



Council of the  
European Union

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### "I/A" ITEM NOTE

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

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Subject: Draft Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area **(first reading)**

- Adoption
- a) of the Council's position at first reading
- b) of the statement of the Council's reasons

= Statements

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### Statements by the Commission

#### Final date for use of ROVs

With regards to the final date of 31/12/2015, agreed by the European Parliament and the Council for authorised use of Remotely Operated underwater Vehicles (so called "ROVs") for observation and prospection of red coral, the Commission takes note of the decision of the co-legislators to interpret the words "until 2015" in paragraph a) of recommendation GFCM/35/2011/2, as "until 31 December 2015", thus deviating substantially from the Commission's proposal to consider only the time period before 2015, until 31 December 2014.

Having already stressed that, by their nature, derogations can only be temporary, the Commission recalls that also the FAO Legal Service had expressed the view that only the time limit before 2015 should be considered. In the light of this, the Commission will assess if appropriate initiatives need to be taken in order to clarify the Union's position on the issue of ROVs within the GFCM.

#### Transitional national measures

The Commission takes note of the decision of the European Parliament and the Council to allow Member States to keep existing derogations related to red coral harvesting without any time limit, and to provide for new derogations to be granted during a transitional period again without clear cut-off date.

The Commission considers that, by their nature, derogations and/or transitional measures can only be temporary and that the unlimited exceptional regimes agreed between the co-legislators may put the Union in a position where it is not able to ensure that its international obligations towards the GFCM are fully respected.

In the event that the above mentioned risks should materialize, the Commission will submit proposals for appropriate measures in accordance with the relevant provisions of the Treaty.

In any event, the Commission emphasises that any decision in this case will not prejudice the Commission position in relation to other rules on derogations and/or transitional regimes.