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## **REPORT**

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from:	General Secretariat of the Council
to:	Permanent Representatives Committee (Part 1)/Council
No. Cion prop.:	12516/11 PECHE 188 CODEC 1167 - COM(2011) 416 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (First reading) <i>- State of play</i>

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## **I. INTRODUCTION**

1. On 13 July 2011 the European Commission presented to the Council its proposal on the Common Organisation of the Markets in Fishery and Aquaculture Products ("CMO").
2. The CMO proposal is part of the CFP reform package and is designed to contribute to the objectives of the proposed new CFP Regulation. Among the objectives are:
  - the simplification of legal procedures and reporting obligations;
  - strengthening the role of Professional Organisations;
  - a reduction in market support (discontinuation of the withdrawal price system, phasing-out the support for storage aid); and
  - better information to consumers.

3. The European Economic and Social Committee and the Committee of the Regions gave their opinions on 28 March 2012 and 4 May 2012, respectively.<sup>1</sup>
4. After an orientation debate held on 19 March 2012, the "Agriculture and Fisheries" Council reached a "general approach" in June 2012.<sup>2</sup>
5. The European Parliament voted on its first reading position on 12 September 2012.<sup>3</sup>
6. The Working Party on Internal and External Fisheries Policy examined the Parliament's amendments between January and 5 February 2013.
7. On 13 February 2013, the Permanent Representative Committee adopted a negotiating mandate<sup>4</sup> for an informal trilogue with the European Parliament, which was held on 27 February 2013. A second trilogue was held on 27 March 2013, based on a revision to the mandate made on 20 March 2013.<sup>5</sup> During these trilogues, the positions converged towards compromises on the large majority of political and technical issues.
8. The "Agriculture and Fisheries" Council of 22 April 2013 was informed about this state of play.<sup>6</sup>
9. A third trilogue is planned for 8 May 2013. The "Agriculture and Fisheries" Council of 13 and 14 May 2013 will be informed about the outcome of this trilogue.

## **II. MAIN OUTSTANDING ISSUES**

10. The main outstanding issues concern the mandatory consumer information (Articles 42 to 44) and delegated acts (Articles 24, 33, 41 and 46).

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<sup>1</sup> OJ C 181, 21.6.2012, p. 183; OJ C 225, 25.7.2012, p.20.

<sup>2</sup> Doc. 10415/12 PECHE 192 CODEC 1445.

<sup>3</sup> Doc. 13616/12 CODEC 2093 PECHE 334 PE 390.

<sup>4</sup> Doc. 6457/13 PECHE 59 CODEC 341.

<sup>5</sup> Docs. 7160/13 PECHE 82 CODEC 496 and 6457/2/13 REV 2 PECHE 59 CODEC 341.

<sup>6</sup> Doc. 7959/13 PECHE 120 CODEC 681.

11. Regarding mandatory consumer information, the Council has stressed the view that the date of catch (Commission position) or the date of landing (Parliament position) should not be included in the mandatory information, as they are not sufficiently relevant for the consumer and could actually mislead consumers regarding the quality of the products. The European Parliament's position also includes mandatory information on the gear used and on the fish stock from which the product was taken, and a more detailed indication of the area in which wild fish was caught. The European Parliament is revisiting its position, but convergence has not yet been achieved.

The Commission insists on the "date of catch" as this was an information available from traceability obligations, relevant to the consumer and a tool for product differentiation. It explained that the date of catch, which according to the Commission Implementing Regulation<sup>1</sup> has to be provided at first sale, can comprise several days or a period of time corresponding to several dates of catches. During the discussion on ways forward, it was also suggested that some additional information might be provided mandatorily on the barcode or other code that accompanies the product. The Commission also insists on more mandatory information on preserved products.

12. On the issue of delegated acts, the Council expressed its preference for implementing acts, promoting the inclusion of necessary details in the Regulation. The European Parliament, based on its internal legal advice, has misgivings on some of these suggestions (Articles 25 (1) b) and d), 34 a), 41 and 46), as it considers the issues to belong to secondary regulation rather than to the harmonisation of implementation. The Commission insists on the empowerments foreseen in its proposal. The Council is going to provide further informal drafting suggestions in order to underline the nature of implementing acts.

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<sup>1</sup> Art. 67 (9) of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011, OJ L 112, 30.4.2011, p. 1.