Council Decision (EU) 2019/867 of 14 May 2019 on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR

COUNCIL DECISION (EU) 2019/867

of 14 May 2019

on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR

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) By Council Decision 81/691/EEC[(1)], the Union concluded the Convention on the Conservation of Antarctic Marine Living Resources[(2)] ('CAMLR Convention'), which entered into force on 7 April 1982 and established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Belgium, Spain, France, Germany, Italy, Poland, Sweden and the United Kingdom are also Contracting Parties to the CAMLR Convention. Greece, the Netherlands and Finland are Contracting Parties to the CAMLR Convention but not Members of the CCAMLR.

(2) Pursuant to Article IX.1 of the CAMLR Convention, the CCAMLR is responsible for the adoption of conservation measures at its annual meetings designed to ensure the conservation of Antarctic marine living resources, including their rational use. Such measures may become binding upon the Union.

(3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(3)] 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

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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.

(4) 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.

(5) 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.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the CCAMLR for the period 2019-2023, as the CCAMLR conservation measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1035/2001[(4)], (EC) No 600/2004[(5)], (EC) No 601/2004[(6)], (EC) No 1005/2008[(7)] and (EC) No 1224/2009[(8)], and Regulation (EU) 2017/2403 of the European Parliament and of the Council[(9)].

(7) That position should cover matters falling within shared Union competence only to the extent that they affect common Union rules. In accordance with the judgment of the Court of Justice in Joined Cases C-626/15 and C-659/16[(10)], the Union should only support the establishment of Marine Protected Areas (MPAs) in the CCAMLR area together with its Member States. This Decision should not affect the division of competences between the Union and its Member States.

(8) Currently, the position to be taken on the Union's behalf in the meetings of the CCAMLR is established by the Council Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.

(9) In view of the evolving nature of fishery resources in the CAMLR 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 CCAMLR, 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 Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is set out in Annex I.

That position covers matters falling within shared Union competence only to the extent that they affect common Union rules.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the CCAMLR 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 meeting of the CCAMLR in 2024.

Article 4

The Council Decision of 24 June 2014 on the position to be adopted, on behalf of the European Union, in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council

The President

P. DAEA

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/867. (See end of Document for details)*

ANNEX I

The position to be taken on the Union's behalf in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

1. PRINCIPLES

In the framework of the CCAMLR, the Union shall:

a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;

b) work towards an appropriate involvement of stakeholders in the preparation phase for CCAMLR measures and ensure that measures adopted within the CCAMLR are in accordance with the CAMLR Convention;

c) ensure that measures adopted within the CCAMLR are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;

d) promote positions consistent with those adopted by regional fisheries management organisations (RFMOs) in the same area;

e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, environment, employment, trade, development, research and innovation;

f) ensure that the Union's international commitments are respected;

g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy[(11)];

h) aim to create a level playing field for the Union fleet within the CAMLR Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;

i) be in line with the Council conclusions[(12)] 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*[(13)] and promote measures to support and enhance the effectiveness of CCAMLR and, where relevant, improve its governance and performance (in particular on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;