



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 March 2009

**Interinstitutional File:
2009/0029 (CNS)**

**7598/1/09
REV 1**

PECHE 66

"I/A" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee / Council
No. Cion prop. : 6984/09 PECHE 39 - COM(2009)93 final
Subject : Proposal for a Council Regulation concerning a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean
– Adoption

1. The Commission submitted the above proposal to Council on 2 March 2009.
2. Considering that the said proposal should be adopted and published before the beginning of the main fishing season on 15 April 2009, COREPER requested on 4 March 2009 that the European Parliament deliver its opinion under its urgency procedure in its plenary session of 9 - 12 March 2009.
3. The European Parliament delivered its opinion on 12 March 2009.

4. The Working Party on Internal and External Fisheries Policy discussed the proposal in its meetings on 5 March and 12-13 March 2009. The discussions took place on the basis of a Presidency compromise¹. A clear understanding on a modified text was ultimately reached among a large majority of delegations. The Commission services agreed to make a statement regarding coordination of growth factors at the Community level. No delegation expressed opposition to adopting the proposal by "A" item procedure.
5. All delegations were, however, deemed to have general scrutiny reservations on the compromise texts. More specifically, the Spanish delegation maintained its reservation on the proposed Article 3 (length of vessels), Article 31 (costs of the ICCAT regional observer programme) and the Commission statement. The Italian delegation maintained its reservation on the proposed Article 5 (fishing capacity measures). The Cypriot and Portuguese delegations entered a reservation on Article 6 (farming and fattening capacity measures). The Danish, French, Polish and United Kingdom delegations entered parliamentary scrutiny reservations.
6. The tight timetable for publication of the legislative act before the beginning of the main fishing season on 15 April 2009 requires Council to adopt it as soon as possible. To facilitate this, it is therefore suggested to include the following recital:

"Given the urgency of the matter, it is necessary to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on the European Union, to the Treaty establishing the European Community and to the Treaty establishing the European Atomic Energy Community."

¹ Cf. doc. 7524/09 PECHE 60+ Rev 1+DS 213/09

7. In these circumstances, COREPER could:

- agree to the inclusion of the additional recital;
 - recommend that, given the above urgency, the Council agrees, in accordance with Article 3(3) of the Rules of Procedure, to derogate from the six-week period provided for in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union;
 - confirm the agreement reached on the final text as set out in doc 7116/09 PECHE 44 (finalised by the legal-linguistic service), and
 - suggest that Council adopt doc. 7116/09 PECHE 44 as an "A" item at one of its forthcoming sessions and decide to enter the Commission statement (add 1 to this note) in the minutes of the Council.
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