



Council of the
European Union

Brussels, 27 September 2017
(OR. en)

12582/17

PECHE 358
ENV 774

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: XXXVIth Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) (Hobart, Australia, 16-27 October 2017)
- Establishment of the position of the Union and its Member States

1. The European Union is a Contracting Party to the Convention on the Conservation of Antarctic Marine Living Resources (Convention)¹. The objective of the Convention is the conservation of Antarctic marine living resources. Apart from the Union and 12 Union Member States, 23 other States are Contracting Parties to the Convention.
2. The Convention established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The CCAMLR is, among others, responsible for the adoption of conservation measures designed to ensure the conservation of Antarctic marine living resources. Such measures may become binding upon the Union.

¹ See Council Decision 81/691/EEC.

3. On 24 June 2014, the Council adopted, in accordance with Article 218(9) TFEU, a decision on the position to be adopted, on behalf of the European Union, in the annual meetings of CCAMLR when that body is called upon to adopt decisions having legal effects in relation to matters pertaining to the Common Fisheries Policy (the "Framework Position"²). Article 2 and Annex II of the "Framework Position" set out the procedure for the purpose of the year-to-year specification of the Union position.
4. On 8 September 2017, the Commission submitted to the Council a non-paper for the purpose of the year-to-year specification of the Union position. That non-paper was supplemented by a series of draft proposals for adoption by the CCAMLR³.
5. The non-paper was examined by the Working Party for Internal and External Fisheries Policy on 21 September 2017⁴. The Union position on matters pertaining to the Common Fisheries Policy was endorsed on 21 September 2017 in accordance with Article 2 and Annex II of the Framework Position.
6. However, all delegations considered that the measures on the agenda of the annual meeting of CCAMLR which concern the establishment of the Marine Protected Area⁵ were preponderantly measures for the protection of the environment. As these measures fell outside the scope of the Framework Position, and fall in the area where the Union shares competence with the Member States, all delegations considered the relevant proposals must be submitted to the CCAMLR, or supported within the CCAMLR, on behalf of the Union and its Member States. On this basis, all delegations agreed with the content of the position as set out in doc. 12594/17 PECHE 359 ENV 775.

² Cf. doc. 10840/14 PECHE 307.

³ Cf. doc. 12017/17 PECHE 321.

⁴ Cf. doc. 12553/17 PECHE 356.

⁵ Proposal on the East Antarctic Marine Protected Area and related points in the non-paper.

7. The Commission representative reiterated their position that in their view the measures for the establishment of Marine Protected Areas fall under Union exclusive competence and that the Framework Position applies. The Commission would make a statement in this respect.
8. COREPER is therefore invited to suggest that the Council, at one of its forthcoming sessions, adopts the position set out in doc. 12594/17 PECHE 359 ENV 775⁶ insofar as it concerns the Union, and enters in the minutes the Commission's statement, to be set out in an addendum to this note.

⁶ The proposal is identical to the one in doc. 12017/17 PECHE 321.