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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a Regulation amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 11.07.2014.
(document COM(2014) 457 final – 2014/0213 (COD):

Date of the opinion of the European Economic and Social Committee: 15.10.2014.

Date of the position of the European Parliament, first reading: 13.01.2015.

Date of transmission of the amended proposal: -

Date of adoption of the position of the Council: 13.07.2015.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The proposal aims at transposing in Union law a number of measures adopted in the framework of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM) between 2011 and 2013. These measures are already in force and binding on the EU and the ten Member States which are Contracting Parties to the GFCM Agreement (Bulgaria, Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and Romania). To the extent to which the content of the GFCM recommendations is not covered or is only partially covered by existing Union law, the transposition of the relevant GFCM measures is necessary in order to make these measures applicable in a uniform and effective manner throughout the Union, including to natural or legal persons.

3. COMMENTS ON THE POSITION OF THE COUNCIL

3.1. General comments on Council position:

The position of the Council reflects the political agreement reached by the European Parliament and the Council on 26 March 2015. The Commission supports this agreement. Nevertheless, it made two statements which are annexed below.

3.2. Amendments by the European Parliament at first reading:

The European Parliament made 25 amendments at first reading. With the exception of amendment 19 (on fishing vessels equipped with trawl nets and purse seines in Geographical Sub-areas 17 or 18, which the European Parliament agreed to withdraw), all the other amendments have been integrated in the Council position with further changes, as a result of the trilogue meetings of 2 and 26 March and of the inter-institutional technical meetings of 4 February and 4 March.

3.3. New provisions introduced by the Council and Commission position in this regard:

The Council in its position has introduced a new derogation in Article 15a, which concerns the use of trawl nets in coastal waters of the Black Sea and takes account of the prevailing situation in that region. The Commission has no objections.

3.4. Problems encountered in the adoption of the position at first reading and Commission position in this regard:

The Commission has made two statements with a view to clarify some issues linked to derogations on red coral and more precisely to the adoption of national measures during a transitional period and to the final date for the use of Remotely Operated underwater Vehicles (ROVs) for observation and prospection of red coral.

4. CONCLUSION

The legal services and lawyer linguists of both institutions were mandated to make all the relevant adjustments to the text. The resulting document therefore represents the Commission proposal as modified and integrated by the political agreement reached by the co-legislators on 26 March.

The Commission supports this agreement in general, but wants to make statements on two specific points of concern.

5. STATEMENTS BY THE COMMISSION

Transitional national measures

The Commission takes note of the decision of the European Parliament and the Council to allow Member States to keep existing derogations related to red coral harvesting without any time limit, and to provide for new derogations to be granted during a transitional period again without clear cut-off date.

The Commission considers that, by their nature, derogations and/or transitional measures can only be temporary and that the unlimited exceptional regimes agreed between the co-legislators may put the Union in a position where it is not able to ensure that its international obligations towards the GFCM are fully respected.

In the event that the above mentioned risks should materialize, the Commission will submit proposals for appropriate measures in accordance with the relevant provisions of the Treaty.

In any event, the Commission emphasises that any decision in this case will not prejudice the Commission position in relation to other rules on derogations and/or transitional regimes.

Final date for use of ROVs

With regards to the final date of 31/12/2015, agreed by the European Parliament and the Council for authorised use of ROVs for observation and prospection of red coral, the

Commission takes note of the decision of the co-legislators to interpret the words "until 2015" in paragraph 3a) of recommendation GFCM/35/2011/2, as "until 31 December 2015", thus deviating substantially from the Commission's proposal to consider only the time period before 2015, until 31 December 2014.

Having already stressed that, by their nature, derogations can only be temporary, the Commission recalls that also the FAO Legal Service had expressed the view that only the time limit before 2015 should be considered. In the light of this, the Commission will assess if appropriate initiatives need to be taken in order to clarify the Union's position on the issue of ROVs within the GFCM.