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No. prev. doc.: 9171/3/12 PECHE 135 CODEC 1086 REV 3 + REV 3 COR 1 + REV 3 COR 2
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12514/11 PECHE 187 CODEC 1166 - COM(2011) 425 final

Subject: Reform of the Common Fisheries Policy

- a) Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy
- b) Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture products
- *Adoption of a General Approach*

Delegations will find attached the meeting documents distributed at the meeting of the "Agriculture and Fisheries" Council on 12 June 2012.

**CHANGES PROPOSED TO THE PROPOSAL FOR A REGULATION
ON THE COMMON MARKET ORGANISATION**

Ad consumer information

Draft Council statement

The Council invites the Commission to consider establishing minimum standards for an EU sustainability label for fisheries and for aquaculture products, and to evaluate the appropriate procedure for submitting a proposal.

Add a new *Art 45 - Additional voluntary information*

- 1. Without prejudice to the provisions of Regulation (EU) No 1169/2011, voluntary information for fishery and aquaculture products referred to in Annex I may be provided in addition to the mandatory information required pursuant to Article 42.**
- 2. Voluntary information shall not be displayed to the detriment of the space for mandatory information on the marking or labeling.**

**CHANGES PROPOSED TO THE PROPOSAL FOR A REGULATION
ON THE COMMON FISHERIES POLICY**

Ad discards

Statement by the Commission

The Commission will facilitate further work with the Member States concerned in order to elaborate solutions that can bring about effective elimination of discards. The intention of elimination of discards is not to reduce fishing opportunities.

Ad Art. 2

Add new paragraph 2bis:

"Where stocks of common interest are shared with third countries, the exploitation rates referred to in Art. 2(2) shall be the basis for consultations with those third countries, and, where possible agreement with them."

Ad Art. 2(2)

Draft Council statement

The Council underlines the necessity to improve the performance of RFMOs ~~GFCM~~ in order to enable the MSY objective laid down in Article 2(2) to be achieved for stocks ~~of the Mediterranean Sea and the Black Sea~~ that are exploited by Union and third country vessels.

Ad Article 6

Paragraph 3 reads as follows:

"In the waters up to 100 nautical miles from the baselines of *the EU outermost regions referred to in Article 349(1) of the Treaty*, the Member States concerned may from 1 January 2013 to 31 December 2022 restrict fishing to vessels registered in the ports of those islands. Such restrictions shall not apply to Union vessels that traditionally fish in those waters, in so far as those vessels do not exceed the fishing effort traditionally exerted. Member States shall inform the Commission of the restrictions put in place under this paragraph."

Ad Art. 6a

Add new paragraph 6 as follows:

“Member States in the Mediterranean shall adopt conservation measures through national management plans in accordance with Article 19 of Council Regulation (EC) No 1967/2006.”

Ad Art.7

Paragraph 1(c) reads as follows:

"establishing incentives, including those of an economic nature, to ~~*gradually eliminate discards on a case-by-case basis and taking into account the best available scientific advice and reduce unwanted catches, in particular by promoting*~~ more selective fishing *techniques* and to ~~*improve or restore the ecosystem, for instance through*~~ low impact fishing;

Add paragraph 1(c1):

~~*“establishing incentives, including those of an economic nature,*~~ *gradually eliminating discards on a case-by-case basis and taking into account the best available scientific advice;*"

Ad Art. 9(3)

Reads as follows:

"Where a multi-annual plan covers fisheries for a mixture of stocks, it shall ensure the achievement of the maximum sustainable yield for all significant stocks covered by the plan. Where necessary, the plan shall include specific alternative conservation measures for the other stocks covered by the plan, based on the ecosystem approach."

Ad Art. 12

Insert all four paragraphs into [].

Ad Art 15(1)

Introduction to first sentence to read as follows:

"All catches subject to catch limits, and in the Mediterranean also catches subject to minimum landing sizes as defined in the Annex to Regulation (EC) No. 1967/2006 ~~or that may be subject to minimum conservation reference sizes in the Mediterranean~~, caught..."

