



Brussels, 10 February 2022
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5680/22

LIMITE

PECHE 26

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Working Party on Fisheries Policy of 27 January 2022

I.	MAURITIUS
II.	NPFC
III.	ICCAT: ALBACORE TUNA IN THE MEDITERRANEAN
IV.	CONTROL REGULATION
V.	MACKEREL
VI.	EU-UK
VII.	AOB

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (12.09.2022)

- I. Proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Republic of Mauritius on an extension of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius**

Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement in the form of an Exchange of letters between the European Union and the Republic of Mauritius on an extension of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

– *Presentation of the proposal and exchange of views*

1. The Commission representative explained the proposals (docs 5429/22 + ADD 1 and 5430/22 + ADD 1) aimed at extending the duration of the current protocol, which expired on 7 December 2021, pending the negotiation of a new protocol.
2. The Legal Service representative suggested that the legal basis of the two decisions be changed to article 43 TFEU as a whole, instead of article 43(2), and that article 2 of the decision on signing and provisional application be amended as regards the person who is authorised to sign the agreement. **DELETED**
3. One delegation stressed the need to agree on the extension of the protocol to resume the fishing activity as soon as possible. The Commission representative expressed the opinion that consulting the data protection supervisor was not necessary in this case and announced that the Commission would issue a statement on the change of the legal basis.
4. The Presidency concluded that the Working Party supported the proposals, including the suggested change of legal basis and drafting adjustment as concerns the signing of the agreement, acknowledging the need for rapid adoption to keep the interruption of fishing activities to a minimum. It took note of the intention of the Commission to submit a statement. The texts will be submitted to Coreper/Council for adoption as soon as legal-linguistic revision has been finalised.

II. Proposal for a COUNCIL DECISION concerning the position to be taken on behalf of the European Union in the North Pacific Fisheries Commission

– *Agreement on the draft decision*

1. The Working Party reached an agreement on the draft Council Decision (doc. 5521/22). The text will be submitted to Coreper/Council for adoption, once finalised by the lawyer linguists.

III. Meeting of the Mediterranean Albacore ICCAT Working Group (9-10 February 2022, remote)

DELETED

IV. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control

– *Information from the Presidency*

1. The Presidency briefed delegations on the outcome of two interinstitutional technical meetings on the revision of the fisheries control system held in early-mid January 2022. It noted that the document provided to delegations on sequence 6 concerning the national control programme, surveillance and inspections (WK 841/2022) aimed to give delegations an overview of the state of play and collect input on the suggested way forward in negotiations. It mentioned that a separate document would be provided at a later point of time in view of a revised mandate. As regards some provisions, the Presidency explained the positions of the involved institutions and the proposal of the Presidency in some detail.

2. The Council Legal Service representative explained his drafting suggestion on part of the definition of the term ‘rules of the common fisheries policy’, which aimed to respond to concerns raised.
3. Numerous delegations intervened to express their position on the Presidency’s suggested way forward and to ask for clarifications on individual provisions. Several delegations asked for more time to analyse the document and the possibility to send written comments. The majority of delegations in general supported the proposals by the Presidency, but asked to see the exact drafting of certain provisions before being able to agree to them. Some delegations expressed their reluctance to divert from the General Approach on individual articles.
4. The Commission representative appreciated the discussion in the Working Party on the way forward based on a written document. She expressed support for the Council’s position on the rules relating to separate stowage of demersal catches and explained why it was necessary to allow Union inspectors to act on the territory of Member States.
5. The Presidency responded to various questions by delegations and asked to send written comments, if any, at the latest by Tuesday, 1 February 2022. It concluded that the Working Party had taken note of the information by the Presidency, the replies and questions by delegations and the information by the Commission.

V. Follow-up to the statements on Mackerel made at the October/December 2021 AGRIFISH Councils

– *Information by the Commission*

1. The Commission representative briefed the Working Party on the follow-up to be given to the Council statements on the basis of information submitted by the Member States. An ad hoc group comprised of representatives of the Commission and the General Secretariat of Council will work with a view to the presentation by the Commission, by 31 March 2022, of a non-paper containing conclusions and recommendations, to be decided on by the Council.

2. The Presidency concluded that the Working Party had taken note of the information provided by the Commission.

VI. EU-UK: schedule for the consultations in 2022

– Information by the Commission

1. The Commission explained the TCA obligation to agree with UK the meeting calendar for the current calendar year by 31 January. There are a few examples of stocks where the advice comes during the year and the fishing season starts shortly after so there will be bilateral EU-UK consultations to agree the fishing opportunities for these stocks during the year (sandeel, sprat, Norway pout). The Commission also referred to the preparation of the work of the Special Committee on Fisheries (SCF) and its importance for the annual fisheries consultations with the UK.
2. Several Delegations took the floor to welcome the setting of the annual fisheries consultations calendar ahead of time and to emphasise that advancing the work in the SCF is important to prepare specific issues ahead of the next cycle of annual bilateral fisheries consultations. Delegations put the emphasis on predictability, transparency and timely submission of non-papers. Few delegations enquired about specific issues of interest (i.a. interarea flexibility, mackerel). One Delegation pointed out that in 2022 the annual fisheries consultations will also concern the deep sea fisheries for the next two years.
3. The Commission responded to specific comments and questions of Delegations and pointed out that work at expert level will start much earlier to ensure sound preparation ahead of the next annual cycle of fisheries consultations.
4. The Presidency concluded that the Working Party had taken note of the information provided by the Commission.

VII. Any other business