



Brussels, 16 November 2022
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LIMITE

PECHE 375

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

Subject: Working Party on Fisheries Policy of 6 October 2022

- I. Access to Waters
 - II. Mauritania SFPA
 - III. Seychelles SFPA
 - IV. Coastal states: consultations for 2023
 - V. Coastal states: sharing arrangement for mackerel
 - VI. EU-UK, EU-NO, EU-UK-NO
 - VII. TAC amendment for MAC/2A4A-N
 - VIII. AOB: ClientEarth court case
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DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (29.09.2023)

I. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions to the access to Union waters

- *Confirmation of the final compromise text with a view to agreement*
- 1. The Presidency debriefed Delegations on the outcome of the political trilogue, which took place on 29 September 2022, and noted that the three amendments proposed by the Council had been accepted without any changes as part of the final draft agreement. The Presidency extended its thanks to Delegations for the flexibilities granted in the revised

mandate (ST 12691/22), which paved the way for an agreement on this important co-decision file. The Presidency also elaborated on the European Parliament proposals which had been accepted and on the two statements by the Commission and jointly by the Commission and the EP which had been agreed during the trilogue. The text would be adopted by both EP and Council after translation and lawyer-linguist revision and published in time for entry into force on 1 January 2023. The letter to the EP would be submitted to the PECH Committee Chair who is also the EP Rapporteur on this file.

2. The Commission expressed its support for the political agreement found at the trilogue.
3. Many Delegations thanked the Presidency for defending the Council position and congratulated on the successful conclusion of the trilogue. **DELETED**
4. The Presidency thanked Delegations for the broad support and concluded that the Working Party on Fisheries Policy had examined the draft political agreement which would be submitted to the Committee of the Permanent Representatives for approval.

II. EU-Mauritania SFPA: Steps for the validation of the small pelagics management plan

- Information by the Commission

1. The Commission representative updated the Working Party on the management plan, which will enable a new zone to be opened for pelagic stocks and will be validated by the EU-Mauritania joint committee, by exchange of letters, within days. The joint committee will next meet in Brussels in December 2022, he said.
2. One delegation intervened to highlight the importance of the plan.
3. The Presidency concluded that the Working Party had taken note of the information provided by the Commission.

III. EU-Seychelles SFPA: Third Joint Committee meeting (12-14 October 2022, Brussels)

- *Preparation*
 1. The Commission representative briefed the Working Party ahead of the joint committee meeting, which is expected to be relatively uncontentious. He called on member states wishing to participate in the meeting to contact the Commission.
 2. One delegation intervened to emphasise a specific issue, announcing that it would participate.
 3. The Presidency concluded that the Working Party had prepared the joint committee meeting.

IV. Coastal states consultations for 2023 (mackerel, blue whiting, Atlanto-Scandian herring, monitoring, control and surveillance)

- *Preparation*
 1. The Commission representative presented the Commission's non-paper on consultations on coastal States fishing arrangements and control measures for pelagic stocks in the North-East Atlantic for 2023 (doc 13013/22).
 2. Several delegations intervened to provide preliminary comments only, as the time to analyse the non-paper was short.
 3. In response to questions raised by some delegations, the Commission representative further explained the proposed approach for the TAC for blue whiting and on negotiating the setting of a TAC for mackerel and a relevant sharing arrangement separately. He proposed to have further technical discussions on individual elements of the non-paper.

4. The Presidency concluded that the Working Party had examined the Commission's non-paper set out in doc 13013/22 and asked delegations to provide written comments by Friday 7 October, close of business, in order to allow for the preparation of a Presidency compromise in the following week.

V. Coastal states consultations on a sharing arrangement for mackerel

- *Debriefing by the Commission*

1. The Commission representative debriefed the Working Party on the latest rounds of coastal states consultations on a sharing arrangement for mackerel (in London on 13-14 September and Reykjavik on 26-29 September). Noting that the consultations would likely continue until at least the end of 2022, he suggested that a technical meeting be held to reflect on elements that the EU could bring to the discussions.
2. A number of delegations intervened with comments, questions and suggestions, to which the Commission representative responded.
3. The Presidency concluded that the Working Party had taken note of the information provided by the Commission.

VI. Annual consultations EU-UK, EU-Norway and EU-UK-Norway

- *Exchange of views*

1. The Working Party held an exchange of views on the Commission's non-paper (doc. 12526/22) in the light of comments submitted by delegations (doc. 13046/22 + ADD 1-3¹). The Commission representative said that all three sets of consultations would start in November, that member states would be invited to the first of a series of technical meetings on 10 October and that the Commission would be willing to also hold bilateral meetings.

¹ See also doc. 13046/22 ADD 4.

2. A number of delegations intervened with comments and questions on specific stocks and issues that were the most important for them, to which the Commission representative responded. Delegations confirmed their interest in technical meetings, as well as bilateral exchanges.
3. The Presidency outlined the process to be followed for approval of an EU position. A Presidency compromise covering all three consultations would be presented for discussion, and a final discussion held on 20 October, followed by a written consultation to approve the position. He concluded that the Working Party had held an exchange of views on the Commission non-paper.

VII. TAC amendment for MAC/2A4A-N

- *Exchange of views on the Commission's options note*

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VIII. AOB

- *ClientEarth court case*
1. The Council Legal Service representative informed Delegations on case T-577/22,

brought against the Council by ClientEarth before the EU General Court. It challenges the Council's reply to the first review request under the Aarhus Regulation. An information note for the Committee of the Permanent Representatives would be prepared as usual.

2. One Delegation enquired about the next steps.
 3. The Council Legal Service representative explained the process ahead and the possible implications of different potential outcomes.
 4. The Presidency concluded that the Working Party on Fisheries has taken note of the information provided by the Council Legal Service.
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