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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

in respect of the delegation of powers referred to in 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, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007

1. INTRODUCTION

Regulation (EU) 2019/833[1] implements into Union law conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO).

To achieve the objectives of Regulation (EU) 2019/833 and given that certain provisions of the NAFO conservation and enforcement measures (CEM) are amended frequently by NAFO Contracting Parties, the Commission has delegated powers to adopt acts under Article 290 of the Treaty on the Functioning of the European Union (TFEU) on a number of technical control measures, as specified below.

2. LEGAL BASIS

This report is required under Article 51(2) of Regulation (EU) 2019/833. This article delegates the powers to adopt delegated acts referred to in Article 50 of Regulation (EU) 2019/833 for five years from 17 June 2019. The Commission is required to prepare a report on how it has exercised these delegated powers no later than nine months before the end of the five years. The delegated powers are then tacitly extended for further five-year periods, unless the European Parliament or the Council objects, under Article 51(3) of Regulation 2019/833.

Article 50 of Regulation 2019/833 gives the Commission powers to adopt delegated acts on:

a) supplementing the Regulation with the provisions of and Annexes to the CEM referred to in the Annex to the Regulation;
b) the list of activities of research vessels referred to in Article 4(1);
c) measures provided for in Article 9 relating to Northern prawn fishing areas; relevant reporting, change of fishery, fishing depths and references to restricted or closed areas;
d) procedures concerning vessels with more than 50 tonnes live weight total catch on board, entering the Regulatory Area to fish for Greenland halibut as regards the content of notifications provided for in Article 10(2)(a) and (b), conditions for commencement of fishing provided for in Article 10(2), point (d), and provisions on landing and inspection concerning Greenland halibut provided for in Article 10(1)(e);
e) the content of the electronic transmission set out in Article 22(5), the list of valid documents to be carried on board a vessel in accordance with Article 22(8) and the content of the capacity plan described in Article 22(10);
f) documentation to be carried on board a chartered vessel in accordance with Article 23(9);
g) the VMS data to be transmitted by automatic continuous transmission as set out in Article 26(1), as well as duties concerning FMC as set out in Article 26(2) and (9);

[1] 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, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007 (OJ L 141, 28 May 2019, p. 1). As amended by Regulation (EU) 2021/1231 and Regulation (EU) 2022/2037.

h) percentage rates for observer coverage as set out in Article 27(3), reporting by Member States as set out in Article 27(7), duties of an observer as set out in Article 27(11), and duties of the master of the vessel as set out in in Article 27(12);
i) obligations of the master of the vessel during inspection, as set out in Article 32;
j) mesh sizes set out in Article 13(2);
k) technical specifications for sorting grids, grates and toggle chains in the Northern prawn fishery set out in Article 14(2) as well as technical specifications for sorting grids or attachments set out in Article 14(3) or (3a);
l) area or period restrictions for bottom fishing activities set out in Article 18;
m) control measures for cod in Division 3M as provided for in Article 9a.

3. EXERCISE OF THE DELEGATION OF POWERS

The Commission submitted all draft delegated acts based on the empowerments included in Regulation (EU) 2019/833 to the Expert Group for Fisheries and Aquaculture, which was set up to provide expert advice on the preparation of delegated acts. The European Parliament has been systematically invited to the meetings of this Expert Group. The Commission sent the meeting documents simultaneously to both the European Parliament and the Council, as required in the Common Understanding on delegated acts. After adoption, it notified all delegated acts to the European Parliament and the Council.

To date, the European Parliament and Council have not objected to any delegated act adopted by the Commission under Regulation (EU) 2019/833 within two months, as provided for in Article 51(6) of Regulation 2019/833. In some cases, the European Parliament requested an extension of the deadline for an additional two months.

4. LIST OF DELEGATED ACTS ADOPTED UNDER REGULATION (EU) 20198/833

Below is a list of all delegated acts adopted by the Commission since the entry into force of Regulation (EU) 2019/833. The list reflects the state of play as at 1 September 2023.

1. Commission Delegated Regulation (EU) 2020/124 of 15 October 2019 supplementing Regulation (EU) 2019/833 of the European Parliament and of the Council laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation[2];
2. Commission Delegated Regulation (EU) 2020/989 of 27 April 2020 amending Delegated Regulation (EU) 2020/124 as regards certain provisions of, and Annexes to, the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)[3];

[2] OJ L 34, 6.2.2020, p. 1.
[3] OJ L 221, 10.7.2020, p. 5.

3. Commission Delegated Regulation (EU) 2021/860 of 23 March 2021 amending Delegated Regulation (EU) 2020/124 as regards Annex to the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)[4];
4. Commission Delegated Regulation (EU) 2022/1281 of 4 March 2022 amending Regulation (EU) 2019/833 of the European Parliament and of the Council, and Commission Delegated Regulation (EU) 2020/124 as regards certain provisions of, and Annexes to, the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)[5];
5. Commission Delegated Regulation (EU) 2023/1090 of 24 January 2023 amending Regulation (EU) 2019/833 of the European Parliament and of the Council, and Commission Delegated Regulation (EU)2020/124 as regards certain provisions of the conservation and enforcement measures of the Northwest Atlantic Fisheries Organisation (NAFO)[6].

5. CONCLUSION

Over the past five years, the Commission has exercised the delegated powers conferred to it under Regulation (EU) 2019/833. The Commission sees the need to extend this empowerment because NAFO conservation and enforcement measures change annually and subsequent changes need to be implemented into EU law.

With this report, the Commission meets the reporting requirement under Article 51(2) of Regulation (EU) 2019/833. It invites the European Parliament and the Council to take note of this report.

[4] OJ L 190, 31.5.2021, p. 19.
[5] OJ L 195, 22.7.2022 p. 21.
[6] OJ L 146, 6.6.2023, p. 3.