



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
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Mr Iván López
Chair of the Long Distance
Advisory Council
c/del Doctor Fleming 7, 2º Dcha
E-28036 Madrid
SPAIN

Subject: Frontloading the transposition of NAFO legislative provisions into EU law

Dear Mr López,

I would like to thank you for your letter of 15 of April 2020 concerning the request to frontload the transposition of legislative provisions adopted by NAFO into EU Law. As you know, Regulation (EU) 2019/833 adopted on 20 May 2019,¹ closed a 12-years gap for transposition of NAFO conservation and management measures. Furthermore, since the entry into force of that Regulation, the Commission has already adopted one delegated act transposing NAFO documents into the Union law². This year it is planned to adopt another delegated act and a co-decision proposal to amend Regulation (EU) 2019/833, aligning it with NAFO decisions adopted in 2019. Considerable efforts have been made and we are working hard to ensure that transposition work continues as swiftly as current rules allow.

Let me tell you that I am very much aware of problems related to the transposition of legislative provisions adopted by RFMOs into Union law, as current rules make it impossible to keep up with recurrent annual decisions adopted by RFMOs. Under the present method of transposition we are inevitably confronted with situations where, by the time the transposition measures are adopted, some provisions have already been amended by subsequent Annual Meetings. In practice, two annual meetings will typically

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, 28.5.2019, p.1).

² 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 (OJ L 34, 6.2.2020, p.1).

have taken place and adopted new measures by the time the transposition measure have finally been enacted.

In response to those problems, and very much in line with your letter, DG MARE has been trying and continues to push for ways to simplify and accelerate current practices. My services are consistently seeking to introduce more delegated powers with each transposition proposal (in line with the opinion of the EESC referred to in your letter). However, these delegated powers need to be agreed by the co-legislators, where there is still some reluctance. DG MARE is also promoting the use of dynamic references to RFMO documents in Union legislation, so that they can be directly used by operators, instead of reproducing their content as Commission's implementing regulations. Another possible option for simplification would be an empowerment to the Commission by the Council and the European Parliament to implement rules stemming from international agreements. This would allow for a more timely transposition, leaving the process within the Commission, as the provisions are very technical and result from international obligations the EU has already entered into.

I count on LDAC members' support in trying to convince the co-legislators of accepting more innovative measures to transpose legislative RFMO proposals within the EU, and thereby ensure a more timely transposition. I look forward to cooperating with the LDAC on this matter.

Let me thank you again for your letter. I invite you to contact Ms Pascale COLSON, coordinator of the Advisory Councils (pascale.colson@ec.europa.eu; +32.2.295.62.73), should you have any question on this reply.

Yours sincerely,

Bernhard FRIESS
Acting Director-General