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A7-0409/2013

28.11.2013

*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585 (12007/3/2013 – C7-0375/2013 – 2011/0195(COD))

Committee on Fisheries

Rapporteur: Ulrike Rodust

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585

(12007/3/2013 – C7-0375/2013 – 2011/0195(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (12007/3/2013 – C7-0375/2013),
 - having regard to the opinion of the European Economic and Social Committee of 28 March 2012¹,
 - having regard to the opinion of the Committee of the Regions of 4 March 2012²,
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2011)0425),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Fisheries (A7-0409/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament and the Council, and the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 181, 21.6.2012, p. 183.

² OJ C 225, 27.7.2012, p. 20.

³ Texts adopted of 6.2.2013, P7_TA(2013)0040.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement of the European Parliament and of the Council on data collection

The European Parliament and the Council request the Commission to fast track the adoption of a proposal to amend Council Regulation (EC) No 199/2008 in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new Regulation on the CFP can be given practical effect as early as possible.

Statement of the European Parliament, the Council and the Commission on multi-annual plans

The European Parliament, the Council and the Commission are committed to working together to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy.

The European Parliament, the Council and the Commission have established an inter-institutional taskforce, composed of the representatives from the three institutions, in order to help find practical solutions and the most appropriate way forward.

EXPLANATORY STATEMENT

Following the adoption of Parliament's first reading position by the plenary on 6 February 2013, informal negotiations started with the Irish Presidency with view to reaching an early second reading agreement. After seven rounds of trilogue, Parliament's and Council's negotiating team reached agreement on the file on 30 May 2013. The text of the agreement was presented to the PECH Committee for a vote of approval on 18 June 2013, and approved by an overwhelming majority. On the basis of the committee's approval, the Chairman of the Committee undertook in his letter to the chair of Coreper to recommend to the plenary to approve Council's position at first reading without amendment. Following legal-linguistic verification, Council adopted its first reading position confirming the agreement on 17 October 2013.

As Council's first reading position is in conformity with the agreement reached in the trilogues, your Rapporteur recommends to the Committee to accept it without further amendments. Your Rapporteur would like to highlight in particular the following elements of the compromise:

This reform finally addresses the most serious problem facing the common fisheries policy, namely persistent overfishing. Under the new text the Council of the European Union is obliged to act sustainably in its annual decisions on catch quotas. As a general rule overfishing must be stopped, if possible by 2015, so that fish stocks can start to recover. It is made clear that postponing this to a later date (up to 2020 at the latest) can only be permitted if the economic and social sustainability of the fishing fleets involved is seriously jeopardised. Accordingly all stocks must in future be managed in line with the principle of maximum sustainable yield (MSY). In this connection one of Parliament's most important demands was that the MSY principle should not merely have the status of a political declaration of intent but should be genuinely legally binding on all future decisions. This includes future multiannual plans, but also autonomous decisions by the Council on total allowable catches (TACs) on the basis of Article 43(3) TFEU.

In this connection Parliament has secured wording which highlights more clearly that the objective of all these measures is to allow stocks to grow not just to a sustainable level but beyond. Parliament has thus succeeded in creating a safety margin for the environment, fully in line with the precautionary principle. This will also benefit the fishing industry. If fish stocks are slightly higher than the MSY level, profits will rise, since the cost of fishing falls in proportion to the stocking density of fish in the sea.

Agreement was also reached on the proposed requirement that all catches should be landed (the 'discard ban'). The text provides, in line with Parliament's calls at first reading, for a binding requirement to introduce a discard ban within a clearly defined period (gradually from 2015 to 2019). Species with a high survival rate after discarding at sea are exempted from the discard ban.

Contrary to Parliament's original position, while exemptions to the discard ban may be adopted (up to 5% of all catches, 7% for a transitional period), these do not apply immediately but only after a separate decision. Such a decision should under normal circumstances be taken by adopting the relevant multiannual plan as part of the ordinary legislative procedure. In the absence of a multiannual plan, the Commission may adopt exemptions for a maximum

of three years after receiving a joint recommendation to that effect from the Member States concerned via the regionalisation procedure (see below). An indirect decision of the Commission via a delegated act, i.e. without institutional consultation of the Member States concerned, is also possible.

In this connection the negotiating team also successfully argued that exemptions should only be adopted where it is very hard for the fishermen concerned to fish more selectively, or where the processing of by-catches would entail disproportionately high costs.