Footnote to Art 15(1) reads as follows:

~~The following recital is added: "Subject to scientific advice and without jeopardising the objectives of MSY and without increasing fishing mortality ~~prejudice to the objective of achieving fishing mortality at MSY~~, when a landing obligation including ~~full~~ documentation of catches is in operation, an increase of related fishing opportunities is foreseen, since discards ~~may~~ will no longer take place. It should also be considered whether such a change in the management system may lead to the abolition of certain control measures and technical measures."~~

Draft Council statement

In order to facilitate the introduction of landing obligations in Article 15(1) of the Basic Regulation of the CFP, an increase of related fishing opportunities is justified, subject to scientific advice on total fishing mortality. The Council notes with approval the Commission's intention to review, and where appropriate propose the removal of, associated control measures and technical measures in good time before landing obligations come into effect.

Ad Art. 15 (1) (a)

Add

- salmon in the Baltic Sea.

Ad Art. 15(1b)

Reads as follows:

”At the latest from 1 January [2015] for species defining the fisheries and not later than [2018] for all other species in:

- ***the following fisheries in Union waters of the Northern Atlantic:***
 - ***~~The North Sea~~***
 - ***[fisheries for cod, haddock, whiting, saithe;***
 - ***fisheries for Norway lobster;***
 - ***fisheries for common sole and plaice;***
 - ***fisheries for hake;***
 - ***fisheries for Northern prawn;***
 - ***other fisheries to be further analyzed;]***
 - ***fisheries in the Baltic Sea ~~{consider moving to the first date}~~***
 - ***~~North Western waters~~***
 - ***[fisheries for cod, haddock, whiting, saithe;***
 - ***fisheries for Norway lobster;***
 - ***fisheries for common sole and plaice;***
 - ***fisheries for hake;***
 - ***other fisheries to be further analyzed;]***

- ~~*South Western waters*~~
 - ~~*[fisheries for cod, haddock, whiting, saithe;*~~
 - ~~*fisheries for Norway lobster;*~~
 - ~~*fisheries for common sole and plaice;*~~
 - ~~*fisheries for hake;*~~
 - ~~*other fisheries to be further analyzed;]*~~

Ad Art. 15(1c)

Introduction reads as follows:

”At the latest from 1 January [2016] for species defining the fisheries and not later than [2019] for all other species in.”

Ad Art. 15(2)

1) Introduction to first sentence to read as follows:

"The following species shall be exempted from the landing obligation laid down in paragraph 1:"

2) Add new point (c) as follows:

“Catches falling under de minimis exemptions.”

Ad Art. 15

Add new paragraph 4a:

”For stocks subject to a landing obligation, Member States may use a year-to-year flexibility of up to 10 % of their permitted landings.”

Ad Article 15(8)

Reads as follows:

"Member States shall ensure **adequate capacity and means for the purpose of monitoring compliance with the obligation to land all catches, inter alia such means as observers, CCTV and other.**" that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities ~~through observers, CCTV or other adequate means~~ for the purpose of monitoring compliance with the obligation to land all catches.

Ad Art 16

Draft Council statement on external exchange of fishing opportunities

The Council urges the Commission to submit to it a proposal aiming at authorising the Member States to undertake quota exchanges with third countries in cases where an RFMO measure allows for quota exchanges among the parties to the RFMO. The Commission is invited to submit such a proposal in the framework of the forthcoming amendment to the TACs and quotas regulation.

Ad Art 17

1) Draft Council statement on regionalisation:

The Council welcomes a regionalised approach within the Common Fisheries Policy and invites the Member States having a direct management interest in a given geographical area (Member States concerned) to cooperate in order to agree joint recommendations. Joint recommendations should only be considered as such when they are unanimously agreed by all Member States concerned. The Council invites the Commission to contribute to formulating an approach that facilitates a practical implementation. To this end, the Council urges the Commission, when elaborating its proposals and acts, to take the utmost account of the unanimously agreed joint recommendation whenever it deems that such joint recommendation is compatible with the relevant conservation measures including a multiannual plan. Where no unanimously agreed recommendation exists, the Commission is invited to submit a proposal for a legislative act or for an act under Article 43(3) TFEU.

2) A footnote is added in paragraphs 1 and 3 as follows:

[The need for delegated act will be discussed at a later stage.]

