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A8-0377/ 001-026

AMENDMENTS 001-026

by the Committee on Fisheries

Report

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A8-0377/2017

Management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation

Proposal for a regulation (COM(2017)0128 – C8-0121/2017 – 2017/0056(COD))

Amendment 1

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) When implementing the conservation and management measures adopted by SPRFMO, the Union and Member States should endeavour to promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, including gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

Justification

Adaptation from recent ICCAT Regulation.

Amendment 2

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down management, conservation and control provisions relating to fishing for straddling *species* in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

Amendment

This Regulation lays down management, conservation and control provisions relating to fishing for straddling ***fish stocks*** in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

Justification

Use of the correct term following the UN Fish Stocks Agreement

Amendment 3

Proposal for a regulation Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) Third country fishing vessels upon requesting access or being the object of an inspection in Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Amendment

(c) Third country fishing vessels upon requesting access ***to***, or being the object of an inspection ***in***, Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Justification

Clarification of the meaning.

Amendment 4

Proposal for a regulation Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘SPRFMO Convention Area’ means the ***high seas*** geographical area ***south of 10° N, north of the CCAMLR Convention Area as defined in the Convention on the Conservation of Antarctic Marine Living Resources, east of the SIOFA Convention***

Amendment

(1) ‘SPRFMO Convention Area’ means the geographical area ***marked out in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;***

Area as defined in the Southern Indian Ocean Fisheries Agreement, and west of the areas of fisheries jurisdictions of South American States;

Amendment 5

Proposal for a regulation Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘fishing vessel’ means any vessel of any size used or intended for *use for the purposes of commercial exploitation of fishery resources*, including *support ships*, fish processing vessels, *vessels engaged in transshipment and* carrier vessels *equipped for the transportation of fishery products, except container vessels*;

Amendment

(2) ‘fishing vessel’ means any vessel used or intended for *fishing*, including fish processing vessels, *support ships*, carrier vessels *and any other vessel directly engaged in fishing operations*;

Justification

Use of the definition from the SPRFMO Convention. The proposal used the definition from the IUU Regulation. There are different definitions of fishing vessels in IUU Regulation, Control Regulation and Basic Regulation.

Amendment 6

Proposal for a regulation Article 3 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘bottom fishing footprint’ means the spatial extent of bottom fishing during *a defined period of time in the SPRFMO Convention Area*;

Amendment

(7) ‘bottom fishing footprint’ means the spatial extent of bottom fishing *in the SPRFMO Convention Area* during *the period 1 January 2002 to 31 December 2006*;

Justification

There is a need to be consistent with the terms of CMM 03-2017 Paragraph 6.

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

(10) ‘established fishery’ means a fishery that has not been closed and that has been subject to fishing or has been subject to fishing with a particular gear type or technique in the previous ten years; **deleted**

Justification

This term does not appear elsewhere in the Proposal and it leads to confusion.

Amendment 8

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘large-scale pelagic driftnets’ (drift gillnets) means a gillnet or other net, or a combination of nets, which is more than 2,5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

Justification

SPRFMO CMM 08-2013 bans large-scale driftnets and this definition, from the CMM, accompanies a new Article 17(bis) proposed to that effect.

Amendment 9

Proposal for a regulation

Article 3 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) ‘deepwater gillnets’ (trammel net, set nets, anchored nets, sink nets) means strings of single, double or triple netting walls, held vertically, on or near the

bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. Those nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.

Justification

SPRFMO CMM 08-2013 bans deepwater gillnets and this definition, from the CMM, accompanies a new Article 17(bis) proposed to that effect.

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

(11) 'IUU fishing **activities**' means any illegal, unreported or unregulated fishing activity as defined in Article 2 of Regulation (EC) No 1005/2008;

Amendment

(11) 'IUU fishing' means fishing activities defined in **point 1 of** Article 2 of Regulation (EC) No 1005/2008;

Justification

"IUU fishing" is the correct term from Regulation (EC) No 1005/2008, instead of "IUU fishing activities".

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the

Amendment

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity (***i.e. ecosystem structure or function***) is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from

normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

Justification

There is a need to complete the definition from Regulation (EC) No 734/2008.

Amendment 12

**Proposal for a regulation
Article 6 a (new)**

Text proposed by the Commission

Amendment

Article 6a

Allocation of fishing opportunities for jack mackerel

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities for jack mackerel stocks available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fishing, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Justification

Adaptation from recent ICCAT Regulation.

Amendment 13

**Proposal for a regulation
Article 7 – paragraph 6**

Text proposed by the Commission

Amendment

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not feasible, vessels shall batch waste for two hours or longer.

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not feasible **and when it is necessary to discharge biological waste due to operational safety concerns**, vessels shall batch waste for two hours or longer.

