



**COUNCIL OF
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NOTE

from: General Secretariat
to: Council

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Subject : Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy
- Joint declaration of Belgium, Denmark, France, Germany, Ireland and the United Kingdom

Delegations will find attached the above declaration as a background to the discussion at the Council (Agriculture and Fisheries) on 27 April 2012.

Regionalisation of the CFP

Recognising the crucial importance of successful reform of the Common Fisheries Policy, and the integral part that increased regionalisation of the decision making process can play:

1. We welcome the Commission's commitment to allowing more regional flexibility in meeting the CFP's high level objectives.
2. Difficulties in agreeing a clear legal process for this that is compatible with the Treaty have so far prevented solutions being set out in detail.
3. However, regionalisation is possible and can be delivered in a way that is both practical and compatible with the roles and responsibilities enshrined in the Treaty.
4. Regionalisation should involve Member States (MSs) discussing the detail of fisheries management with stakeholders at a level that makes sense for the fishery – whether on a sea basin, fishery or ecosystem level, within a framework set by the European Union.
5. Advisory Councils (ACs, formerly RACs), should play a key role in this discussion, alongside the Member States which can show they have a direct management interest in the fishery in question (normally through a relative stability share of fishing opportunities).
6. Multi-Annual Plans (MAPs) are the crucial instrument to create the framework for future regional measures for each fishery. These MAPs should be set out in legislation, proposed by the Commission and decided by the legislator.
7. To inform the Commission's proposal, ACs in close co-operation with MSs with a direct interest should have the opportunity to work together to develop MAPs, and the Commission should have a duty to give serious consideration to this work, and respond to it in a timely fashion.

8. While MAPs are being developed, MSs with a direct interest should also have the opportunity to develop and agree on the technical measures necessary to achieve the objectives of MAPs, in discussion with ACs.
9. These measures may include flexibility and options for implementation, but must ensure coherence across the fishery, effectiveness in terms of meeting MAP objectives, accountability, be enforceable in practice and be given effect in EU legislation.
10. Where there is unanimous agreement among MSs with a clearly defined interest in a fishery (normally through a relative stability share of fishing opportunities), we would be comfortable with the Commission using implementing acts to strictly transpose these measures. In other cases, these measures should be adopted by the EU in a timely manner, subject to the normal rules in the Treaty.
11. If MSs do not succeed in agreeing coherent measures to achieve the objectives of the MAPs, a further proposal on measures would be brought forward by the Commission for decision by the Council or co-decision by the Council and Parliament as appropriate, taking into account the work already carried out and advice already given.
12. In either case, the measures decided on by fisheries managers in any given fishery would be set out in EU legislation.
13. This process strikes a balance between the safeguards and transparency necessary in order to work within Treaty constraints, and the practical considerations in incentivising MSs and stakeholders to cooperate on proposed measures to ensure these can be translated into credible, timely legislation.
