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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: 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 Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control

- *Presidency proposal for a revised mandate for sequences 1 to 6*

Delegations will find attached additional suggestions by the Presidency on two issues:

- Fishing authorisations (Article 7 of Regulation (EC) No 1224/2009); and
- “Lisbonisation” of one provision (Article 49 of Regulation (EC) No 1224/2009).

The suggestions are based on proposals by the Commission, brought forward during the inter-institutional negotiations.

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 Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control

2018/0193(COD)

Note: This document sets out additional suggestions by the Presidency on two issues: (1) Fishing authorisations (Article 7 of Regulation (EC) No 1224/2009 (Control Regulation)) and (2) “Lisbonisation” of one provision (Article 49 of the Control Regulation). The suggestions are based on proposals by the Commission, brought forward during the inter-institutional negotiations.

As regards the issue of fishing authorisations, the Commission’s proposals and suggestions by the Presidency result from the fact that in certain cases fishing vessels other than catching vessels must have a licence, in particular, due to international obligations of the Union. The currently applicable definition of “fishing authorisation” set out in Article 4(10) of the Control Regulation and the modifications proposed by the Council in its General Approach, in particular, in Article 6(1), suggest that only catching vessels can have fishing authorisations. The proposals outlined in this document address this issue and provide a possible solution. Please note that the discussion on exemptions in Article 7(6) of the Control Regulation (row 169) is different from that topic and that row 169 appears in the tables set out in doc ST 14148 INIT and doc ST 14148 ADD1.


Proposals related to Article 7 – Fishing authorisations

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
Article 1, xxx				
New row 138a				<p><i>Following a proposal by the Commission that aims to take into account that fishing vessels other than catching vessels do in certain cases, i.e., especially under international obligations, need a fishing authorisation, the Presidency asks for flexibility to modify the definition of “fishing authorisation” along the following lines:</i></p> <p>10. ‘fishing authorisation’ means an authorisation issued in respect of a Union fishing vessel, where relevant in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;</p> <p>Sequence 3</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
Article 1, xxx				
New row 163a				<p><i>The Presidency asks for flexibility to modify the heading of Article 7 as follows:</i></p> <p>Article 7 is amended as follows:</p> <p>(aa) the heading of Article 7 is replaced by the following:</p> <p>“Article 7</p> <p>Fishing authorisation for Union catching vessels”</p> <p>Sequence 3</p>
Article 1, xxx				
New row 163b				<p><i>The Presidency asks for flexibility to modify Article 7 as follows:</i></p> <p>Article 7 is amended as follows:</p> <p>(ab) in paragraph 1, “Union fishing vessel” is replaced by</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
				“Union catching vessel” Sequence 3
Article 1, xxx				
Row 169				<p>Article 7(6) is still under discussion (see the Presidency suggestion in doc ST 14148 INIT), in particular, as regards the question whether the Council’s proposed text allows to sufficiently take into account international obligations and questions on an equal playing field.</p> <p>As part of the various proposals relating to fishing authorisations for vessels other than catching vessels set out in this table (ST 14148 ADD1), the Presidency asks for flexibility to use the term “Union catching vessel” in paragraph 6.</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
				<p><i>All in all, in the final version of paragraph 6, reference should be made to “Union catching vessels” rather than “Union fishing vessels”.</i></p> <p>Sequence 3</p>
Article 1, xxx				
New row 169a				<p><i>To ensure that international obligations that require authorizations for vessels other than Union catching vessels, and as part of other changes suggested in this table, the Presidency asks for flexibility to insert a new Article along the following lines:</i></p> <p>The following Article 7a is inserted:</p> <p>“Article 7a</p> <p>Fishing authorisation for Union fishing vessels other</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
				<p>than Union catching vessels</p> <ol style="list-style-type: none"> 1. Union fishing vessels other than Union catching vessels may carry out fishing activities only if they have been authorised by their flag Member State. 2. The Commission may, by means of implementing acts, lay down detailed rules on validity of fishing authorisations for Union fishing vessels referred to in paragraph 1 and on the minimum information to be contained therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).” <p>Sequence 3</p>

Proposal related to Article 49 – Catch composition – “Lisbonisation”

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
Article 1, xxx				
New row 499aa				<p><i>Following a proposal by the Commission to ensure a correct reference as regards implementing powers (“Lisbonisation”), the Presidency suggests to agree to the following text:</i></p> <p>(x) In Article 49, paragraph 2 is replaced by the following:</p> <p>“2. Without prejudice to Article 44, the Commission may, by means of implementing acts, lay down detailed rules on the keeping on board of a stowage plan, by species, in respect of processed products, indicating where those products are located in the hold.</p>

	Commission Proposal	EP Mandate	2018/0193 (COD) Council Mandate	Comments
				<p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2).”</p> <p>Sequence 6</p>