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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) N° 508/2014 of the European Parliament and of the Council (EMFF)

I. INTRODUCTION

1. On 13 June 2018, the Commission submitted the above proposal to the European Parliament and to the Council. This proposal was presented to the Agriculture and Fisheries Council on 18 June 2018.
2. The EMFF proposal must be seen in the context of the Commission's proposal for the multiannual financial framework for 2021-2027 (MFF)¹ and of the Commission's proposal laying down common provisions on the horizontal funds (CPR)².
3. The European Economic and Social Committee and the Committee of the Regions delivered their opinions on 12 December 2018 and 16 May 2018 respectively.

¹ Proposal of the Commission for the Multiannual Financial Framework 2021-2027 (COM(2018) 321 final); (COM(2018) 322 final); (COM(2018) 323 final); COM(2018) 324 final).

² Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument (COM(2018) 375 final)

4. The European Parliament adopted its position at first reading on 4 April 2019³.
5. The Council agreed on a first partial General Approach on 18 June 2019⁴, and on a second partial General Approach on 14-15 October 2019⁵. This second partial General Approach completed the first one and only left aside the aspects related to the MFF (bracketed provisions) and CPR.
6. The European Parliament decided to enter into interinstitutional negotiations on 12 November 2019.
7. A first political trilogue took place on 19 November 2019, on which the Permanent Representatives Committee was debriefed on 22 November 2019. This political trilogue consisted of a first exchange of views on the European Parliament and Council's positions without entering in details into the substance of both positions. During this first political trilogue it was agreed to divide the proposal in different blocks⁶. It was also decided to start discussions by Block 1, given the horizontal nature of such a block.
8. The Permanent Representatives Committee endorsed on 4 December 2019 a partial mandate, and a second political trilogue was held on 10 December 2019 on Block 1 on the basis of this mandate.

³ Report on the proposal for a regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) N° 508/2014 of the European Parliament and of the Council, PE 625.439v03-00, A8-0176/2019.

⁴ doc. 10297/19.

⁵ doc. 12660/1/19 REV1.

⁶ Block 1 on the structure of the fund, programming and monitoring (Articles 1, 2, 4, 4a, 9, 10, 12a, 14, 15, 22a (Council), Title of Chapter IIa, 25a (Council), 27a, Title of Chapter Va, 29c, 29g, 37- 38, 48, 48a and Annexes I, II and IV);

Block 2 on fleet measures (Articles 3 (definitions 5-7a and 14), 6(4b), 6(5), 11-18, 29d, 29f and Annex III (fleet related rows).);

Block 3 on other measures under shared management (Articles 3 (definitions not relevant to fleet measures), 6(4), 6(4a), 7, 19-29a, 29e, and Annex III (rows not relevant to fleet measures));

Block 4 on direct and indirect management (Articles 39-51);

Block 5 on budget lines and technical provisions (bracketed provisions in Articles 5-8, 29b, 30-36, 52-56 and Annex V).

9. In this second political trilogue, some possible lines of convergence on the provisions related to Block 1 were found:
- a) The European Parliament accepted the principles of the structure as proposed by the Council in its partial General Approach, including the concept of specific objectives for each priority instead of areas of support, subject to drafting adjustments. The EMFF priorities will therefore be much closer to the objectives of the CFP.
 - b) In order to meet the concerns of the European Parliament, the Council also agreed that the different provisions related to outermost regions are grouped under a single chapter with the condition that this does not create a new priority nor modify the content of the provisions, without prejudice of the discussions to be held about the specific provisions when negotiating other Blocks.
 - c) The European Parliament agreed that technical work should continue on the basis of the Council's proposal to take into account the needs of small-scale coastal fisheries in the programming without having a specific action plan.
 - d) An agreement in principle was found on monitoring and evaluation, in particular concerning the inclusion of indicators in the Regulation, subject to further work at technical level.

The Permanent Representatives Committee was debriefed about the outcomes of this trilogue on 18 December 2019.

