



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 March 2012

8072/12

**Interinstitutional File:
2011/0144 (COD)**

**PECHE 97
CODEC 785**

"I" ITEM NOTE

from: Working Party on Internal and External Fisheries Policy
to: Permanent Representatives Committee (Part 1)

No. Cion prop.: 11331/11 PECHE 154 CODEC 996 - COM(2011) 330 final

Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 302/2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean (LA) (first reading) - Request for an amended mandate for a trilogue

1. On 1 February 2012, COREPER approved the mandate for the Presidency on the above proposal¹ in preparation for the informal trilogue planned for 9 February 2012.
2. The results of the trilogue were mostly positive as the European Parliament agreed to all points set out in the mandate *except* the Council's draft position on implementing rules².
3. Considering the discussions in the Working Party on Internal and External Fisheries Policy on 10 February and 16 March 2012 the Presidency concluded that there is a need for non-binding guidance for the fishing season 2012 as regards the aspects where the Council wishes to grant the Commission the possibility to adopt implementing acts under the Regulation.

¹ Cf. annex to doc. 5567/12 PECHE 23 CODEC 157

² Cf. doc. 6393/12 PECHE 46, p. 3, and doc. 7782/12 PECHE 91, p. 5.

4. In addition, further informal contacts with the EP rapporteur and the concerned delegations convinced the Presidency of the need to request an amended mandate. It presented the details of such a request to the Working Party on 29 March 2012³. All delegations agreed to this request except the Commission which reserved its position while maintaining its opposition to implementing acts for reasons previously stated, notably that such acts are not necessary.
5. Hence the Presidency requests an amended mandate (indicated with bold) for the following articles in the mandate set out in the annex to doc. 5567/12 PECHE 23 CODEC 157:

- (a) Article 1 point 9 (Article 22(9) (new))

*"9. The Commission may adopt implementing acts as regards the detailed rules pertaining to transfer operations **under paragraphs 2 and 6** in this Article. Those implementing acts shall be adopted in accordance with the examination procedure in Article 38a of this Regulation."*

- (b) Article 1, point 10 (Art. 24(10) (new))

*"10. The Commission may adopt implementing acts as regards the detailed rules pertaining to recording and reporting of caging operations **under paragraphs 6, 7, 8 and 9** in this Article. Those implementing acts shall be adopted in accordance with the examination procedure in Article 38a of this Regulation."*

- (c) Article 1, point 12 (Art. 26 (3) (new))

*"3. The Commission may adopt implementing acts as regards the detailed rules pertaining to recording and reporting of trap activities **under paragraph one** in this Article. Those implementing acts shall be adopted in accordance with the examination procedure in Article 38a of this Regulation."*

³ Cf. doc. DS 1214/12.

- (d) An accompanying statement by the Council and the Commission

“In reaching a first reading agreement with the European Parliament on the amendment to the Regulation on the multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean, it is the common understanding that as regards the fishing season in 2012, the Commission services, in cooperation with the concerned Member States, immediately will draw up detailed guidance on the aspects where the Commission may adopt implementing acts under the Regulation.”

6. COREPER is invited to approve to amend the mandate as set out above.
