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LIMITE

PECHE 151

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 11 June 2020

To: Delegations

Subject: Working Party on Internal and External Fisheries Policy:
I. EU/Mauritania agreement
II. EU/Cook Islands agreement
III. NAFO transposition
IV. Decision of the European Ombudsman on the transparency of the Council and decision-making process leading to the adoption of annual regulations setting fishing quotas
V. 2nd TAC amendment

- I. EU/Mauritania: 5th round of negotiations for the renewal of the FPA and Protocol (dates and venue to be defined)
- *Examination of the additional negotiating directives*
1. The Presidency introduced the proposal for an additional negotiating directives (doc. WK 5899/20).
 2. The Commission representative informed the Working Party that the Commission reserved its right to make a statement at Coreper.
 3. The Presidency concluded that the document was supported by the Working Group and that the proposal would be sent to Coreper as an "I" point.

II. Recommendation for a Council Decision authorising the opening of negotiations on behalf of the European Union for the conclusion of a protocol to the Sustainable Fisheries Partnership Agreement with the Government of Cook Islands

– *Presentation and exchange of views*

1. The Commission representative presented the recommendation, highlighting the importance of this agreement as the EU's only active bilateral fisheries agreement in the Pacific Ocean. He said a negotiating round would be organised as soon as possible, if possible in July, and that under the new protocol, the reference tonnage could be reduced a little to reflect the experience of the current protocol.
2. The Legal service representative suggested changes to align the text with recent practices in similar cases, including the addition of article 43 TFEU as a substantive legal basis and a recital to indicate that the current protocol expires on 13 October 2020.
3. ES and FR highlighted that it is important to prevent any interruption in fishing activities.
4. DK and NL entered parliamentary scrutiny reservations.
5. AT pointed out the relatively low uptake of fishing opportunities outlined in the evaluation of the current protocol, and expressed its wish to see an improvement of the situation if the agreement is to stay in place. The Commission representative said that this would be taken into account in the negotiations for a new protocol.
6. The Presidency announced that a revised draft Council Decision would be circulated, incorporating the changes suggested by the Legal service, and that the draft would be put to a written consultation concluding on 19 June 2020. If no objections were raised before the deadline, the text would be submitted for adoption to Coreper as a "I item" and to the Council by written procedure, once finalised by the lawyer-linguists.

III. Proposal for a Regulation of the European Parliament and of the Council amending the Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

– *Presentation by the Commission*

1. The Commission representative presented the proposal, which is aimed at transposing measures approved at NAFO's 2019 annual meeting by amending regulation 2019/833.

2. DK, ES and LV introduced scrutiny reservations, and DK entered a parliamentary scrutiny reservation. PT expressed support for the proposal.
 3. The Presidency concluded that the Working Party had taken note of the Commission's presentation and announced a deadline of 1 July 2020 for delegations to submit written comments.
- IV. Decision of the European Ombudsman in case 640/2019/TE on the transparency of the Council of the EU's decision-making process leading to the adoption of annual regulations setting fishing quotas
- *Information by the Council legal service*
 1. The Legal Service representative recalled the process leading to the Ombudsman's decision of 29 April 2020. On 27 January 2020, the Council had issued a detailed opinion stating that it did not agree with the Ombudsman's draft recommendation that the Council proactively disclose documents related to the adoption of annual fishing quotas. The Ombudsman nevertheless confirmed her draft recommendation. The decision is not binding, and will be sent to the European Parliament by the Ombudsman, which might decide to make a political response. The Legal service representative informed that a short Council reply to the Ombudsman will be prepared by the Information Working Party to be approved by Coreper II.
 2. ES and FR intervened to express support for the approach as thus described.
 3. The Presidency concluded that the Working Party had been informed of developments with regard to this matter.
- V. Proposal for a Council Regulation amending Regulation (EU) 2019/1838 as regards certain fishing opportunities for 2020 in the Baltic Sea, and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in 2020 in Union and non-Union waters
- *Examination of the revised Presidency compromise*
 1. The Commission representative presented its non-paper on sprat (doc. 8615/20), which gathered broad support from delegations.
 2. The Presidency presented its revised compromise (WK 5599/1/20 REV 1), with changes especially related to the Article on North Sea cod remedial measures.

3. Delegations could generally support the presidency compromise. DK said that it could not support Article 14 on North Sea cod and that it might request to discuss this issue at Coreper level.
 4. The Presidency concluded that both the Commission non-paper on sprat and the Presidency compromise had received support from delegations, with the inclusion of changes in the Article on North Sea cod and Article 3 as orally announced by the Presidency in the conclusion. Given the urgency for the entry into force, the document will be submitted to Coreper on 24 June with a view to adoption by written procedure and publication by 1 July.
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