

Council Decision (EU) 2019/866 of 14 May 2019 on the position to be taken on behalf of the European Union in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in that annual Conference

COUNCIL DECISION (EU) 2019/866

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Poland is a Contracting Party to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea ('Bering Sea Convention'). The Union is not a Party to that Convention. In accordance with Article 6(9) of the 2003 Act of Accession, fisheries agreements concluded by Member States with third countries are managed by the Union and the Union should implement any decisions established under the Bering Sea Convention.
- (2) Council Decision of 11 April 2016 authorising the Republic of Poland, in the interest of the European Union, to open negotiations for an amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea that would allow Regional Economic Integration Organisations, such as the European Union, to become party to the Convention authorised the Poland to negotiate, in the interest of the Union, an amendment to the Bering Sea Convention with a view for the Union to becoming a Contracting Party to that Convention. That mandate is currently being implemented. It is understood that upon the acceptance of the Union as a full Contracting Party to the Bering Sea Convention, the Poland will withdraw its membership from the Convention.
- (3) The annual Conference of the Parties to the Bering Sea Convention ('the annual Conference of the Parties') is responsible for the management and conservation measures of the Pollock Resources in the Bering Sea Convention Area. Such measures may become binding upon the Union.

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**Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/866. (See end of Document for details)

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- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>(4)</sup> provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels, which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (5) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission ‘International ocean governance: an agenda for the future of oceans’, and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (6) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions ‘European Strategy for Plastics in a Circular Economy’, refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in in the annual Conference of the Parties for the period 2019-2023 as conservation and enforcement measures adopted by the annual Conference of the Parties will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008<sup>(2)</sup>, (EC) No 1224/2009<sup>(3)</sup>, and Regulation (EU) 2017/2403 of the European Parliament and of the Council<sup>(4)</sup>.
- (8) The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea does not provide for a review of the Union's position within the annual Conference of the Parties before the 2022 annual meeting. However, the vast majority of the Council Decisions setting the Union's position within the different RFMOs to which the Union is a Contracting Party are due for revision before the 2019 annual meetings of those RFMOs. Therefore, to promote improved coherence amongst the Union's position in all RFMOs and to streamline the revision process, it is appropriate to bring forward the

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revision of the Decision of 12 June 2017 and to repeal it replacing it by a new Decision which would cover the period 2019-2023.

- (9) In view of the evolving nature of fishery resources in the Bering Sea Convention Area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the annual Conference of the Parties, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the meetings of the annual Conference of the Parties to the Bering Sea Convention is set out in Annex I.

*Article 2*

The year-to-year specification of the Union's position to be taken in the meetings of the annual Conference of the Parties to the Bering Sea Convention shall be conducted in accordance with Annex II.

*Article 3*

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual Conference of the Parties to the Bering Sea Convention in 2024.

*Article 4*

The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the European Union, in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Council Decision of 10 July 2012 on establishing the position to be adopted on behalf of the European Union in the framework of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea is hereby repealed.

*Article 5*

1 In the case of accession of the Union to the Bering Sea Convention, the Commission shall represent the Union at the meetings of the annual Conference of the Parties to the Bering Sea Convention.

2 Pending that accession, the Poland shall express the Union's position at the meetings of the annual Conference of the Parties to the Bering Sea Convention.

3 This Decision shall enter into force on the date of its adoption.

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for the Council Decision (EU) 2019/866. (See end of Document for details)*

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Done at Brussels, 14 May 2019.

*For the Council*

*The President*

P. DAEA