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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency - Outcome of the European Parliament's first reading (Strasbourg, 4 to 7 July 2016)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure [1], a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

[1] OJ C 145, 30.6.2007, p. 5.

In this context, the four political groups, EPP, S&D, ECR and ALDE, presented one compromise amendment (amendment 1), on behalf of the Committee on Fisheries. This amendment had been agreed during the informal contacts referred to above.

II. VOTE

When it voted on 6 July 2016, the plenary adopted the compromise amendment (amendment 1) to the proposal for a Regulation.

The Commission's proposal as thus amended and the legislative resolution constitute the European Parliament's position at first reading. It reflects what had been previously agreed between the three institutions.

The Council should therefore be in a position to approve the position of the European Parliament, once the Legal / Linguistic Experts have examined the text. The legislative act would then be adopted in the wording which corresponds to the position of the Parliament at first reading [2].

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[2] The text of the amendment adopted and the European Parliament's legislative resolution are set out in the Annex. The amendment is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in ***bold and italics***. The symbol " ▌ " indicates deleted text.

Community Fisheries Control Agency ***I

European Parliament legislative resolution of 6 July 2016 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency (COM(2015)0669 – C8-0406/2015 – 2015/0308(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2015)0669),

– having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0406/2015),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 25 May 2016[3],

– having regard to Rules 59 and 50(1) of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries (A8-0068/2016),

1. Adopts its position at first reading, hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[3] Not yet published in the Official Journal.

P8_TC1-COD(2015)0308

Position of the European Parliament adopted at first reading on 6 July 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 (2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[4],

Acting in accordance with the ordinary legislative procedure[5],

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* TEXT HAS NOT YET UNDERGONE LEGAL-LINGUISTIC FINALISATION.

4 Opinion of 25 May 2016 (not yet published in the Official Journal).

5 Position of the European Parliament of 6 July 2016.

Whereas:

(1) National authorities carrying out coastguard functions are responsible for a wide range of missions, including but not limited to maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection.

(2) The European Border and Coast Guard Agency established by Regulation XX/XX[6], the European Fisheries Control Agency and the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and the European Council[7] support the national authorities in the exercise of most of these functions.

(3) They should therefore strengthen their cooperation with each other and with those national authorities carrying out coastguard functions in order to increase the maritime situational awareness and to support coherent and cost-efficient action.

(4) Regulation (EC) No 768/2005 should therefore be amended accordingly,

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6 Regulation XX/XX of the European Parliament and of the Council of XX etc

7 Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p.1).

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 768/2005 is hereby amended as follows:

(1) In Article 3, the following point is inserted:

"(j) to cooperate with the European Border and Coast Guard Agency and the European Maritime Safety Agency***, each within their mandate,*** to support the national authorities carrying out coastguard functions***, as set out in Article 7a,*** by providing services, information, equipment and training as well as by coordinating multipurpose operations."

(2) The following Article 7a is inserted:

"Article 7a

European cooperation on coastguard functions

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency and the European Maritime Safety Agency, support national authorities carrying out coastguard functions at national and Union level, and where appropriate at international level by:

(a) sharing***, fusing and analysing*** information ▌ available in ship reporting systems and other information systems hosted by or accessible to the Agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform ▌;

(c) capacity building by elaborating guidelines, recommendations and best practices as well as by ***providing*** training and exchange of staff ▌;

(ca) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;

(d) capacity sharing ***by*** planning and implementation of multipurpose operations and the sharing of assets and other capabilities***, to the extent those are coordinated by the agencies and with the agreement of the competent authorities of the Member States concerned***.

2. The modalities of the cooperation on coastguard functions of the European Fisheries Control Agency with the European Border and Coast Guard Agency and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with ***their respective mandates and*** the financial rules applicable to the Agencies. ***Such arrangement shall be approved by the Management Board of the European Border and Coast Guard Agency and the Administrative Boards of the European Maritime Safety Agency and the European Fisheries Control Agency.***

3. The Commission ***shall, in close cooperation with the Member States, the European Border and Coast Guard Agency, the European Maritime Safety Agency and the European Fisheries Control Agency, make available*** a practical handbook on European cooperation on coastguard functions, containing guidelines, recommendations and best practices for the exchange of information ▌. ***The Commission shall adopt the handbook in the form of a recommendation.***"

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

For the European Parliament	*For the Council*
The President	*The President*