10. A third political trilogue will be held on 4 March 2020 with the aim to tentatively agree on the provisions of Block 1 and to start discussions on the provisions related to Block 2 (fleet measures), with the understanding that provisions dependent on the outcomes of the MFF and CPR negotiations are bracketed and will be discussed at a later stage. A fourth political trilogue will be held end of March.

11. In view of the next political trilogues, the Presidency presented to the Working Party a revised mandate for Block 1 and a mandate for the rest of the provisions on 23 January 2020. After several discussions in the Working Party, on 13 February 2020, the Presidency gathered broad support from delegations on the mandate as set out in the fourth column of the document in addendum to this note.
12. The DK delegation entered a scrutiny and parliamentary reservation.

II. PRESIDENCY REVISED MANDATE FOR BLOCK 1

13. On the basis of this revised mandate, the Presidency seeks to have some additional flexibility to the mandate for Block 1 to tentatively reach an agreement with the European Parliament in the next political trilogue, in particular:
- a) For the priorities: To introduce a reference to "restoration" in priority 1 (Article 4, first paragraph, point (1)⁷), to mention the contribution to food security in priority 2 (Article 4, first paragraph, point(2)⁸), and to agree on a drafting that extends the scope of this priority to island and other non-fishing coastal communities (Article 4, first paragraph, point '(3)⁹), in exchange for agreeing to the Council's proposed structure;
 - b) In the specific objectives: To include in the specific objectives of Article 14¹⁰, a reference to the fight against IUU in point d¹¹ and to social dialogue, MSY and selectivity in the recitals, which is also linked to the agreement on the proposed structure;
 - c) To introduce additional provisions for small-scale coastal fishing in Article 9(3a), and an additional point in Article 9(6)¹² on the contribution of the programme to the development of sustainable small-scale coastal fishing, in exchange for the European Parliament's flexibility to find alternatives to the specific action plan for small-scale coastal fishing;

⁷ Row 89. It is to be noted that the European Parliament has accepted to replace the term "marine" by "aquatic" as requested by the Council.

⁸ Row 90

⁹ Row 91. It is to be noted that the Council and the European Parliament agreed on 4 December to try to find a compromise formula in order for the EMFF not to exclusively finance fisheries and aquaculture coastal communities.

¹⁰ Rows 183-186

¹¹ Row 184d

¹² Rows 128b and 137

- d) to accept a frequency of twice a year reporting in Article 37(2c)¹³ in exchange for the simplification of the reporting system (Infosys).

For the rest of the provisions of Block 1, the Presidency will adhere to the mandate given by the Permanent Representatives Committee on 4 December 2019

III. PRESIDENCY MANDATE FOR THE REST OF THE PROVISIONS

14. Concerning the rest of the provisions, the Presidency will in principle defend the Council's partial General Approach for most of them. Nevertheless, in order to seek flexibility from the European Parliament towards the Council's most important concerns, the Presidency suggests to show a degree of flexibility to consider how to address the European Parliament's most important concerns, in particular:
- a) to explore some requests from the European Parliament concerning certain exceptions to the ineligibility rules (Article 13)¹⁴;
 - b) to examine the European Parliament's concerns on certain conditions related to support for temporary cessation (Article 18)¹⁵;
 - c) to explore the European Parliament's concerns on the provisions related to the renewal of small-scale coastal fishing fleets and associated measures in outermost regions (Article 29d)¹⁶;

Certain minor technical adjustments are also foreseen in relation to other provisions.

¹³ Row 337c. It is to be noted that the European Parliament supports the Commission in requesting even more frequent reporting, which make the twice per year frequency a good compromise for the Council.

¹⁴ Article 13: Rows 168 - 180c.

¹⁵ Article 18: Rows 225 - 239.

¹⁶ Article 29d: Rows 301s - 301y.

IV. CONCLUSION

15. The Permanent Representatives Committee is invited to endorse the Presidency's suggested revised mandate for Block 1 and the Presidency's suggested mandate for the rest of the provisions as set out in the fourth column of the document in addendum to this note, in order to enable the Presidency to continue conducting negotiations with the European Parliament.
 16. The Permanent Representatives Committee will be kept informed of the developments of the negotiations with the European Parliament.
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