



Brussels, 26 January 2015
(OR. en)

5568/15

LIMITE

PECHE 29
CODEC 87

**Interinstitutional File:
2013/0436 (COD)**

NOTE

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| From: | Presidency |
| To: | Permanent Representatives Committee |
| No. Cion doc.: | 18021/13 PECHE 633 CODEC 3037 + ADD 1 - COM(2013) 889 final |
| Subject: | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation |

I. INTRODUCTION

1. The Commission submitted its proposal on 17 December 2013.
2. DK, FI entered Parliamentary scrutiny reserves.
3. The European Economic and Social Committee gave its opinion on 29 April 2014.
4. COREPER endorsed a Presidency compromise¹ on 11 June 2014, taking into account the preparatory work of the Working Party on Internal and External Fisheries Policy², including the delegations' written comments³.

¹ doc. 10715/14 PECHE 302 CODEC 1445 + COR 1

² It is noted that no specific impact assessment was carried out by the Commission, as an extensive assessment had taken place in preparation for the reform of the CFP.

³ docs. 5713/14 + ADD1-22 and 9469/14 + ADD 1- 14, doc. 6844/1/14 REV 1

5. The PECH Committee of the European Parliament voted on its position on 3rd December 2014.
6. In view of the first trilogue of 10 December 2014, COREPER provided the Presidency with a mandate to negotiate an agreement with the European Parliament⁴.
7. On 11 December 2014, on 16 December 2014 and 17 December 2014 respectively, the Working Party on Internal and External Fisheries Policy, the Council and COREPER were informed of the outcome of the first trilogue⁵, which was inconclusive.
8. On 22 January 2015, the President of the PECH Committee presented an informal compromise proposal to the Council Presidency. This informal compromise proposal was outlined to the Working Party on Internal and External Fisheries Policy on 23 January 2015⁶.
9. On 26 January 2015, the Council was informed of the state of play of contacts with the President of the PECH Committee and supported the efforts of the Presidency to reach a swift and balanced agreement on the main outstanding issues. The Council invited COREPER to work further on the file.

II. OUTSTANDING ISSUES

10. In preparation of the second informal trilogue and on the basis of the positions outlined by delegations in the Council on 26 January 2015, the Presidency proposes a revised negotiating mandate consisting of the following main outstanding issues :
 - Defending the Council position as regards the Parliament's proposal to limit the scope of the proposal to fisheries to which the landing obligation applies from 1st January 2015 (request withdrawal of the proposal);

⁴ doc. 16534/14 PECHE 581 CODEC 2440 and doc. 16423/13 PECHE 575 CODEC 2426

⁵ doc. 16834/14 PECHE 593 CODEC 2493

⁶ doc. 5589/15 PECHE 32

- Defending the Council position as regards the Parliament's proposal to introduce an additional derogation to the landing obligation for vessels under 12m allowing up to 30kg of undersized fish to be sold for human consumption (request withdrawal of the proposal);
- As regards the European Parliament's proposal to introduce a reporting obligation on the implementation of the landing obligation: accepting it on the condition that an alternative drafting can be found in order to limit the administrative burden of Member States while at the same time keeping the substance of the European Parliament's request on the necessity to report on the implementation of the landing obligation. A revised draft is included in Annex to this note.

Furthermore, concerning the provision which was tentatively agreed during the first trilogue⁷ and which would require the Member States to facilitate the storage of, and the finding outlets for, undersized fish once those catches have been landed, the Presidency is committed to seeking a solution with a view to alleviating the burden to be placed on Member States.

11. The Presidency considers that the rest of the issues discussed and provisionally agreed during the first trilogue should remain closed, and discussions in the second trilogue should focus on the above-mentioned issues.
12. The Presidency underlines that following the informal trilogue and in light of its outcome, the consolidated version of the proposal will be finalized at technical level, in cooperation with the European Parliament.

III. CONCLUSION

13. The Permanent Representatives Committee is invited to discuss the outstanding issues, with a view to providing the Presidency with a mandate to negotiate an agreement with the European Parliament.

⁷ doc. 16834/14 PECHE 593 CODEC 2493

Proposal for a Council position as regards the European Parliament's proposal for a reporting obligation on the landing obligation.

The changes to the text presented by the European Parliament as part of its informal compromise proposal appear in strikethrough (suppressions) and underline bold (additions). Footnotes are provided as background information for delegations.

Basic regulation - Article 15, paragraph 13a (new)

By ~~31 March~~**30 June** 2016, and by ~~31 March~~**30 June** of each subsequent year up to and including 2020, ~~the Commission Member States~~ shall submit to ~~the Commission and the Parliament~~ **and to the Council** an annual ~~implementation~~ report on the implementation of the landing obligation, **based on available information from the Member States, the Advisory Councils and other relevant sources**⁸.

Annual ~~implementation~~ reports shall include:

- ~~a summary of the measures~~ **steps** taken by Member States and producer organisations to comply with the landing obligation⁹;
- ~~the list of measures~~ **steps** taken by Member States regarding the control of compliance with the landing obligation¹⁰;
- ~~an assessment of~~ **information on** the socio-economic impact of the landing obligation¹¹;

⁸ The information requested from Member States can be structured where appropriate through a short template to be prepared by the Commission in co-operation with Member States authorities.

⁹ Main sources: Member States and Advisory Councils.

¹⁰ Main sources: yearly reports on the implementation of the SCIPs; annual EFCA report; EMFF annual implementation report.

¹¹ Main sources: Advisory Councils; annual economic report on fisheries based on DCF data; EMFF annual implementation report.

- ~~an assessment of~~ **information on** the impact of the landing obligation on safety on board fishing vessels¹²;
- information on the use and outlets of catches below the minimum conservation reference size of a species subject to the landing obligation¹³;
- ~~an assessment of~~ **information on** port infrastructures and of vessels' fitting with regard to landing obligation¹⁴;
- for each fishery concerned, ~~an impact study analysing~~ **information on** the difficulties encountered in the implementation of the landing obligation and ~~making~~ recommendations to address them¹⁵.

Where appropriate, such information may be provided in summary form.

~~By 31 March 2016, and by 31 March of each subsequent year up to and including 2020, the Commission shall present a yearly communication on the implementation of the landing obligation to Parliament and Council.~~

¹² Main sources: Advisory Councils; sectoral social dialogue Committee; EMFF annual implementation report.

¹³ Main sources: Advisory Councils; annual economic report on fisheries based on DCF data;

¹⁴ Main sources: Advisory Councils; EMFF annual implementation report;

¹⁵ Main sources: Member States and Advisory Councils.