



Brussels, 14 July 2016
(OR. en)

11122/16

Interinstitutional File:
2012/0236 (COD)

PECHE 271
CODEC 1047

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	13745/12 PECHE 343 CODEC 2130 - COM(2012) 498 final
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (First reading) (Legislative deliberation) <ul style="list-style-type: none">- Confirmation of the final compromise text with a view to agreement- Decision to use the written procedure for political agreement

1. The European Commission submitted to the Council and to the European Parliament on 14 September 2012 the proposal in subject. The aim of the proposal was to amend the existing Regulation for a long-term plan for cod stocks from 2008¹ ("cod plan").
2. The European Economic and Social Committee adopted its opinion on 12 December 2012.²
3. On 19 December 2012, the Council decided to split the proposal in two parts³ and amended one part of the existing cod plan by Council Regulation (EU) No 1243/2012⁴.
4. The European Parliament adopted a position at first reading on 11 June 2013.⁵

¹ OJ L 348, 24.12.2008, p. 20.

² OJ C 44, 15.2.2013, p. 125.

³ Cf. doc. 17430/12 PECHE 528 CODEC 2934.

⁴ OJ L 352, 21.12.2012, p. 10.

⁵ Cf. doc. 10685/13 CODEC 1375 PECHE 251 PE 272.

5. On 1 December 2015 the Court of Justice annulled Council Regulation (EU) No 1243/2012 by considering that the proposal should have been adopted on the basis of Article 43(2) and not 43(3).⁶ However, the Court maintained the effects of that Regulation until the entry into force of a new Regulation based on Article 43(2) TFUE, at the latest by 31 December 2016.
6. The Working Party on Internal and External Fisheries Policy discussed possible options for a way forward and developed priorities in its meetings between 17 March and 7 April 2016. On 27 April 2016, the Permanent Representatives Committee gave a mandate to the Presidency to enter into negotiations with the European Parliament based on the position and priorities identified by the Working Party.⁷
7. On 7 June 2016, the European Parliament informed the Council about its revised negotiating position.⁸
8. After examination of the Parliament's revised position in the Working Party meetings of 9 and 16 June 2016, the Permanent Representatives Committee on 22 June 2016 revised the Presidency's mandate.⁹
9. Negotiations conducted in an informal political trilogue on 29 June 2016 were conclusive.
10. With a letter dated 13 July 2016, the Chair of the European Parliament's Committee on Fisheries informed the Chair of Coreper 1 that, should the Council transmit formally to the European Parliament its position as agreed, subject to legal-linguistic verification, he will recommend to the Plenary that the Council's position be accepted without amendments at Parliament's second reading.

⁶ Joined Cases C-124/13 and C-125/13.

⁷ Cf. doc. 8030/16 PECHE 142 CODEC 481 + ADD 1.

⁸ Cf. doc. 9742/16 PECHE 198 CODEC 805.

⁹ Cf. doc. 10391/16 PECHE 230 CODEC 908 + ADD1.

11. The adoption of the amendment in second reading to the cod plan is urgent, because the Court's judgement maintained the effects of the annulled Council Regulation only until end of 2016, and because certain fishing opportunities which are fixed annually will depend on the cod plan.
12. In view of this, the Permanent Representatives Committee is invited to:
- confirm the final compromise text, subject to a legal-linguistic review, as set out in doc.11123/16 **PECHE 272 CODEC 1048**; and to
 - decide on the use of the written procedure for the Council's political agreement (Article 12 of the Council's Rules of Procedure).
-