3) The note between paragraphs 1 and 2 is deleted.

4) Add new paragraph 8:

"Where, in respect of a conservation measure applicable to a relevant geographical area, including in a multiannual plan established pursuant to Articles 9 and 11, Member States are authorised to adopt measures further specifying that conservation measure, the Member States concerned shall closely cooperate in the adoption of such measures. Paragraphs 2, 4 and 5 shall apply mutatis mutandis. The Commission shall be associated and its comments shall be taken into account. The Member State concerned may only adopt their respective national measures if an agreement on the content of the measures was reached by all the Member States concerned. Where the Commission considers a Member State measure does not comply with the conditions set out in the relevant conservation measure, it may, subject to providing relevant reasons, request that the Member State(s) concerned amend or repeal the relevant measure."

Ad Art. 17(3)

1) Reads as follows:

"Where joint recommendations on measures are submitted under paragraph 1, the Commission shall be empowered to adopt these measures by means of delegated or implementing acts, provided that such recommendations are compatible with the relevant conservation measure and/or multiannual plan. As a supplementary or alternative method of regional co-operation a Member State may adopt national measures which have been agreed with the Member States concerned and provided they are compatible with the relevant conservation measure and/or multiannual plan."

- 2) Delete brackets in footnote.

Ad Art 26a

- 1) Paragraph 2 reads as follows:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning amendments to that Annex to rearrange the areas of competence if required for the comprehensive fulfilment of their tasks. ~~and to create the Advisory Council for the Black Sea.~~"

- 2) Draft Council statement

The Council invites the Commission to study the feasibility and suitability of establishing a separate advisory council for the processing industry ~~and for Union outermost regions~~ taking into account the roles of existing advisory bodies.

- 3) Delete footnote except first sentence.

Ad Art 27

Add new footnote:

[With a view to facilitating the creation of transferable fishing concessions by Member States, the EMFF should envisage particular support for their introduction.]

Ad Art. 34

- 1) Paragraph 2 reads as follows:

"No exit from the fleet supported by public aid ~~granted under the framework of the European Fisheries Fund for the 2007-2013 programming period~~ shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations."

2) New paragraphs 5 and 6 are added as follows:

(5) Member States may request the Commission to exclude fishing vessels subject to a system of transferable fishing concessions *according to* Article 27, *paragraph 1* from the fishing capacity ceilings *set out in Annex II*. In that case the fishing capacity ceilings shall be re-calculated to take into account the fishing vessels which are not subject to a system of transferable fishing concessions.

(6) The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the re-calculation of the fishing capacity ceilings as referred to in paragraph 5.[†]

Ad Art. 35

1) Add new paragraph 3

"The report referred to in paragraph 1 and the implementation of the action plan as referred to in paragraph 2 shall be subject to ex-ante conditionality in accordance with the European Maritime and Fisheries Fund."

2) Delete footnote p. 42.

Ad Art 42a

Reads as follows:

" In order to ensure a sustainable exploitation of stocks shared with ~~neighbouring~~ third countries and to guarantee stability of the fishing operations of its fleets, the Union shall, in compliance with UNCLOS, endeavour to conclude bilateral or multilateral agreements with third countries aiming at a joint management of stocks/resources, including the establishment where appropriate of access to waters and resources and conditions for such access, harmonisation of conservation measures and exchange of fishing opportunities."

[†] *[The choice of implementation instrument will be discussed at a later stage]*

Ad Art. 57

1) A new paragraph 3a is added to Article 105 of Regulation 1224/2009:

"By way of derogation from paragraph 2 and 3, no multiplying factor is applied to catches which are subject to a landing obligation in accordance with Article 15 of the Regulation of the European Parliament and of the Council on the Common Fisheries Policy¹, provided that the extent of overfishing relative to the permitted landings does not exceed 10%."

Annex III

Add the following:

Black Sea *GFCM geographical sub-area as defined in Resolution GFCM/33/2009/2*
Outermost *Outermost regions as referred to in Article 349 paragraph 1 of the Treaty*
regions

¹ [OJ: insert reference to this Regulation]