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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 8 and 9 October 2020
To: Delegations

Subject: Working Party on Internal and External Fisheries Policy:
I. Autonomous Tariff Quotas 2021-2023
II. EU-Greenland
III. ICCAT
IV. NAFO
V. EU - United Kingdom - Norway Fisheries Agreement
VI. SIOFA
VII. European Maritime and Fisheries Fund (EMFF)
VIII. EU-Liberia
IX. Fisheries Control Regulation

I. Proposal for a Council Regulation opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the 2021-2023 period

– *Examination of the revised Presidency compromise*

1. The Working Party examined the revised Presidency compromise contained in doc. 10751/20. Whilst most provisions were supported by delegations, views diverged on some tariff quotas:

- for tuna loins (order no. 09.2790), IT and PT considered insufficient the 35 000 t proposed, FR supported the Commission's proposal (30 000 t) and IE favoured a reduction;

- for whole flatfish (order no. 09.2503), BE and DK opposed the introduction of an additional tariff quota but NL and PL supported it;
 - for herrings in brine (order no. 09.2792), whilst welcoming the introduction of this additional tariff quota, SE considered the proposed 5 000 t to be insufficient and the 10% duty rate to be too high. It requested 12 000 t at 5%;
 - for hard fish roes (order nos 09.2748 and 09.2750), SE requested the introduction of CN codes 1604 20 90 and 1604 32 00.
2. Amongst other issues raised, some related to requests for increased quotas (shrimps and prawns, Alaska pollack, cod and chub mackerel), some to requests for additional quotas (Atlantic salmon), some to requests for the removal of additional quotas (crayfish tails and dogfish) and others to requests for the reversal of proposed increases (shrimps and prawns).
3. The Presidency concluded that, given the outstanding issues, the dossier would be submitted to the Permanent Representatives Committee.

II. EU-Greenland

- *Update on the state of play of negotiations*
- 1. The Commission representative updated on the state of play of the negotiations with Greenland. She informed that she had proposed to Greenland's chief negotiator to resume negotiations and discuss the quotas for each stock separately, but that Greenland insisted on a general reduction of quotas for all stocks. The Commission representative noted that the current protocol expires on 31 December 2020 and that there will necessarily be an interruption, even if negotiations resume quickly. She mentioned that an agreement on quotas was the only outstanding issue in the negotiations and that a technical meeting with national experts will be organised once dates for further negotiations are set.
- 2. DK thanked the Commission for all efforts taken, stressed that it had urged both parties to return to the negotiating table and inquired which quotas were of particular concern for Greenland. FR and EE stressed the importance of the agreement for the EU and called for a fast resumption of negotiations.
- 3. The Commission representative responded that Greenland had indicated that shrimps and halibut were more sensitive than other stocks. She explained that she had mentioned to Greenland that EU vessels landing fish in Greenlandic ports positively contributed to the local economy.
- 4. The Presidency concluded that the Working Party had been informed about the state of play of negotiations. She requested the Commission representative to provide an update soon, including on the technical meeting to be organised with experts from the Member States.

III. ICCAT decision-making process for 2020

- *Preparation of the ICCAT negotiation through correspondence*
- 1. The Commission representative presented the non-paper regarding different stocks, compliance and governance, as set out in doc. 11409/20.
- 2. CY and HR supported the Commission approach. BE and DK had a scrutiny reservation. Other delegations while supporting in principle the non-paper had some comments
 - on eastern Bluefin tuna, ES could accept a roll-over of the TAC for 2021 but not for 2022.
 - on western Bluefin tuna, FR disagreed with the statement made by the Commission concerning the lack of coherence between the management objectives for the western and eastern stocks.
 - on Mediterranean swordfish, EL while agreeing with the roll-over for 2021, requested that measures to address under-reporting would be raised.
 - on northern albacore, FR informed that written comments would be sent concerning the Harvest Control Rules.
 - on north shortfin mako, ES could accept the Commission approach in particular, on the retention ban so as to avoid discards; DK, IE, NL and SE insisted on the need to have a EU proposal based on scientific advice; several delegations, recalling that the issue was sensitive and had gone through difficult negotiations in 2019, requested further clarification on the position that the EU would take during the negotiations.
 - on tropical tunas, FR requested that the non-paper clarified that the TAC for bigeye would not be decreased for the European Union.

