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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the sustainable management of external fishing fleets, and
repealing Council Regulation (EC) No 1006/2008
- Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 11 December 2015, the Commission submitted a proposal to the European Parliament and to the Council for a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets¹, repealing Council Regulation (EC) No 1006/2008². The proposal envisages an overhaul of the authorisation regime for Union fishing vessels to fish outside Union waters, and for third country vessels to fish inside Union waters.
2. Following an in-depth examination of the proposal by the Working Party on Internal and External Fisheries Policy, the Council agreed on a general approach³ on 28 June 2016.
3. On 1 March 2016, the Committee of the Regions decided not to issue an opinion.
4. On 25 May 2016, the European Economic and Social Committee adopted its opinion.⁴
5. On 2 February 2017, the European Parliament adopted its legislative report containing the first reading position⁵.
6. Between February and early March 2017, the Working Party on Internal and External Fisheries Policy examined the set of amendments contained in the European Parliament's legislative report, and on 8 March 2017 COREPER established a mandate⁶ for negotiations with the EP.

¹ Cf. doc. 15262/1/15 REV 1 PECHE 481 CODEC 1773.

² Cf. Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94, OJ L 286, 29.10.2008, p. 33.

³ Cf. doc. 10143/16 PECHE 217 CODEC 868.

⁴ OJ C 2016, 19.08.2016, p.116

⁵ Cf. doc. 5866/17 PECHE 44 CODEC 141 PE 4.

⁶ Cf. doc. 6304/2/17 REV 2 PECHE 58 CODEC 211.

7. After informal trilogues held on 27 April, 30 May and 20 June 2017, COREPER was informed that a provisional agreement had been reached with the EP.
8. By letter dated 14 July 2017, the Chair of the European Parliament's Committee on Fisheries informed the President of COREPER I that, should the Council transmit formally to the European Parliament its position as agreed, subject to legal-linguistic review, it will recommend to the Plenary that the Council's position be accepted without amendments at Parliament's second reading.
9. On 19 July 2017, COREPER confirmed the final compromise text with a view to an agreement⁷ and on 25 September 2017 the text received the Council's political agreement⁸.

II. OBJECTIVE

10. The aim of the proposal was to update the existing Regulation on the External Fishing Fleet in accordance with the 2013 reform of the Common Fisheries Policy (CFP), notably by improving the authorization regime for Union fishing vessels to fish outside Union waters, and for third country vessels to fish inside Union waters. In addition to clarifying and simplifying the existing rules, and making them more consistent with key legislation adopted in the meantime, the proposal intends to broaden the scope of the existing Regulation to other related aspects such as direct licences obtained from third countries, reflagging, chartering, and to improve monitoring and transparency. It is therefore expected that this set of updated rules constitutes an enhanced tool to fight against illegal, unreported and unregulated fishing (IUU).

⁷ Cf. doc. 10550/17 PECHE 263 CODEC 1108.

⁸ Cf. doc. 11583/17 PECHE 306 CODEC 1298.

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

A. General

11. The Council's position largely endorses the Commission's proposal with respect to updating the fishing authorisation regime, simplifying reporting obligations and increasing transparency. However, the Council harmonised the authorisation procedures to decrease their complexity, reduce related administrative burdens and avoid disproportionate measures.
12. In addition, the three institutions saw merit in providing for a single fishing authorization for vessels fishing only in EU waters with no additional conditionality for authorisations to EU vessels fishing outside EU waters connected to previous serious infringements (Article 5 of the Council's position), as Union law already requires appropriate sanctions in case of such infringements. This approach was considered to be more in line with the Control Regulation.
13. With regard to further changes to the Commission proposal, the Council builds on amendments suggested by the Parliament, notably with respect to "monitoring fishing authorisations" (amendment 32) and when ensuring that planned fishing activities are in accordance with a scientific evaluation (amendments 49 and 57). Also, the Council agrees to further clarify and limit the delegation of powers already foreseen in the Commission proposal based on an amendment proposed by the Parliament (amendment 73).

B. Particular Elements

14. Of particular concern for the three institutions were provisions added as a result of the CFP reform such as "reflagging". This Regulation should ensure that fishing vessels that had left the Union fishing fleet, were subsequently reflagged by a third country, and then returned to the Union fishing fleet later on, had not been involved in IUU fishing or fished under the flag of an IUU non-cooperating country. The Council maintained that a vessel is not eligible for authorization when it had continued to fish in the third country's fishing fleet after that third country was listed as allowing non-sustainable fishing or as a non-cooperating country in fighting IUU fishing pursuant to Article 33 of Council Regulation (EC) No 1005/2008, but not where the third country was only identified as a non-cooperating country in fighting IUU fishing. However, in order to cater for the Parliament's concerns, the Council agreed that a vessel should also not be eligible for authorisation when it continued to fish in the third country's fishing fleet after six weeks from the decision identifying that third country as a non-cooperating country in fighting IUU fishing, except where the Council has decided not to list that third country as such (Article 6 (2) (d) of the Council's position).
15. In the course of the discussions with the Parliament and the Commission, the Council furthermore accepted to include information requirements concerning transshipments under direct authorisations and on the high seas. It was also agreed to include a requirement for prior notification to the flag Member State for these transshipment operations (new Article 26a of the Council's position).
16. Finally, the Council agreed on establishing a Union database for fishing authorisations issued under this Regulation (Article 39 of the Council's position) that will be composed of a public part and a secure part, thus ensuring a better balance between transparency and control, and securing protection of personal data.

IV. CONCLUSION

17. 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.