coherence with other Union policies notably in the field of external relations, environment, trade, employment, development, research and innovation, and seek consistency and synergy with the policies pursued by the Union in the context of its bilateral fisheries relations with third countries;

(b) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) and regional fisheries bodies (RFBs) and the coordination of these organisations with the Agreement;

(c) support the adoption of global capacity development programmes to assist developing States in preparing for implementation or in implementing the Agreement, while ensuring, where necessary, complementarity with the assistance to third countries provided by the Union in the fight against IUU;

(d) promote measures strengthening cooperation between the Agreement and other global and regional organisations, within their mandates, where appropriate, as well as with States Non-Parties to the Agreement, where desirable and applicable;

(e) support measures promoting the ratification of the Agreement by non-Parties, including through global awareness-raising and capacity building to ensure that States understand both the benefits of the Agreement as well as the requirements of its implementation, should they become a Party;

(f) support measures developing and promoting the use of tools (technologies, information exchange systems, registers, etc.) to support and facilitate the implementation of the Agreement, and ensure that they are compatible with those developed within the Union for addressing similar purposes;

(g) support measures aimed at strengthening transparency, dialogue and cooperation with relevant stakeholders, including but not exclusively, fishers, fishing industry, civil society organisations, scientists and academia, on matters related to the implementation of the Agreement, and, where appropriate, measures aimed at improving their involvement and participation in the work related to the implementation of the Agreement in accordance with the common practice adopted in other multilateral agreements.

ANNEX II

Year to year specification of the Union's position to be taken at the meetings of the Parties to the Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Before each meeting of the Parties to the Agreement, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the Parties to the Agreement, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a meeting of the Parties to the Agreement it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.