Justification

Wording from the footnote to CMM 09-2017 Para 1(a)

Amendment 14

**Proposal for a regulation
Article 8 – paragraph 4**

Text proposed by the Commission

4. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

Amendment

4. **Where possible**, Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

Justification

The EC proposal goes beyond the recommendation adopted by the SPRFMO. It is necessary to stick to the text included in the conservation measures approved by the regional organisation.

Amendment 15

**Proposal for a regulation
Article 8 – paragraph 5**

Text proposed by the Commission

5. Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Amendment

5. **Where possible and appropriate**, Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Justification

The EC proposal goes beyond the recommendation adopted by the SPRFMO. It is necessary

to stick to the text included in the conservation measures approved by the regional organisation.

Amendment 16

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. Nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Amendment

6. **Where possible**, nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Justification

The EC proposal goes beyond the recommendation adopted by the SPRFMO. It is necessary to stick to the text included in the conservation measures approved by the regional organisation.

Amendment 17

Proposal for a regulation

Article 9 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) any observed seabird interaction data.

Justification

The EC proposal omits the recommendation adopted by the SPRFMO. It is necessary to stick to the text included in the conservation measures approved by the regional organisation.

Amendment 18

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) the average catch level over the period 1 January 2002 to 31 December

Amendment

(b) the average **annual** catch level over the period 1 January 2002 to 31 December

2006;

2006;

Justification

Clarification.

Amendment 19

Proposal for a regulation Title 3 – Chapter II a (new)

Text proposed by the Commission

Amendment

Chapter II a Gillnets

Justification

This measure is contained in CMM 08-2013 and needs to be transposed into Union law.

Amendment 20

Proposal for a regulation Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a Gillnets

- 1. The use of large-scale pelagic driftnets and all deepwater gillnets is prohibited throughout the SPRFMO Convention Area.**
- 2. Flag Member States whose vessels seek to transit the SPRFMO Convention Area with gillnets on board shall:**
 - (a) give at least 36 hours advance notice to the SPRFMO Secretariat prior to entering the SPRFMO Convention Area, including the expected entry and exit dates and length of gillnet carried on board;**
 - (b) ensure their vessels operate a vessel monitoring system (VMS) polling once**

every two hours while in the SPRFMO Convention Area;

(c) submit VMS position reports to the SPRFMO Secretariat within 30 days of the vessel leaving the SPRFMO Convention Area; and

(d) if gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position and length (metres) of gillnets lost to the SPRFMO Secretariat as soon as possible and in any event within 48 hours of the gear being lost.

Justification

This measure is contained in CMM 08-2013 and needs to be transposed into Union law.

Amendment 21

**Proposal for a regulation
Article 18 – paragraph 5**

Text proposed by the Commission

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species *harvested in* the SPRFMO Convention Area.

Amendment

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species *under the responsibility of* the SPRFMO *in the* Convention Area.

Justification

Clearer wording.

Amendment 22

**Proposal for a regulation
Article 19 – paragraph 4**

Text proposed by the Commission

4. This Article shall be without prejudice *of* Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4 (3) and (4) of Regulation (EC) No

Amendment

4. This Article shall be without prejudice *to* Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4(3) and (4) of Regulation (EC) No

1005/2008.

1005/2008.

Justification

Clearer wording.

Amendment 23

Proposal for a regulation

Article 25 – paragraph 1 – point c

Text proposed by the Commission

(c) designate a point of contact for the purposes of **transmitting** inspection reports pursuant to Article 11(3) of Council Regulation (EC) 1005/2008.

Amendment

(c) designate a point of contact for the purposes of **receiving** inspection reports pursuant to Article 11(3) of Council Regulation (EC) 1005/2008.

Justification

Correction to align with wording of CMM 07-2017 Para 5.

Amendment 24

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **120** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **90** days in advance of the annual meeting.

Amendment

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **150** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **120** days in advance of the annual meeting.

Justification

The Commission needs to have enough time to respect the deadlines in CMM 07-2017 Para 2.

Amendment 25

Proposal for a regulation Article 30 a – paragraph 2

Text proposed by the Commission

2. **The authorities of a fishing vessel** flagged to a Member State **notified by** the Commission **of its inclusion in the Draft IUU Vessel List** shall notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Amendment

2. **When the Commission is notified that a vessel** flagged to a Member State **is included in the draft SPRFMO IUU vessel list**, the Commission **shall notify the authorities of the Member State concerned to that effect, which shall in turn** notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Justification

Clearer wording

Amendment 26

Proposal for a regulation Article 32 c – paragraph 1 – point e

Text proposed by the Commission

(e) Position date and time (UTC);

Amendment

(e) Position (**latitude and longitude**), date and time (UTC);

Justification

The proposal wording is unclear.