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NOTE

From: General Secretariat
To: Permanent Representatives Committee (Part 1)/Council
No. Cion prop.: 12514/11 PECHE 187 CODEC 1166 - COM(2011) 425 final
Subject: Proposal for a Regulation of the European Parliament and of the Council on the
Common Fisheries Policy
- *Orientation debate*

1. On 14 July 2011, the European Commission adopted a proposal for a new Basic Regulation on the CFP. This proposal was officially presented to the Council during the "Agriculture and Fisheries" Council on 19 July 2011.
2. The proposal is part of the July 2011 reform package (linked to the proposal on a new Common Markets Organisation and a reviewed external dimension of the CFP) and must be seen in conjunction with the proposal for a new European Maritime and Fisheries Fund (EMFF), which the Commission adopted on 2 December 2011. The general objective of the proposal is to ensure fisheries and aquaculture activities that provide long-term sustainable environmental, economic and social conditions, and contribute to the availability of food supply.

3. Important new elements of the proposal are:
- stock management at maximum sustainable yield as a legal obligation ("by 2015" for all stocks);
 - implementation decisions by Member States in a regional context, under Union multiannual plans or technical measures frameworks;
 - discard ban (landing obligation irrespective of quotas and minimum reference sizes, prohibition of operations under insufficient quota, related marketing standards for over-quota catches);
 - Transferable Fishing Concessions as an obligatory system at national level, with a possibility to exclude small vessels from the scheme.
4. Since July 2011, the Working Party on Internal and External Fishery Policy has been examining the proposal, resulting in a first reading document of January 2012.¹ The second reading is expected to be completed in March 2012.
5. In order to give guidance for the further work which should lead to a Council's General approach in June 2012, the Presidency intends to hold a first orientation debate in the Council of March 2012, to be followed by additional debates on various topics in the two subsequent Councils. The debate, supported by a summary document from the Presidency set out in an addendum to this note, will be guided by the following questions:

¹ doc. 5070/1/12 PECHE 7 CODEC 9 REV 1.

Questions:

1. What should be the modalities of the implementation of a discard ban: should it be on a species-based or fisheries-based approach? How to ensure a clear and feasible time schedule for the introduction of the landing obligation? If the landing obligation would be fishery-based, should it include all commercial species? How could fishing opportunities be adjusted under the landing obligation to ensure the relative stability of catches?
2. How should minimum conservation reference sizes be set in the context of the landing obligation? How can we ensure that minimum conservation reference sizes are set at levels that ensure the highest possible degree of selectivity to avoid unwanted catches in the first place? How should we deal with the inevitable residual unwanted catches that cannot be avoided in spite of increased selectivity, in particular with residual unwanted catches of juveniles?
3. How should CMO and the Fund contribute to the avoidance of unwanted catches through selectivity and to the implementation of the landing obligation?
