



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 May 2013

8987/13

**Interinstitutional File:
2011/0195 (COD)**

**PECHE 181
CODEC 940**

REPORT

from: General Secretariat of the Council
to: Permanent Representatives Committee (Part 1)/Council

No. Cion prop.: 12514/13 PECHE 187 CODEC 1166 - COM(2011) 425 final

Subject: Proposal for a Regulation of the European Parliament and of the Council on the
Common Fisheries Policy (First reading)
- Revised mandate

I. INTRODUCTION

1. On 13 July 2011, the European Commission adopted a proposal for a new Basic Regulation on the Common Fisheries Policy (CFP).
2. To this proposal is linked an overhaul of the Common Organisation of the Markets in Fishery and Aquaculture Products - the proposal was adopted the same day¹ -, and the proposal for a new European Maritime and Fisheries Fund (EMFF), which the Commission adopted on 2 December 2011.²

¹ Doc. 12516/11 PECHE 188 CODEC 1167 - COM(2011) 416 final.

² Doc. 17870/11 PECHE 368 CADREFIN 162 CODEC 2255 - COM(2011) 804 final.

3. The proposal's general objective is to ensure fisheries and aquaculture activities that provide long-term sustainable environmental, economic and social conditions, and contribute to the availability of food supply.
4. The European Economic and Social Committee and the Committee of the Regions gave their opinions on 28 March 2012 and 4 May 2012, respectively.³
5. The Working Party on Internal and External Fisheries Policy completed its second reading in February 2012.⁴
6. After three orientation debates held in March, April and May 2012, the "Agriculture and Fisheries" Council reached a partial "general approach" in June 2012.⁵ This general approach was finalised at the Council meeting of 26 February 2013, in particular concerning the implementation of the discards ban and related provisions (Articles 15 and 16).⁶
7. The European Parliament voted on its position at first reading on 6 February 2013.⁷
8. The Working Party examined the Parliaments' amendments during its meetings from January until 8 March 2013.
9. The Permanent Representative Committee adopted a mandate to open negotiations on 13 March 2013.⁸
10. The three institutions have had informal trilogue meetings so far on 19 March, 26 March, 8, 9 and 24 April 2013. Further meetings are foreseen during May.

³ OJ C 181, 21.6.2012, p.183; OJ C 225, 27.7.2012, p.20.

⁴ Doc. 5070/2/12 PECHE 7 CODEC 9 REV 2.

⁵ Doc. 11322/12 PECHE 227 CODEC 1654.

⁶ Doc. 11322/1/12 PECHE 227 CODEC 1654 REV 1.

⁷ Doc. 5255/13 CODEC 61 PECHE 39 PE 7.

⁸ Docs. 7164/13 PECHE 83 CODEC 498 and 7165/13 PECHE 84 CODEC 499.

11. The "Agriculture and Fisheries" Council of 22 April 2013 held an orientation debate on the four core issues of the negotiations, namely Maximum Sustainable Yield (MSY), landing obligation, regionalisation and capacity management.⁹ This debate had been preceded by an informal meeting of the Directors-General for fisheries on 15 to 17 April dedicated to the same topics.
12. The Permanent Representatives Committee reviewed the mandate on 2 May 2013, based on a Presidency proposal.¹⁰ It concluded that the following elements of the mandate needed to be finalised at Council level:
Maximum Sustainable Yield and related fishing opportunities arrangements with third countries, and progress reports (Articles 2(2), 16 (2), 42a, 58b); Multi-annual plans (Articles 9 and 10); obligation to land (Article 15); Fishing opportunities (Article 16); Regionalisation (Article 17); Fishing capacity management (Articles 34 and 34a); Composition of Advisory Councils (Annex III point 2a). In addition, the following issues could merit orientation from Council: Expert Group on Compliance (Article 46a); Protected Areas (Article 7a).
13. The Presidency has revised its proposal for a mandate¹¹ following oral and written comments by delegations made since 2 May 2013.

II. MAIN OUTSTANDING ISSUES

14. Concerning Maximum Sustainable Yield, delegations generally welcomed the reformulation provided by the Presidency, but requested more clarity. On Multi-annual plans, delegations supported the Presidency's approach of drafting provisions that are neutral with respect to the legal dispute over institutional competencies, but some delegations considered that more work was needed in that direction. Some delegations were strongly against changes to the provisions on the landing obligation, in particular with regard to dates of introduction, the *de minimis* rule and other exemptions; the same delegations locked assurance in the compromise that all exemptions would be available simultaneously with the entry into force of the landing obligations.

⁹ Doc. 7959/13 PECHE 120 CODEC 681.

¹⁰ Docs. 8799/13 PECHE 169 CODEC 882 and ST 7165/1/13 REV 1 PECHE 84 CODEC 499

¹¹ Doc. 7165/2/13 REV 2 PECHE 84 CODEC 499

15. Delegations generally welcomed the stance towards "regionalisation", but some were concerned that the mandatory content of multi-annual plans might counter-act this principle. A considerable number of delegations felt that the chapter on capacity management was too detailed and complicated, and questioned the scope of financial consequences of non-compliance. Finally, some delegations opposed the reformulation on the composition of advisory councils, arguing that a majority needed to be reserved for the primary production sector.

III. CONCLUSION

16. The Permanent Representatives Committee is requested to invite Council to provide the Presidency with a revised mandate for further negotiation with the European Parliament, aiming for a compromise package as outlined in the Presidency's note (doc. 9003/1/13 REV 1).
-