- on governance, delegations, while supporting in principle the non-paper approach, requested full transparency through all the negotiation process with the UK.
- 3. The Commission representative took note of the delegations interventions and proposed to revise the non-paper taking into account their oral requests and their written comments.
- 4. The Presidency concluded that the Working Party had taken note of the Commission non-paper and that clarifications were requested to the Commission. Delegations were invited to submit written comments by 12 October. The Working Party would revert to this agenda item at the upcoming Working Party on 13 October with the aim to endorse the EU position.

IV. Annual meeting of the Northwest Atlantic Fisheries Organization (NAFO), 21-25 September 2020

- *Debriefing of the annual meeting*
- 1. The Commission representative debriefed the Working Party on NAFO's 42nd annual meeting, which was held by videoconference and brought very good results, despite the difficult situation regarding cod in division 3M.
- 2. Delegations that intervened (EE, ES, FR, PT, LT and LV) expressed appreciation for the Commission's efforts.
- 3. The Presidency concluded that the Working Party had taken note of the debrief given by the Commission.

V. Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of the Fisheries Agreement with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Norway

– *Examination of the recommendation*

1. The Commission representative presented the above Recommendation¹ that aims at concluding a framework agreement for the six stocks (herring, cod, haddock, whiting, plaice and saithe) that are trilaterally shared in waters of the EU, the United Kingdom and the Kingdom of Norway in the North Sea. He highlighted that the mandate was drafted in a similar way to the one granted for the bilateral negotiations on a future bilateral Fisheries Agreement with the United Kingdom that are currently ongoing. He also explained that a bilateral agreement with the Kingdom of Norway would continue to exist for stocks that occur exclusively in waters of the EU and the Kingdom of Norway.
2. Delegations that intervened (AT, BE, DK, EE, ES, FR, IE, NL, PT and SE) entered a scrutiny reservation. Several delegations questioned how this Agreement will interact with the existing EU-Norway Agreement and the future EU-UK Agreement and wondered if this can be in place for the fisheries consultation for 2021. IE made drafting suggestions to align the language to traditional fisheries agreements. FR insisted that these stocks are politically very sensitive and inquired why delegations have not been consulted prior to tabling this Recommendation. EE proposed to limit the scope as to avoid any interference with the NEAF Convention.
3. DK and NL entered parliamentary scrutiny reservations.

¹ Cf. doc. 11418/20 + COR 1 and 11418/20 ADD 1 + COR 1

4. In reply to delegations, the Commission representative reiterated that this trilateral Agreement would exist in parallel to bilateral agreements between the EU and the United Kingdom and between the EU and the Kingdom of Norway, limited to the stocks concerned. He further said that negotiations with the concerned parties would only start when strategically sensible given the ongoing negotiations on the Withdrawal Agreement with the United Kingdom. He outlined that it was the intention to have the Agreement in place on time to allow for consultations for the fishing opportunities for 2021.
5. The Presidency concluded that the Working Party had examined the Commission Recommendation. She invited delegations to submit written comments by Friday, 16 October 2020, and said that the Working Party would revert to this matter in a future meeting.

VI. 7th Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA), 17-20 November 2020 (virtual)

– *Preparation of the meeting*

1. The Commission representative presented a non-paper setting out its suggested approach for the SIOFA annual meeting and draft EU proposals².
2. ES and FR intervened, in a manner broadly supportive of the Commission's approach.
3. The Presidency concluded that the Working Party had prepared the SIOFA annual meeting and that delegations endorsed the Commission's non-paper and draft EU proposals.

² Doc. 11403/20 + ADD 1.

VII. Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council (EMFF)

- *Alignment to MFF - Examination of Presidency's compromise*
 1. The Presidency presented its compromise³ to align the EMFF figures following the political guidelines received from EUCO, and informed delegations that no changes had been made since the previous examination in the Working Party of 23 September.
 2. Although a number of delegations would have preferred a more gradual increase in the yearly allocations in Annex V, delegations broadly supported the Presidency's compromise, with the exception of AT. A few delegations also requested to change the allocation key between Member States in Annex V.
 3. The Commission representative explained that the allocation key between Member States is the same as the one used in the current programming period.
 4. The Presidency concluded that there was broad support for the compromise, and that the file would be further handled as a I/A point in Coreper and the October AGRIFISH Council.
- *Debrief of the political trilogue held on 24 September 2020 and of the technical interinstitutional meeting held on 6 October 2020*
 1. The Presidency debriefed the Working Party of the above-mentioned meetings, which focused on Block 2 for the political trilogue, and on blocks 3 and 5 (excluding discussions on financial aspects) concerning the technical interinstitutional meeting. For block 2, she highlighted that Coreper had already received a comprehensive debrief on 30 September. As regards Block 3 and block 5, the Presidency gave a detailed summary of the remaining open political and technical points, in particular asking delegations to reflect on potential flexibility for specific issues, for instance on the percentage of financial resources for technical assistance, which would be taken up in the upcoming revised mandate.

