



Council of the  
European Union

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### **DRAFT STATEMENT OF THE COUNCIL'S REASONS**

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Subject: Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627

– Draft Statement of the Council's reasons

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## I. INTRODUCTION

1. On 29 November 2019, the Commission submitted to the European Parliament and to the Council the above-mentioned proposal<sup>1</sup>, aiming at implementing into EU law the ICCAT multiannual management plan for bluefin tuna in the eastern Atlantic and Mediterranean, adopted in 2018<sup>2</sup>. The proposal is based on Article 43(2) of the Treaty on the Functioning of the European Union.
2. The European Economic and Social Committee delivered its opinion on 7 May 2020 respectively.
3. The Working Party on Fisheries Policy examined the Commission proposal in several meetings in 2019. The Permanent Representatives Committee agreed on a General Approach on 10 June 2020<sup>3</sup>.
4. With a revised mandate for negotiations<sup>4</sup> agreed by the Permanent Representatives Committee on 4 November 2020, the Presidency reached a provisional agreement with the European Parliament at a political trilogue on 10 November 2020.
5. On 25 November 2020, the final compromise text<sup>5</sup> reflecting the outcome of that trilogue was rejected by the Permanent Representatives Committee.
6. The European Parliament adopted its first reading position on 28 April 2021<sup>6</sup>.

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<sup>1</sup> 14710/19 + ADD1

<sup>2</sup> In November 2019, ICCAT adopted Recommendation 19-04 amending Recommendation 18-02.

<sup>3</sup> 10297/19

<sup>4</sup> 11652/20

<sup>5</sup> 12889/20

<sup>6</sup> P9\_TA(2021)0142 Multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean \*\*\*I European Parliament legislative resolution of 28 April 2021 on the proposal for a regulation of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107, and (EU) 2019/833 and repealing Regulation (EU) 2016/1627 (COM(2019)0619 — C9-0188/2019 — 2019/0272(COD)) P9\_TC1-COD(2019)0272 Position of the European Parliament adopted at first reading on 28 April 2021 with a view to the adoption of Regulation (EU) 2021/... of the European Parliament and of the Council establishing a multiannual management plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulations (EC) No 1936/2001, (EU) 2017/2107 and (EU) 2019/833 and repealing Regulation (EU) 2016/1627  
OJ C 506, 15.12.2021, p. 160–216

7. On 16 June 2021, the Permanent Representatives Committee agreed to a revised mandate for negotiations<sup>7</sup> with a view to an early second reading agreement with the European Parliament.
8. On 1 March 2023, the European Parliament's Committee on Fisheries voted to continue the interinstitutional negotiations.
9. An interinstitutional technical meeting followed on 22 March 2023 at which the three institutions reached a preliminary agreement on the text to be proposed for final agreement.
10. On 30 March 2023, the Working Party on Fisheries Policy endorsed the outcome of the interinstitutional negotiations in a revised Presidency compromise<sup>8</sup>.
11. On 5 April the Permanent Representatives Committee confirmed the final compromise text<sup>9</sup> with a view to agreement in early second reading with the European Parliament.
12. On 22 April European Parliament's Committee on Fisheries (PECHE) voted on the provisional agreement resulting from interinstitutional negotiations.
13. On 27 April the PECHE Chair sent a letter to the Swedish Presidency confirming that, should the Council approve the Regulation in first reading, after legal-linguistic revision, the Parliament would approve without amendment the Council's position in its second reading.

## **II. OBJECTIVE**

14. Pursuant to Council Decision 86/238/EEC<sup>10</sup>, the Union has been a Contracting Party to the International Convention for the Conservation of Atlantic Tunas ('the Convention') since 14 November 1997.
15. The Convention provides for a framework of regional cooperation on the conservation and management of tunas and tuna-like species in the Atlantic Ocean and the adjoining seas

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<sup>7</sup> 9167/21

<sup>8</sup> 7820/23 + COR1

<sup>9</sup> 7820/23 + COR1

<sup>10</sup> Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

through the setting up of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

16. The objective of this Regulation is to implement the multiannual management plan for bluefin tuna, as adopted by ICCAT, which aims to maintain a biomass of bluefin tuna above levels capable of producing maximum sustainable yield.
17. The Management plan requires discarding and releasing bluefin tuna in certain circumstances. It requires the discard of quantities of bluefin tuna from fishing vessels, including recreational ones that exceed the allocated quota of the vessel, and/or the maximum level of permitted by-catches. Bluefin tuna caught on board vessels that are below the minimum conservation reference size will also have to be discarded, with the exception of a given limit of tolerance established by Member States in their annual fishing plans. For the purpose of the Union's compliance with its international obligations under ICCAT, Article 4 of Commission Delegated Regulation (EU) 2015/98<sup>11</sup> provides for derogations from the landing obligation for bluefin tuna in accordance with Article 15(2) of Regulation (EU) No 1380/2013.

### **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

#### **A. General**

18. The European Parliament and the Council conducted negotiations with the aim of concluding an agreement on the basis of a position of the Council at first reading that the Parliament could approve without amendments at its second reading.
19. The Council Position at first reading seeks to implement ICCAT Recommendation 18-02 and parts of ICCAT Recommendation 22-04 into EU law to allow the Union to comply with its international obligations and to provide operators with legal certainty regarding rules and obligations.

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<sup>11</sup> Commission Delegated Regulation (EU) 2015/98, of 18 November 2014 on the implementation of the Union's international obligations, as referred to in Article 15(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council, under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 16, 23.1.2015, p. 23).

## **B. Key issues**

20. The main elements of the compromise reached with the European Parliament concern, among others:
- conditions for carry-over of non-harvested live bluefin tuna;
  - provisions concerning the allocation by Member States of sectorial quotas as part of their annual fishing plans, including for small scale fisheries;
  - provisions concerning the allocation of fishing opportunities;
  - rules on the caging of bluefin tuna;
  - the responsibility for launching investigations into irregularities bluefin tuna catches.

## **IV. CONCLUSION**

21. The Council's Position at first reading fully reflects the compromise reached in the negotiations between the European Parliament and the Council, facilitated by the Commission.
22. This compromise is confirmed by the letter that the Chair of the PECHE Committee addressed to the Chair of the Permanent Representatives Committee on 27 April 2023. In that letter, the Chair of the PECHE Committee indicates that he will recommend to the members of his Committee, and subsequently to the plenary, that they accept the Council's position at first reading without amendments in the Parliament's second reading, subject to verification by the lawyer-linguists of both institutions.