



**COUNCIL OF THE
THE EUROPEAN UNION**

Brussels, 20 september 2012

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2011/0434 (COD)**

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PECHE 347
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REVISED ADDENDUM TO THE "I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER / COUNCIL

No. Cion prop.: 18545/11 PECHE 397 CODEC 2421

Subject : Proposal for a Regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks **(first reading)**
- Adoption of the legislative act (LA + S)
=Statements
COMMON GUIDELINES
Consultation deadline: 21.9.2012

Statement by Denmark

Denmark assigns the highest importance at ensuring long-term sustainability in exploitation of fish stocks. This also applies to situations where cooperation with third countries is required in the joint management of joint stocks.

Agreement on management of joint stocks is often difficult to reach and requires willingness of all Parties concerned to cooperate and compromise. All efforts should be made in order to find an agreement in direct consultation amongst the relevant Parties, in accordance with international law, and based upon scientific evidence and generally accepted sharing criteria.

In situations when third parties do not genuinely cooperate with the EU in the adoption of necessary management measures on joint stocks, Denmark finds merits in providing the EU with the necessary means to use trade and other measures against those countries. As a strong supporter of free trade Denmark does, however, see such measures as drastic steps that should only be used as a last resort.

As the Council is well aware the background for the proposed measures is the dispute with the Faroe Islands and Iceland regarding the management of joint stock of mackerel in the North-East Atlantic. It is in this context and for this reason that Denmark raises its concern over adopting the present regulation.

Denmark reminds members of the Council that the Faroes is part of the Kingdom of Denmark and, hence, Denmark is responsible for the international relations of the Faroes, which is a territory outside the scope of EU-law. If concrete measures based on the present regulation are adopted against the Faroes, it is the assessment of Denmark that it will become even more difficult to reconcile the position of the European Union and the Faroes. Denmark reserves its right to take the appropriate measures in the interests of The Faroes as part of the Kingdom of Denmark, including the possibility to seek legal review under EU law of any concrete measures against the Faroes and the possibility - as reaffirmed in declaration 25 to the Maastricht Treaty - of initiating dispute settlement procedures in the framework of the WTO on such measures.

On these grounds Denmark abstains from voting on the Commission proposal.

Statement by Sweden

In support of the abovementioned proposal Sweden underlines that the EU and third parties should first and foremost try to reach agreements that guarantee sustainable fishing. The regulation should only be used as a last resort and sanctions must be compatible with WTO and in accordance with international law.