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**'I' ITEM NOTE**

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency<br>- Mandate for negotiations with the European Parliament |

1. On 16 December 2015, the Commission submitted the aforementioned proposal to the European Parliament and to the Council, as part of the Border Package. This package also included the proposal for a Regulation establishing a European Border and Coast Guard Agency (EBCGA)[1] and the proposal amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA).[2]

2. The proposal aims at improving and strengthening cooperation among the European Fishery Control Agency (EFCA), the EMSA and, the future European Border Guard Agency (EBGA) in order to provide more efficient and cost-effective multipurpose services in support of national authorities carrying out coastguard functions.

[1] Doc. 15398/15.
[2] Doc. 15390/15.

3. The substantive amendments in the proposal are identical to the proposed provisions on European cooperation on coastguard functions in the proposal regarding EBCGA.

4. The Working Party on Internal and External Fisheries Policy examined the proposal at its meetings on 14 January and 11 February 2016. The Justice and Home Affairs Counsellors/Mixed Committee, at its meeting on 18 February 2016, where shipping and fisheries counsellors were invited, examined a Presidency (identical as far as possible) compromise texts for the proposals regarding EMSA, EBCGA and EFCA. The Permanent Representatives' Committee on 24 February 2016 confirmed its agreement in principle on the text set out in Annex. Since then, the work has been pursued on the European Border Guard proposal.

5. The Permanent Representatives' Committee is invited to:

   – confirm its agreement on the text as set out in Annex with a view to starting negotiations with the European Parliament;

   – mandate the Presidency to pursue negotiations with the European Parliament on the basis of the above compromise with a view to reaching a first-reading agreement.

**ANNEX**

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 (2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) National authorities carrying out coastguard functions are responsible for a wide range of missions, ~~including but not limited to~~ **which may include** maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection.

(2) The [European Border and Coast Guard Agency [1]] established by Regulation XX/XX[2], the European Fisheries Control Agency and the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and the European Council[3] support the national authorities in the exercise of most of these functions.

(3) They should therefore strengthen their cooperation, within their mandate, with each other and with those national authorities carrying out coastguard functions in order to increase the maritime situational awareness and to support coherent and cost-efficient action.

(4) Regulation (EC) No 768/2005 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Amendments**

Regulation (EC) No 768/2005 is hereby amended as follows:

(1) In Article 3, the following point is inserted:

"(j) to cooperate with the [European Border and Coast Guard Agency] and the European Maritime Safety Agency, each within their mandate, to support the national authorities carrying out coastguard functions, **as set out in Article 7a** ~~in accordance with national law~~:

(a) by providing services, information, equipment and training, as well as

(b) by coordinating multipurpose operations."

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1 ***NB:*** *the name of the new agency remains to be confirmed; therefore it has been put in square brackets everywhere it occurs in the text.*

2 Regulation XX/XX of the European Parliament and of the Council of XX etc.

3 Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p.1).

(2) The following Article 7a is inserted:

**"Article 7a**

European cooperation in support of national authorities carrying out coastguard functions

1. The Agency shall, in cooperation with the **[**European Border and Coast Guard Agency**]** and the European Maritime Safety Agency, support national authorities carrying out coastguard functions at national and Union level, and where appropriate at international level by:

(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to the agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform;

(c) capacity building by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhancing the exchange of information and cooperation on coastguard functions, taking into account relevant initiatives in this field;

(d) capacity sharing by planning and implementation of multipurpose operations and the sharing of assets and other capabilities, to the extent those are coordinated by the agencies **and with the agreement of the Member States concerned.**

2. The modalities of the cooperation on coastguard functions of the Agency with the **[**European Border and Coast Guard Agency**]** and the European Maritime Safety Agency shall be determined in a working arrangement, in accordance with the respective mandates and financial rules applicable to the agencies. **Such arrangement shall be approved by the Administrative Boards of the Agency, the European Maritime Safety Agency and the Management Board of the [European Border and Coast Guard Agency]**.

3. The Commission shall, in close cooperation with the Member States, the Agency and the [European Border and Coast Guard Agency] and the European Maritime Safety Agency, make available a practical handbook on European cooperation on coastguard functions, containing guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation.

*Article 2*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

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| *For the European Parliament* | *For the Council* |
| *The President* | *The President* |