



Council of the
European Union

Brussels, 4 December 2015
(OR. en)

14712/15

PECHE 452
ENV 750

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	ST 14711/15 PECHE 451 ENV 749
Subject:	Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MoU), Preparation of the Second Meeting of the Signatories (San José, Costa Rica, 15-19 February 2016) - Approval of the position of the European Union and its Member States

1. Belgium, Denmark, the European Union, Germany, Italy, the Netherlands, Romania, Sweden and the United Kingdom are Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks. The Sharks MoU is a non-legally binding multilateral instrument, signed in November 2011 and is related to the Convention on the Conservation of Migratory Species of Wild Animals.

2. The second meeting of the Signatories will take place in San José, Costa Rica, 15-19 February 2016¹. In preparation of this meeting, and notably to meet the deadline of 15 December 2015 for the Signatories to propose amendments to the text of the Sharks MoU, the Commission services submitted a non-paper of 16 November 2015² to the Council.

¹ The first meeting took place in Bonn, Germany, on 24-27 September 2012.

² Cf. doc. 13776/15 PECHE 415.

3. The Working Party on Internal and External Fishery Policy examined the non-paper at its meetings on 18, 26 November and 3 December 2015. At the latter meeting, the Presidency concluded that the Working Party had reached an agreement on the position of the EU and its Member States on the basis of a Presidency discussion document³, the German delegation noting that the position paper could still be improved in respect of the language on *national reporting* (point 1.7) and *expression of the position of the EU and its Member States during the meeting and voting* (point 2.1).

4. The Commission representative recalled that the Commission maintained its position that the MoU Sharks falls under exclusive EU competence and, as a consequence, also the ad hoc voting arrangements. The Commission will enter a statement in the minutes of the Council in this regard.

5. Consequently, COREPER is invited to confirm the agreement reached at the level of the Working Party and to suggest that the Council:

- approves the position of the EU and its Member States as set out in doc. 14711/2/15 REV 2 PECHE 451 ENV 749⁴,
- enters the statement in the minutes of the meeting.

³ Cf. doc. 14711/1/15 REV 1 PECHE 451 ENV 749.

⁴ The addendum to doc. 14711/2/15 REV 2 PECHE 451 ENV 749 sets out how these positions would be reflected in the English texts which are under discussion in the context of the second meeting of the Signatories to the Sharks MoU.