³ Doc. 9508/1/20 REV 1

2. The Commission representative concurred with the Presidency's debriefing, and explained why flexibility from delegations is required to increase the percentage of financial resources under technical assistance.
3. The Presidency concluded that the Working Party had taken note of the debrief of the above-mentioned meetings.

– *Examination of the draft revised mandate*

1. The Presidency presented the draft revised mandate⁴.
2. Delegations raised a number of issues, in particular pertaining to Block 2 on fleet measures.
3. The Commission representative welcomed the uptake of the Commission's alternative drafting as the basis for discussions, but emphasised the package-approach of this drafting. She also outlined a couple of concerns, notably on the number of years required to comply with admissibility conditions.
4. The Presidency concluded that a revised version would be circulated ahead of the next Working Party meeting.

– *Types of interventions - Examination*

1. The Commission representative presented a revised list of interventions⁵, based on comments received from delegations during expert meetings held before the summer.
2. The main requests from delegations consist of the merging of interventions under technical assistance and increasing the coefficient rates for intervention number 2. Questions were also raised on the classification of specific projects into the proposed list of types of interventions.

⁴ Doc. 11416/20

⁵ Doc. 5246/1/20 REV 1

3. The Commission representative invited delegations to submit their questions in written, in order for discussions to continue bilaterally.
4. The Presidency concluded that the Working Party would revert to the matter at a forthcoming meeting, once bilateral discussions between the Commission and delegations have clarified the questions raised.

VIII. Recommendation for a Council Decision authorising the opening of negotiations on behalf of the European Union for the conclusion of a protocol to the Sustainable Fisheries Partnership Agreement with the Government of the Republic of Liberia

– *Examination of the recommendation*

1. The Commission representative presented the Recommendation and informed the Working Party that Liberia had a IUU yellow-card since 2017. He also informed that the political dialogue on IUU with Liberia was still ongoing. He explained that the intention of the Commission was to open negotiation when the IUU yellow card would be lifted.
2. The Council Legal Service representative mentioned that some change might be needed to align the text with the standard wording of Council decisions authorising the opening of negotiations on behalf of the European Union for sustainable fisheries partnership agreements, and suggested the addition of article 43 TFEU as a substantive legal basis.
3. Taking into account the intervention of the Council Legal Service, the Commission representative stated that the Commission would present a revised text for the Recommendation. . As the Protocol expires on 8 December 2020, ES and FR highlighted that it would be important to prevent any interruption in the fishing activities. ES requested if an extension of the current agreement for one year could be envisaged.

5. DK entered Parliamentary and a general scrutiny reservation and asked to the Commission when the IUU yellow card could expected to be removed.
6. The Commission representative said that no extension of the Protocol was envisaged. He also informed DK that the dialogue on IUU was progressing but that there was no closed calendar.
7. The Presidency concluded that the Working Party had examined the Recommendation and that the Commission and the CLS would draft together the reference to IUU in the negotiating directives so that the opening of the negotiations would not be conditioned by the lifting of the yellow-card. The new drafting would be examined by the Working Party at the end of October 2020.

IX. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulations (EU) No 2016/1139 and (EU) 2017/2403 of the European Parliament and of the Council as regards fisheries control

– *Examination of the revised Presidency compromise for blocks 1, 2 and part of block 3*

1. The Working Party examined the revised Presidency compromise (doc. WK 10304/2020 INIT).
2. Several delegations provided detailed comments and drafting suggestions and expressed their willingness to send them in written form in a short time. A few delegations stated that they could not entirely support the compromise because either they needed more time to analyse and discuss individual provisions of the compromise or because their specific concerns had not been sufficiently addressed. Some delegations overall supported the text.

3. The Presidency concluded that delegations are invited to send written comments by 14 October and that the revised Presidency compromise would be examined, probably, at Working Party of 28-29 October.
