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REVISED REPORT

From: Permanent Representatives Committee (Part 1)
To: Council

No. Cion prop.: 17870/11 PECHE 368 CADREFIN 162 CODEC 2255 - COM(2011) 804 final

Subject: Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation(EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy
- *Partial General Approach*

I. INTRODUCTION

1. On 2 December 2011, the European Commission adopted a proposal for a new European Maritime and Fisheries Fund (EMFF). This proposal was officially presented to the Council during the "Agriculture and Fisheries" Council on 15-16 December 2011.
2. The EMFF proposal must be seen in the context of the Commission's proposal for a multiannual financial framework for 2014-2020 as well as the package for the reform of the Common Fisheries Policy (CFP) which is designed to lay down the legislative framework for the same period. The general objective of the EMFF is to support the implementation of the CFP and to further develop the EU's Integrated Maritime Policy (IMP).

The common procedural provisions are laid down in a proposal for a horizontal Regulation¹.

The European Commission proposes that most of the current CFP and IMP instruments are integrated into one fund, with the exception of Fisheries Partnership Agreements and the compulsory contribution to regional fisheries management organisations (RFMOs).

3. Between January and July of this year, the Working Party on Internal and External Fishery Policy undertook a reading of the proposal. A summary of specific comments made by delegations during this process is set out in an annotated version of the proposal².
4. The French, Netherlands, Slovene and United Kingdom delegations have entered Parliamentary scrutiny reservations.
5. The European Parliament's opinion is currently scheduled for January 2013.
6. The European Economic and Social Committee gave its opinion on 21 May 2012.
7. To steer and accelerate the work of its preparatory bodies, the "Agriculture and Fisheries" Council held, in March, May and September, orientation debates based on Presidency questions³.
8. The first debate revealed that delegations would like to see the EMFF do more, notably to include: some fleet restructuring measures, an even stronger focus on aquaculture, including support of existing facilities, more measures for processing and marketing and financial support for the huge burden of the fishery related activities stemming from NATURA 2000 and the Marine Strategic Framework Directive into EMFF. A general concern is that the administrative rules are too complex and should be simplified.

¹ Cf. doc. 15243/11 FSTR 49 FC 39 REGIO 83 SOC 859 AGRISTR 56 PECHE 279 CADREFIN 87 CODEC 1632

² Cf. doc. 9069/3/12 PECHE 128 CADREFIN 208 CODEC 1058 REV 3

³ Cf. docs. 7076/12 PECHE 63 CADREFIN 116 CODEC 519, 9153/12 PECHE 132 CADREFIN 216 CODEC 1079 and 12833/1/12 REV 1 PECHE 291 CADREFIN 364 CODEC 1965.

9. The Council debate in May revealed a general satisfaction with the proposed overall funding which should be adequate to support the implementation of the reformed CFP. Some delegations call for flexibility that would enable transfers, if needed, between the different headings. However, there were questions in relation to the proposed allocation under direct management. The Commission was invited to clarify the contents of the allocation criteria and their weighting.
10. In June the "Agriculture and Fisheries" Council took note of a progress report⁴ which set out the main outstanding issues in the fisheries section. The report also made it clear that no in-depth discussions had taken place in relation to recitals, definitions and the choice and formulation of Commission powers to adopt delegated or implementing acts.
11. At the third orientation debate held in September the consensual view was that flexibility is needed between the different headings within shared management, with a number of delegations expressing concern that such flexibility should not be detrimental for data collection and controls. In addition, many delegations reiterated their calls from the March orientation debate for the reintroduction of some fleet restructuring measures. A number of delegations were either sceptical or against such ideas. Some delegations also took the opportunity to once again voice their concerns over the administrative rules, arguing that these should be based on the model for structural funds instead of the model for the rural development fund⁵.

II. PREPARATIONS TOWARDS A PARTIAL GENERAL APPROACH

12. Since May 2012, the Working Party on Internal Fisheries policy has undertaken very detailed examinations of draft amendments proposed by the Presidency in order to prepare a future position of the Council.

⁴ Cf. doc. 10276/1/12 REV 1 PECHE 180 CADREFIN 265 CODEC 1407

⁵ Cf. doc 13824/12 (Joint Position of Austria, Estonia, Finland, France, Germany, Malta, Portugal, Slovenia and Spain). The informal meeting of Fisheries Directors-General, 11-13 September 2012 in Cyprus, also discussed the delivery system.

13. The presented amendments concern Articles 1- 95 and Annexes I and III ("the fisheries part") which represent the envisaged scope of a partial general approach.
 14. The Presidency has left aside most aspects of the administrative rules, primarily due to lack of time, but also due to the still on-going discussions on the horizontal Regulation. No in-depth discussions have taken place in relation to recitals, definitions and the choice and formulation of Commission powers to adopt delegated or implementing acts.
 15. The Presidency amendments have been elaborated on the basis of comments made by delegations and steered by the Progress report as well as numerous written comments in relation to the amendments which have gradually been tabled.
 16. Although nothing has formally been agreed, the amendments proposed appear to have reached a level of maturity where it is appropriate to continue the discussions at the level of the Council.
 17. Discussions at the level of COREPER on 12 October 2012 enabled the Presidency to identify a series of Articles deemed to enjoy sufficient support so as not to need to be discussed at the level of the Council, namely Articles 1-3, 8-12, 18, 19, 21-23, 25-31, 34-38, 40, 41, 43, 45-50, 53-56, 58-69, 71-79, 79bis and 80-93.
 18. The Council is invited to examine the Presidency compromise as set out in doc. 14439/1/12 REV 1 PECHE 384 CADREFIN 415 CODEC 2271.
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