Another controversial issue between the institutions was how to deal in future with the fleet overcapacity which exists in some sectors of the EU fleet. The compromise text lays down the principle that Member States must ensure that their catch capacities are in line with resources. Parliament obtained the inclusion of a provision whereby Member States have to examine their fleets' catch capacities every year in accordance with criteria set by the Commission. If this examination shows that the fleet is too large, the Member State in question must submit a plan for reducing overcapacities and take the necessary measures. The Commission may impose financial penalties for non-compliance with these provisions.

As part of the reform, preparations were also made for the further decentralisation ('regionalisation') of decision-making. The aim is to ensure that in particular where detailed technical rules have to be set for the individual sea areas, this takes place more closely to those affected, and not in a centralised manner from Brussels as hitherto. The EU will of course continue to examine whether targets reflecting the principles of the EU fisheries policy are being met.

The basic mechanism for regionalisation, the submission of joint recommendations by groups of Member States, could also be used to speed up the implementation of the fisheries elements of EU environmental directives (e.g. the Maritime Strategy Directive). However, if the Member States concerned are unable to reach an agreement, the Commission is empowered to take the relevant measures for a limited period if the protection targets of the environmental directives would otherwise be jeopardised.

Another purpose of regionalisation is to step up the impetus for the creation of maritime protection areas and no-take zones by the EU.

In the context of regionalisation the consultation bodies created by the previous reform will play a greater role, as they represent an important forum for the creation of consensus within a region. These Advisory Councils, as they are known, will have a more balanced membership in future, with 40% of their members being representatives from outside the fisheries sector (e.g. from NGOs). This was one of Parliament's demands.

The text also stipulates that the EU must avoid contributing to overfishing in foreign waters. It should only catch surpluses that a third country is unable to use, as provided in the UN Convention on the Law of the Sea. Fisheries agreements with third countries will in future contain a human rights clause, i.e. agreements may be suspended if human rights are violated. Furthermore, in future, fisheries agreements with third countries will have to contain an exclusivity clause (i.e. the agreement cannot be circumvented by private contracts between fishermen and third country governments). The EU will also take measures to prevent the reflagging of fisheries vessels.

The new basic regulation contains a decision in principle that appropriations from EU fisheries funds may only be disbursed if the rules of the common fisheries policy are complied with. This applies both to the Member States and to individual fishing undertakings. The details of this scheme will be set out in the Regulation on the European Maritime and Fisheries Fund (EMFF).

One major success for the negotiating team was in getting access criteria included in the text. In future the Member States will have to distribute catch quotas among their fishermen in accordance with objective and transparent criteria. These must include environmental, social and economic criteria. This could benefit those sectors of the fishing fleet which can show that they create an above-average number of jobs and have a lower than average environmental impact.

The European Parliament has not only secured greater transparency in quota distribution. Scientific data collected by the Member States concerning the state of fish stocks must also – while complying with data protection rules – be made available to all stakeholders.

A successful fisheries policy is only possible if the rules are complied with. To secure the qualitative improvement and extension of Member States' control opportunities, a group of experts on compliance will enable an ongoing dialogue on this topic so as to reinforce best practice in this area in future.

PROCEDURE

Title	Common Fisheries Policy
References	12007/3/2013 – C7-0375/2013 – 2011/0195(COD)
Date of Parliament's first reading – P number	6.2.2013 T7-0040/2013
Commission proposal	COM(2011)0425 - C7-0198/2011
Receipt of Council position at first reading announced in plenary	24.10.2013
Committee responsible Date announced in plenary	PECH 24.10.2013
Rapporteur(s) Date appointed	Ulrike Rodust 26.9.2011
Discussed in committee	4.11.2013
Date adopted	27.11.2013
Result of final vote	+: 21 -: 1 0: 0
Members present for the final vote	John Stuart Agnew, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Nils Torvalds, Jarosław Leszek Wałęsa
Substitute(s) present for the final vote	Luis Manuel Capoulas Santos, Jean Louis Cottigny, Jim Higgins, Jens Nilsson
Substitute(s) under Rule 187(2) present for the final vote	María Auxiliadora Correa Zamora, Salvador Garriga Polledo, Francisco José Millán Mon, Younous Omarjee, Ivo Vajgl, Luis Yáñez-Barnuevo García
Date tabled	28.11.2013