

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)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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⁾, and in particular Article 50(1) and (2) thereof,

Whereas:

- (1) The EU is party to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention), approved by Council Regulation (EEC) No 3179/78 ⁽²⁾.
- (2) The European Parliament and the Council adopted Regulation (EU) 2019/833 in order to implement the NAFO conservation and enforcement measures ('CEM') into EU law.
- (3) Commission Delegated Regulation (EU) 2020/124 ⁽³⁾ supplemented Regulation (EU) 2019/833 with a number of NAFO conservation and enforcement measures.
- (4) Commission Delegated Regulation (EU) 2020/989 ⁽⁴⁾ amended Delegated Regulation (EU) 2020/124 with NAFO measures adopted at its 2019 annual meeting.
- (5) Commission Delegated Regulation (EU) 2021/860 ⁽⁵⁾ amended Delegated Regulation (EU) 2020/124 with NAFO measures adopted at its 2020 annual meeting.
- (6) Regulation (EU) 2021/1231 of the European Parliament and of the Council ⁽⁶⁾ amended Regulation (EU) 2019/833 with NAFO measures adopted at its 2019 and 2020 annual meetings.
- (7) Commission Delegated Regulation (EU) 2022/1281 ⁽⁷⁾ amended Delegated Regulation (EU) 2020/124 with NAFO measures adopted at its 2021 annual meeting.

⁽¹⁾ OJ L 141, 28.5.2019, p. 1.

⁽²⁾ Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 378, 30.12.1978, p. 1).

⁽³⁾ 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).

⁽⁴⁾ 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) (OJ L 221, 10.7.2020, p. 5).

⁽⁵⁾ 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) (OJ L 190, 31.5.2021, p. 19).

⁽⁶⁾ Regulation (EU) 2021/1231 of the European Parliament and of the Council of 14 July 2021 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 274, 30.7.2021, p. 32).

⁽⁷⁾ 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) (OJ L 195, 22.7.2022, p. 21).

- (8) Regulation (EU) 2022/2037 of the European Parliament and of the Council (*) amended Regulation (EU) 2019/833 with NAFO measures adopted at its 2021 annual meeting.
- (9) At its annual meeting in September 2022, the NAFO amended its CEM with updates of research vessel restrictions, control measures for landings or transshipments of cod catches from Division 3M, deleting provisions concerning observer programme reporting, and adding a cross reference in the fishing logbook.
- (10) These changes should also be implemented into Union law. Therefore, Regulation (EU) 2019/833 and Delegated Regulation (EU) 2020/124 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/833 is hereby amended as follows:

- (1) in Article 4(1), the following points (c) and (d) are inserted:

- '(c) take cod from Division 3M in excess of 15 tonnes of Union catches in a calendar year. Should a research vessel's catch exceed this amount, the excess shall be counted against the allocation to the vessel's flag Member State. Furthermore, if the allocation to the Member State for cod from Division 3M is exhausted, that Member State shall not authorize its vessels to undertake further research activities. Any research activities underway shall be stopped by the flag Member State as soon as 15 tonnes have been caught by the Union; or
- (d) take shrimp from Division 3M in excess of 10 tonnes of Union catches in a calendar year. The relevant Member State shall stop research activities on shrimp from Division 3M once 10 tonnes have been caught by the Union.';

- (2) in Article 4, paragraph 1a is deleted;

- (3) in Article 9a point (1)(c), the following sentence is added:

'Inspections of landings or transshipments shall be conducted at a rate of:

- (i) at least 50 % when the total NAFO quota for cod in Division 3M in fishing opportunities is under 6 000 tonnes, and
- (ii) at least 25 % when the total NAFO quota for cod in Division 3M in fishing opportunities is between 6 000 and 12 000 tonnes.';

- (4) in Article 27(7), point (a) is deleted.

Article 2

The Annex to Delegated Regulation (EU) 2020/124 is amended in accordance with the Annex to this Regulation.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

(*) Regulation (EU) 2022/2037 of the European Parliament and of the Council of 19 October 2022 amending Regulation (EU) 2019/833 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ L 275, 25.10.2022, p. 11).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In the Annex, point 30, item (15) is replaced by the following:

‘(15) Was a trial tow conducted in accordance with Article 6.6(b)(iii) or Article 6.10 of the CEM? (Y/N)’
