



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 May 2012**

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**Interinstitutional File:  
2011/0195 (COD)**

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**9155/1/12  
REV 1**

**PECHE 133  
CODEC 1081**

**REVISED NOTE**

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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*

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1. On 13 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); and
  - Transferable Fishing Concessions as an obligatory system at national level, with a possibility to exclude small vessels from the scheme.
  
4. The Working Party on Internal and External Fishery Policy has been examining the proposal between July 2011 and March 2012.<sup>1</sup>
  
5. In order to give guidance for the further work which should lead to a Council general approach in June 2012, the Presidency has planned a series of orientation debates to be held at the "Agriculture and Fisheries" Council. The one held during the March Council concerned the proposed discards ban. A second orientation debate during the April Council dealt with regionalised policy-making and the introduction of transferable fishing concessions.
  
6. During the May Council, the Presidency would like to have the last orientation debate before the "General approach" on 12 June, focussing on the environmental sustainability through "Maximum Sustainable Yield" (MSY) and the integration of environmental law requirements. With regard to the MSY commitment, the Commission's proposal is strict in requesting exploitation at MSY for all stocks by 2015, but does not outline solutions to problematic aspects of this approach (economic hardship at least short-term, application in mixed fisheries, alternatives in case of insufficient scientific basis).

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<sup>1</sup> Cf. doc. 5070/2/12 PECHE 7 CODEC 9 REV 2.

With regard to environmental aspects, the proposal generally requests the integration of environmental law requirements, and foresees Commission implementing powers to adopt CFP measures in special protection areas. Environmental aspects become increasingly important in the context of marine sites of NATURA 2000 and the obligation to achieve a "good environmental status" by 2020 (Marine Strategy Framework Directive, 2008/56/EC).

7. The Presidency intends to steer the orientation debate through the following questions:

MSY is crucial to achieve environmental and socio-economic sustainability. The Commission proposes to aim to ensure that exploitation rates by Union fleets restore and maintain populations above levels which can produce MSY. Maintaining the stocks above MSY levels is a measure that expresses the precautionary approach. Reaching MSY for all stocks in mixed fisheries is a challenge that requires pragmatic and proportionate solutions so that the most vulnerable species do not become the main driver of management plans.

1. How can we incorporate the Maximum Sustainable Yield (MSY) targets in the Common Fisheries Policy? In which legal instrument(s) should operational MSY targets be set, i.e. to what level of detail should MSY targets be included in the Basic Regulation and how could they be implemented in multiannual plans?
2. Do we have sufficient instruments and flexibility in place to fulfil our international obligation in relation to mixed fisheries? What practical measures (avoidance, selectivity, etc) could be adopted to ensure that MSY management in mixed fisheries allows the full sustainable exploitation of healthy stocks while taking into account the situation of the most vulnerable stocks?
3. The obligation to incorporate EU environmental requirements in the Common Fisheries Policy must be addressed. Do we have sufficient instruments (political, structural including for regional cooperation on new measures, practical tools and financial means) in place to fulfil this obligation, including to achieve good environmental status, following the relevant descriptors of the Marine Strategy Framework Directive?

What could be the role of the Commission in the coordination of fisheries measures to be implemented to fulfill EU environmental requirements, such as the ones related to Natura 2000 and the Marine Strategy Framework Directive?

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