



**COUNCIL OF  
THE EUROPEAN UNION**

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#### **INFORMATION NOTE**

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from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy – Outcome of the European Parliament's first reading (Strasbourg, 25 to 26 October 2012)

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#### **I. INTRODUCTION**

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure <sup>1</sup>, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the rapporteur, Mr Ian HUDGHTON(Greens/ EFA - UK) presented a report, on behalf of the Committee on Fisheries, which recommends that the European Parliament adopts its position at first reading taking over the Commission proposal. This had been agreed during the informal contacts referred to above.

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<sup>1</sup> OJ C 145, 30.6.2007, p.5

## **II. VOTE**

When it voted on 25 October 2012, the plenary adopted the report and took over the Commission proposal without any changes. This constitutes the European Parliament position at first reading and reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve it. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

The text of the proposal for a Regulation and the European Parliament's legislative resolution are set out in the Annex hereto.

## **Conservation and sustainable exploitation of fisheries resources \*\*\*I**

**European Parliament legislative resolution of 25 October 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2012)0277 – C7-0137/2012 – 2012/0143(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0277),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0137/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 September 2012<sup>1</sup>,
  - having regard to the undertaking given by the Council representative by letter of 22 October 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0314/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national and regional parliaments in the Member States.

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<sup>1</sup> Not yet published in the Official Journal.

**Position of the European Parliament adopted at first reading on 25 October 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council on amending Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

Whereas:

- (1) Union fishing vessels have equal access to Union waters and resources, subject to the rules of the Common Fisheries Policy.
- (2) Regulation (EC) No 2371/2002<sup>1</sup> provides for a derogation from the equal access rule, whereby Member States are authorised to restrict fishing to certain vessels in waters up to 12 nautical miles from their baselines.
- (3) On 13 July 2011, in accordance with Regulation (EC) No 2371/2002, the Commission presented a report to the European Parliament and to the Council on the arrangements concerning access to fisheries resources within the 12 nautical mile zone. That report concluded that the access regime is very stable and that it has continued to operate satisfactorily since 2002.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> Position of the European Parliament of 25 October 2012.

- (4) Rules in place restricting access to fisheries resources within the 12 nautical mile zone have had positive effects on conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities which are important for the social and economic development of certain coastal communities.
- (5) The derogation entered into force on 1 January 2003 and is to expire on 31 December 2012. Its validity should be extended pending the adoption of a new Regulation, based on the Commission proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy .
- (6) Regulation (EC) No 2371/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

In Article 17(2) of Regulation (EC) No 2371/2002, the first subparagraph is replaced by the following:

- "2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2014 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast. This shall be without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned."

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<sup>1</sup> OJ L 358, 31.12.2002, p. 59.

*Article 2*

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ,

*For the European Parliament*

*For the Council*

*The President*

*The President*