

DECISIONS

COUNCIL DECISION (EU) 2021/1796

of 28 September 2021

on the position to be taken on behalf of the European Union within the Commission established by the Convention for the Protection of the Marine Environment of the North-East Atlantic as regards a decision on the establishment of the North Atlantic Current and Evlanov Seamount Marine Protected Area (NACES MPA) and a recommendation on the management of the NACES MPA

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention for the Protection of the Marine Environment of the North-East Atlantic ⁽¹⁾ ('the Convention'), to which the Union is a Contracting Party, entered into force on 25 March 1998.
- (2) Pursuant to Article 10(3) of the Convention, the Commission established by Article 10(1) of the Convention ('the OSPAR Commission') is able to adopt decisions and recommendations in accordance with Article 13 of the Convention.
- (3) During its 24th meeting on 1 October 2021, the OSPAR Commission is to adopt a decision on the establishment of the North Atlantic Current and Evlanov Seamount Marine Protected Area ('NACES MPA') and a recommendation on the management of the NACES MPA.
- (4) The envisaged decision of the OSPAR Commission establishes the NACES MPA and indicates its boundaries.
- (5) The envisaged recommendation of the OSPAR Commission aims to guide Contracting Parties in their actions and in the adoption of measures to achieve the conservation objectives set out in the annex to that recommendation.
- (6) There is a close link between the two envisaged OSPAR Commission acts and, therefore, it is appropriate for both of them to be covered by the same position of the Union.
- (7) The envisaged acts relate to the protection of the environment, which is a shared competence between the Union and its Member States under Article 4(2), point (e), TFEU. The envisaged acts do not fall within an area which is largely covered by Union rules concerning such protection. The Union does not intend to make use of the possibility to exercise its external competence with regard to areas covered by these acts, in relation to which its competence has not yet been exercised internally.
- (8) It is appropriate to establish the position to be taken on the Union's behalf within the OSPAR Commission, as the decision to be taken by the latter will be binding on the Union,

⁽¹⁾ OJ L 104, 3.4.1998, p. 2.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 24th meeting of the OSPAR Commission shall be to support the adoption of a decision on the establishment of the North Atlantic Current and Evlanov Seamount Marine Protected Area (NACES MPA) and a recommendation on the management of the NACES MPA.

Article 2

Refinement of the position referred to in Article 1 may be agreed to, in the light of developments at the 24th meeting of the OSPAR Commission, by the representatives of the Union, in consultation with Member States during on-the-spot coordination meetings, without a further decision of the Council.

Article 3

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

Done at Brussels, 28 September 2021.

For the Council
The President
S. KUSTEC
