



Council of the
European Union

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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading in view of the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area
– *Draft Statement of the Council's reasons*

I. INTRODUCTION

1. The Commission submitted the above proposal on 11 July 2014.
2. The Working Party on Internal and External Fisheries Policies discussed the proposal between 18 July 2014 and 8 January 2015, taking into consideration also Member States' written comments.¹
3. The European Economic and Social Committee adopted its opinion on 15 October 2014.²
4. The European Parliament adopted its first reading position on 13 January 2015, confirming the amendments voted previously by the Committee on Fisheries.
5. Based on a mandate that Coreper provided to the Presidency on 21 January 2015, the institutions held trilogue meetings on 2 and, based on an amended mandate, 26 March 2015. The compromise reached on that occasion was endorsed by Coreper on 8 May 2015.³ Subsequently, on 11 May 2015, the Chair of the European Parliament's Committee on Fisheries informed the Council that the European Parliament would approve, without amendments, in its second reading the Council's position that Council would adopt in accordance with the political agreement.
6. The Council reached a political agreement on 19 May 2015 on the revised text.

II. OBJECTIVE

7. The proposal aims at updating the Regulation (EU) No 1343/2011, by incorporating into Union law obligations resulting from conservation and control measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) between 2011 and 2014.

¹ Docs. 12682/14 PECHE 392 CODEC 1743 + ADD1 to ADD 8 and 14123/4/14 PECHE 458 CODEC 1993 REV 4.

² OJ C 12, 15.1.2015, p. 116.

³ Doc. 8180/15 PECHE 141 CODEC 564.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

A. General

8. The Council has introduced amendments to the proposal that aim, on the one hand, at an implementation of conservation measures as close as possible to the internationally agreed recommendations. The Council wants to ensure a level playing field in the Mediterranean fisheries policy. On the other hand, the amendments aim at simplifying and modernising the delegated decision-making.
9. The European Parliament voted 25 amendments that addressed similar concerns. As regards delegated decision-making, the Parliament approved the delegations of power to the Commission, but introduced safeguards for national measures that were taken in the meantime in order to comply with the international recommendations. The Council moved its position in order to meet a number of Parliament's amendments on the substance, and reformulated procedural provisions on delegated decision-making in order to find compromises.

B. Rules for the Black Sea and the Adriatic Sea

10. The Council amended the ban on coastal trawling in the Black Sea in order to allow specific derogations justified by particular circumstances that are listed in the relevant GFCM Recommendation. The Commission scrutinises the Member States' derogations.
11. As regards the protection measures for small pelagic species in the Adriatic Sea, the Council and the Parliament coincided in a technical amendment to the scope of the measure.

C. Exploitation of red coral

12. The Council met the Parliament's concern in listing the various transitional provisions for the phasing out of remotely operated under-water vehicles. As regards the application of derogations, the amended proposal foresees a delegated act developed through a regionalisation process, a concept introduced by the reform of the Common Fisheries Policy. In addition, the Parliament's concern of safeguarding national measures was reflected through a transitional mechanism.

D. Protection of non-targeted marine species

13. The Council's amendments largely coincided with those of the Parliament. They add a few practical elements to the avoidance of protected species and to their specific treatment if accidentally caught.

E. Recording and Reporting

14. The Council's amendments make a distinction between minimum information to be recorded by the fishermen, and aggregated statistical information that the Member States will provide to the GFCM.

IV. CONCLUSION

15. In establishing its position, the Council has taken full account of the Commission's proposal and of the European Parliament's position at first reading.
