

Regulation (EU) 2018/975 of the European Parliament and of the Council of 4 July 2018 laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area

REGULATION (EU) 2018/975 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 July 2018

laying down management, conservation and control measures applicable in the South Pacific Regional Fisheries Management Organisation (SPRFMO) Convention Area

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽³⁾, is to ensure that the exploitation of marine biological resources contributes to long-term environmental, economic and social sustainability.
- (2) The Union has, by means of Council Decision 98/392/EC⁽⁴⁾, approved the United Nations Convention on the Law of the Sea, which contains principles and rules with regard to the conservation and management of the living resources of the sea. In the framework of its wider international obligations, the Union participates in efforts made in international waters to conserve fish stocks.
- (3) Pursuant to Council Decision 2012/130/EU⁽⁵⁾, the Union has been a Contracting Party to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean ('the SPRFMO Convention'), which established the South Pacific Regional Fisheries Management Organisation (the SPRFMO), since 26 July 2010.
- (4) Within the SPRFMO, the Commission of the SPRFMO ('the SPRFMO Commission') is responsible for the adoption of measures designed to ensure the long-term conservation and sustainable use of fishery resources through the application of the precautionary approach to fisheries management and an ecosystem-based approach to fisheries

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Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2018/975 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

management, and, in so doing, to safeguard the marine ecosystems in which those resources occur. Such measures may become binding upon the Union.

- (5) It is necessary to ensure that the conservation and management measures adopted by the SPRFMO ('SPRFMO conservation and management measures') are fully transposed into Union law and are, therefore, uniformly and effectively implemented within the Union.
- (6) The SPRFMO has the authority to adopt conservation and management measures for the fisheries under its purview, which are binding on the Contracting Parties to the SPRFMO Convention ('Contracting Parties'). Those measures are primarily addressed to the Contracting Parties and provide for obligations for operators such as vessel masters.
- (7) This Regulation should not cover the fishing opportunities decided by the SPRFMO, as those fishing opportunities are allocated in the framework of the annual Regulation on fishing opportunities adopted pursuant to Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).
- (8) When implementing the SPRFMO conservation and management measures, the Union and Member States should endeavour to promote the use of fishing gear and techniques which are selective and which have a reduced environmental impact.
- (9) In order to swiftly incorporate into Union law future binding amendments to the SPRFMO conservation and management measures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the Annexes to and the relevant Articles of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽⁶⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (10) To ensure compliance with the CFP, Union legislation has been adopted to establish a system of control, inspection and enforcement, which includes the fight against illegal, unreported and unregulated (IUU) activities.
- (11) In particular, Council Regulation (EC) No 1224/2009⁽⁷⁾ establishes a Union system for control, inspection and enforcement with a global and integrated approach to ensure compliance with all the rules of the CFP, and Commission Implementing Regulation (EU) No 404/2011⁽⁸⁾ lays down detailed rules for the implementation of Regulation (EC) No 1224/2009. Council Regulation (EC) No 1005/2008⁽⁹⁾ establishes a Community system to prevent, deter and eliminate IUU fishing. Furthermore, Regulation (EU) 2017/2403 of the European Parliament and of the Council⁽¹⁰⁾ lays down rules for issuing and managing fishing authorisations for Union fishing vessels conducting fishing operations in waters under the auspices of a regional fisheries management

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organisation (RFMO) to which the Union is a contracting party. Those Regulations already implement a number of the provisions laid down in the SPRFMO conservation and management measures. It is therefore not necessary to include those provisions in this Regulation.

- (12) Article 15(1) of Regulation (EU) No 1380/2013 introduced a landing obligation which applies from 1 January 2015 to fisheries for small and large pelagic species, fisheries for industrial purposes and fisheries for salmon in the Baltic Sea. However, under Article 15(2) of that Regulation, the landing obligation is without prejudice to the Union's international obligations, such as those resulting from the SPRFMO conservation and management measures,

HAVE ADOPTED THIS REGULATION:

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- (1) [OJ C 288, 31.8.2017, p. 129.](#)
- (2) Position of the European Parliament of 29 May 2018 (not yet published in the Official Journal) and decision of the Council of 18 June 2018.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22.](#))
- (4) Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to the implementation of Part XI thereof ([OJ L 179, 23.6.1998, p. 1.](#))
- (5) Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean ([OJ L 67, 6.3.2012, p. 1.](#))
- (6) [OJ L 123, 12.5.2016, p. 1.](#)
- (7) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1.](#))
- (8) Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy ([OJ L 112, 30.4.2011, p. 1.](#))
- (9) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ([OJ L 286, 29.10.2008, p. 1.](#))
- (10) Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 ([OJ L 347, 28.12.2017, p. 81.](#))

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