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INFORMATION NOTE

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

Subject: **ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING**
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004
- Outcome of the European Parliament's second reading
(Strasbourg, 5 to 8 July 2021)

I. VOTE

On 6 July 2021, the President of the European Parliament declared the Council's position¹ at first reading approved without amendments.

The text of the European Parliament's legislative resolution is annexed to this note.

¹ 6975/3/21 REV 3

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading without amendments, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294(7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act will be published in the *Official Journal of the European Union*.

P9_TA(2021)0325

European Maritime, Fisheries and Aquaculture Fund *II**

European Parliament legislative resolution of 6 July 2021 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (06975/3/2021 – C9-0224/2021 – 2018/0210(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06975/3/2021 – C9-0224/2021),
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018²,
 - having regard to the opinion of the Committee of the Regions of 16 May 2018³,
 - having regard to its position at first reading⁴ on the Commission proposal to Parliament and the Council (COM(2018)0390),
 - having regard to Article 294(7) and Article 42, Article 43(2), Article 91(1), Article 100(2), Article 173(3), Article 175, Article 188, Article 192(1), Article 194(2), Article 195(2) and Article 349 of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Fisheries (A9-0222/2021),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;

² OJ C 110, 22.3.2019, p. 104.

³ OJ C 361, 5.10.2018, p. 9.

⁴ OJ C 116, 31.3.2021, p. 81.

3. Takes note of the joint statement by the Council and the Commission as well as the Commission statements annexed to this resolution;
4. Notes that the act is adopted in accordance with the Council position;
5. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Joint Statement by the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission recognise the need to urgently advance action on the protection and conservation of marine and coastal ecosystems and biodiversity. The three institutions agree that tackling biodiversity loss, protecting and restoring ecosystems and/or maintaining them in good condition will require significant public and private investment at national and European level and that a significant proportion of the EMFAF expenditures should be invested in biodiversity. The three institutions agree that the Commission will work with Member States, in the context of the programming exercise for the EMFAF 2021-2027, to reach the overall ambition of biodiversity spending highlighted in recital 15.

Joint Statement by the Council and the Commission

The Council and the Commission remain committed to trying to avoid an interruption of fishing activities under Sustainable Fisheries Partnership Agreements by striving towards the timely renewal of Sustainable Fisheries Partnership Agreements and their implementing Protocols.

Statement by the Commission

The Commission has accepted the eligibility of investments on board related to fisheries control and enforcement, be they mandatory or not, and for all Union fishing vessels. The Commission considers that these investments will enable Member States to make full use of the financial resources available in the EMFAF for control and enforcement, to fulfil their obligations under the Control Regulation and other rules of the Common Fisheries Policy and to substantially improve the culture of compliance in the fishing sector. Moreover, the Commission expects that – in the context of the ongoing review of the Control Regulation – the European Parliament and the Council will support the modernisation of the existing control tools and the use of new technologies as proposed by the Commission. This means in particular introducing smart solutions for the tracking and catch reporting of small-scale vessels, installing systems for the continuous monitoring of engine power, moving to fully digitised traceability systems covering all fishery products (fresh, frozen and processed), and introducing mandatory remote electronic monitoring systems on board fishing vessels and based on risk assessment, as the only effective means to control the application of the landing obligation and the bycatch and discard of sensitive species.

Statement by the Commission

The Commission takes note of the difficulties encountered up to now to grant state aid for the renewal of the fleets in the outermost regions. With a view to the sustainable development of those regions, the Commission will endeavour to assist the Member States to improve the collection of scientific data necessary to comply with the eligibility condition set in the State aid guidelines with a view to facilitating the application of the guidelines for the examination of State aid to the fishery and aquaculture sector in the Outermost Regions.

Statement by the Commission

The Commission, in the context of the programming exercise for the EMFAF 2021-2027, will actively encourage Member States to maximise the use of measures included in their programmes, in particular under Article 25 (protection of biodiversity and ecosystems), to reach the overall ambition of providing an annual spending under the MFF to tackle biodiversity loss, protect and restore ecosystems and maintain ecosystems in good conditions as follows: 7,5 % of annual spending under the MFF to biodiversity objectives in the year 2024 and 10 % of annual spending under the MFF to biodiversity objectives in 2026 and 2027. The Commission will regularly monitor the level of this spending on the basis of the total eligible expenditure declared by the beneficiaries to the managing authority and on data submitted by the Member State. Where the monitoring shows insufficient progress towards reaching the overall ambition, the Commission will actively engage with Member States in the annual review meeting in order to adopt remedial measures, including a programme amendment.