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To:	Working Party on Internal Fisheries Policy
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (recast) - Opinion of the Consultative Working Party of Legal Services

Delegations will find attached the opinion of the Consultative Working Party of Legal Services regarding the above mentioned subject.



Brussels, 17 DEC. 2015

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

Proposal for a Regulation of the European Parliament and of the Council concerning the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (recast)

COM(2015) 294 final of 18.6.2015 - 2015/0133 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 21 October and 12 November 2015 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. In the first citation, the indication '(2)' should have been presented between adaptation arrows together with the article number 43.

2. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- the proposed deletion of recitals 8, 9, 10, 19, 21 and 23 of Regulation (EC) No 199/2008;

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in recital 24, the proposed replacements of the word '*transmitted*' with the words '*made available*', of the word '*end*' with '*data*' and of the words '*the scientific community*' with '*all data user*', and the proposed adding of the words '*without restrictions*';
- in recital 25, the proposed replacements of the word '*Managing*' with the words '*Scientific advice to*' and of the words '*specific issues*' with the words '*the needs of fisheries managers*', as well as the word '*managements*' (having been presented between adaptation arrows) and the entire wording of the third sentence (already marked with 'double strikethrough');
- in Article 3(c), the proposed deletion of the final words '*for recreation or sport*';
- in Article 3(d), the proposed replacement of the reference currently made to '*Annex I to Council Decision 2004/585/EC*' with a new reference to '*article 4(2) of Regulation (EU) No 1380/2013*', and the proposed adding of the final words '*or an area defined in the implementing act mentioned under the Article 5(6)*';
- the proposed deletion of point (j) of Article 2 of Regulation (EC) No 199/2008;
- in Article 9(3) of the draft recast text, the proposed deletion of the final words '*and the evaluation of costs carried out by its services*';
- the entire text of Article 10(1), second and third sentence;
- the proposed deletion of point (c) of Article 7(3) of Regulation (EC) No 199/2008;
- the entire text of Article 11(1) of the draft recast text;
- the proposed deletion of paragraphs 1, 2 and 4 of Article 11 of Regulation (EC) No 199/2008;
- in Article 11(2) of the draft recast text, the proposed replacement of the words '*samplers operating under the at-sea monitoring scheme and designated by the body in charge of the implementation of the national programme*' with the words '*scientific observers*';
- the proposed deletion of Article 12 of Regulation (EC) No 199/2008;
- in Article 13(2)(c) of the draft recast text, the proposed adding of the final words '*and Regional Co-ordination Groups as referred to in Article 8*';
- in the title and in paragraphs 2 and 3 of Article 19, the proposed replacement of the word '*end*' with the word '*data*';
- in the introductory wording of Article 19(1), the proposed replacement of the words '*The end users of data*' with the words '*Data users*';
- in Article 21(1), the proposed adding of the words '*the quality, timeliness and coverage of data enabling further improvement of*';
- the proposed deletion of Article 25 of Regulation (EC) No 199/2008;
- the entire text of Article 24 of the draft recast act.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.


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