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From:	General Secretariat of the Council
To:	Delegations
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Subject:	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)

Delegations will find attached written comments by the German delegation on the above-mentioned document.

Department 613
613-61112/0078

12 November 2019
4660

Germany's comments on the four-column document

Only those Articles on which Germany wishes to submit comments are dealt with here. It is apparent that there are many points which are based on the principle that anything that is not explicitly prohibited is allowed. We support this principle: the EMFAF Regulation should not be overloaded with too much detail.

We support the partial general approach, particularly with regard to Annexes I, II and IV.

Article	Germany's position regarding the EP's amendment
5(1)	Determination of funds for the EMFAF from the MFF; against.
Article 6(1)	A specific figure is clearer than a percentage; therefore against.
6(4)	15 % is not sufficient for data collection and control; at least 20 % is needed.
6(4a)	What does this refer to exactly?
6(4b)	Too bureaucratic; against.

8(1)	A specific figure is clearer than a percentage; therefore against.
12(1)	‘Operator’ is clearer than ‘applicant’; we support the partial general approach.
12(1)(a)	Environmental offences are included in point (c), EP’s addition unnecessary.
12(1)(c)	EP’s deletion is unclear; we support the partial general approach.
12(2)	Two years are insufficient - five years are needed, as provided for in the partial general approach.
12(4)(aa) and (ab)	Unnecessary provision for a COM delegated act; against.
12(5a)	Unnecessary; fishers in inland waters are already included in the EMFAF.
13(1)(a), (f) and (h)	We support the partial general approach; WTO-conformity, no increase in fleet capacity.
13(1)(g)	EP wording unclear; we support the partial general approach, so that eel stocks are covered.

13(1)(j)	EP wording unclear; we support the partial general approach.
13(1)(k)	We support the partial general approach; these should remain ineligible.
13(1)(ka)	We support the partial general approach, which is clear.
13(1)(kb)	Unnecessary.
13a(1)	Against; WTO-conformity, no increase in fleet capacity.
15(1)(c)	Against; excessive market intervention.
16(1)	We support the partial general approach; WTO-conformity, no increase in fleet capacity.
16(1)(aa)	We support the partial general approach; WTO-conformity, no increase in fleet capacity; against.
16(1)(ba)	Unnecessary; against.
16 new	We support the partial general approach; WTO-conformity, no increase in fleet capacity.
17	We support the partial general approach; WTO-conformity, no increase in fleet capacity.

17(2)(aa)	What does 'permanent decrease' mean?
17(2a)	Unnecessary, already covered.
18	We support the partial general approach; WTO-conformity, no increase in fleet capacity.
18(1)(b)	This is to be welcomed; included in point ba in the partial general approach.
18(1)(c)	Unclear; we support the partial general approach.
18(1)(d)	Too specific; we support the Council's partial general approach.
18(1)(1a)	We could support this; how should it be integrated?
18(3)(1)(a)	We could support this.
18(4)	We support the partial general approach.
19	We support the partial general approach.
19(2)(a)	Why limit this to 12 m? Unnecessary; against.
19(2)(b) and (c)	Why delete 'compulsory'?
20(1)	We are open to this, but in principle we support the partial general approach.

22	We support the partial general approach.
22(1)	ESA involvement and satellite programme unnecessary. Formal note: ‘including in inland waters’ should be deleted; the term ‘aquatic’ is sufficiently comprehensive. See also Article 14(1)(f). Otherwise add here.
22(2)	New points unnecessary; anything that is not explicitly prohibited is allowed.
22(2)(e)	Strong support for the general approach: ‘taking into account’.
22(2)(f)	Strong support for the general approach: ‘taking into account’
22(2)(fa)	Strong support for the general approach, i.e. reference to WFD measures.
22(2)(fa) to (fg)	Against the EP’s insertions (new points unnecessary).

22b	New points unnecessary; anything that is not explicitly prohibited is allowed.
22(2)(fe)	Already covered by Article 13; unnecessary.
22(2b)	Against the EP's insertions (new points unnecessary).
22(2)(a) to 22b(3)	Against the EP's insertions (new points unnecessary).
23	We support the partial general approach.
23(1)	Too detailed; anything that is not explicitly prohibited is allowed.
23(3)	No funding, and not preferably through financial instruments; partial general approach.
23a	New points unnecessary; anything that is not explicitly prohibited is allowed.
24(1)(a)	New points unnecessary; anything that is not explicitly prohibited is allowed.
25(1a)	New points unnecessary; anything that is not explicitly prohibited is allowed.

25(2)	We support the facilitation of access to grants.
25(2a)	Unclear.
25a	Against; no continuation of aid for storage.
26(1)	Too specific; we support the Council's partial general approach.
26(2a)	We support the Council's partial general approach.
26(2b) and (2c)	New points unnecessary; anything that is not explicitly prohibited is allowed.
27	We support the partial general approach.
29b	Determination of funds for the EMFAF from the MFF; figures therefore in square brackets.
40(1)(aa)	New points unnecessary; anything that is not explicitly prohibited is allowed.
42(1)	An ASIN-RISA is unnecessary; against.
43(1)	New points unnecessary; anything that is not explicitly prohibited is allowed.

43a	New points unnecessary; anything that is not explicitly prohibited is allowed.
45a	New points unnecessary; anything that is not explicitly prohibited is allowed.
46(2a)	Against; of course, payment procedures should be swift and efficient, while ensuring respect for budgetary law and its procedural provisions, which apply equally to all sectors and policy areas. The evaluation of procedures with a view to improving them is a horizontal task which should not be regulated under the EMFAF Regulation.
47(1)	Too bureaucratic; against.
51(2)(b)	Unnecessary to include professional organisations.

We would also like to point out the congruity of Article 9(6)(g) with Article 22(2)(e) and (f): replace ‘in accordance with’ with ‘taking into account’:

‘the contribution of the programme to the conservation and restoration of marine ecosystems, while the support related to Natura 2000 areas shall be in accordance with taking into account the prioritised action frameworks established pursuant to Article 8(4) of Directive 92/43/EEC;’