



EUROPEAN PARLIAMENT

2014 - 2019

Committee on the Environment, Public Health and Food Safety

2014/0138(COD)

10.11.2014

AMENDMENTS 19 - 76

Draft opinion
Marco Affronte
(PE539.866v01-00)

on the proposal for a regulation of the European Parliament and of the Council laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2014, (EC) No 2187/2005 and EC No 1967/2006 and repealing Council Regulation (EC) No 894/97

Proposal for a regulation
(COM(2014)0265 – C8-0007/2014 – 2014/0138(COD))

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United in diversity

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Amendment 19**Esther Herranz García, Giovanni La Via, Pilar Ayuso, Gabriel Mato, Francisco José Millán Mon****Proposal for a regulation**
—*Proposal for a rejection*

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to propose rejection of the proposal for a regulation of the European Parliament and of the Council laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97.

Or. en

Justification

The European Commission proposal is not scientifically funded and it would put at danger the activity of small scale fisheries that are using drifting nets in a sustainable way. The EC should rather undertake a serious scientific study on the environmental impact that those nets have in marine resources, mainly in protected and endangered species. It should also evaluate the socioeconomic impact of such a ban, since the proposal does not respect the principle of proportionality.

Amendment 20**Ian Duncan****Proposal for a regulation**
—*Proposal for a rejection*

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the

committee responsible, to propose rejection of the proposal for a regulation of the European Parliament and of the Council laying down a prohibition on driftnet fisheries, amending Council Regulations (EC) No 850/98, (EC) No 812/2004, (EC) No 2187/2005 and (EC) No 1967/2006 and repealing Council Regulation (EC) No 894/97.

Or. en

Justification

The Commission should bring forward a new legislative proposal on the sustainable management of driftnet fisheries, in line with Article 18 of Regulation (EU) 1380/2013. This should reflect a more targeted regional approach, supported by a robust impact assessment, complete with more reliable and up-to-date scientific data. Options (2) and (3), as suggested by the Commission's Impact Assessment Steering Group, would provide a more nuanced and targeted approach to the regulations of driftnet fisheries in EU waters.

Amendment 21

Sylvie Goddyn, Mireille D'Ornano, Jean-François Jalkh

Proposal for a regulation

Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
laying down a prohibition on driftnet
fisheries, *amending Council Regulations*
(EC) No 850/98, (EC) No 812/2004, (EC)
No 2187/2005 and (EC) No 1967/2006
and repealing Council Regulation (EC)
No 894/97

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on carrying out impact assessments on
driftnet fisheries, and studies on the state
of fish stocks in European fisheries

Or. fr

Justification

Before introducing any kind of ban, the state of the stocks available needs to be assessed.

Furthermore, objective studies need to be carried out to determine whether the use of small-scale driftnets really is incompatible with sustainable fishing.

Amendment 22

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The Common Fisheries Policy should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, ***and in particular*** to the achievement of good environmental status by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council⁷.

⁷ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

Amendment

(3) The Common Fisheries Policy should contribute to the protection of the marine environment, to the sustainable management of all commercially exploited species, to the achievement of good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council⁷, ***and to maintaining local and national fishing activities, in particular for small and medium-sized enterprises.***

⁷ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

Or. fr

Justification

Even if they are based on environmental concerns, common policies cannot ignore economic and social realities.

Amendment 23

Giorgos Grammatikakis

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The incidental catching and killing of protected species, in particular cetaceans, should be addressed in a comprehensive manner across all fisheries and gear types in view of the strict level of protection they are afforded under Council Directive 92/43/EEC, their high level of vulnerability and the obligation to achieve a good environmental status by 2020. To this end, an overarching legislative framework for ensuring the effective protection of cetaceans should be proposed by the Commission.

Or. en

Amendment 24
Lorenzo Fontana

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the *conservation* concerns *linked to this fishing gear*.

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the concerns *aroused by the use of this fishing gear in relation to the fair and sustainable maintenance of fishery resources*.

Or. it

Amendment 25
Sirpa Pietikäinen

Proposal for a regulation
Recital 10

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Text proposed by the Commission

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the conservation concerns linked to this fishing gear.

Amendment

(10) The current Union legislative framework on driftnets has shown weaknesses and loopholes in that rules proved easy to circumvent and ineffective in terms of addressing the conservation concerns linked to this fishing gear. ***All existing loopholes should be eradicated in order to ensure that no form of driftnet fishing is used for catching highly migratory species.***

Or. en

Amendment 26

Esther Herranz García

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species.

Amendment

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Or. es

Justification

The Commission has not presented any reasoned scientific report on the impact of driftnets in the various fishing grounds with which to justify a total ban on the use of this type of fishing gear by the small-scale fleet. A significant part of the small-scale fleet uses these nets, guaranteeing a high level of environmental protection, as in many cases they are highly

selective fisheries which pose no risk to protected and endangered species.

Amendment 27
Ian Duncan

Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species.

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Or. en

Amendment 28
Josu Juaristi Abaunz

Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) The driftnet fishing is carried out by an **undefinable** number of small-scale multipurpose fishing vessels, **the vast majority of which** operating without any regular scientific and control monitoring. **Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with**

(11) The driftnet fishing is carried out by a **certain** number of small-scale multipurpose fishing vessels, **in some cases** operating without any regular scientific and control monitoring. **Some types of fishing gear, such as the ‘xeito’ are used to fish sustainably with low temporal and spatial impact, as in the case of sardine fishing, and with low impact on fishing patterns.**

regard to certain protected species.

Or. es

Amendment 29
Lorenzo Fontana

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species.

Amendment

(11) The driftnet fishing is carried out by an undefinable number of small-scale multipurpose fishing vessels, the vast majority of which operating without any regular scientific and control monitoring. Due to the small scale nature of these fishing activities, which makes it easy to escape monitoring, the control and enforcement efforts have not produced the necessary results in terms of conservation of marine resources, in particular with regard to certain protected species. ***That is why it is important, alongside monitoring measures, to add awareness-raising and information-related activities regarding the need to introduce new measures for sustainable fisheries.***

Or. it

Amendment 30
Josu Juaristi Abaunz

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Moreover, the driftnet fishing by operating close to or at the water surface continues to be cause of high concern for incidental takings of air-breathing animals

Amendment

(13) Moreover, the driftnet fishing by operating close to or at the water surface continues to be cause of high concern for incidental takings of air-breathing animals

such as marine mammals, sea turtles and sea birds, which are mostly classified as species to be strictly protected under Union legislation.

such as marine mammals, sea turtles and sea birds, which are mostly classified as species to be strictly protected under Union legislation. *However, no incidental captures of these strictly protected species take place when the small-scale ‘xeito’ gear is used, owing to the size of the net.*

Or. es

Amendment 31

Mireille D’Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The ecosystem-based approach to fisheries management makes it a requirement that negative impacts of fishing activities on *the* marine ecosystems be minimised and unwanted catches be avoided and reduced to the extent possible.

Amendment

(15) The ecosystem-based approach to fisheries management makes it a requirement that negative impacts of fishing activities on marine ecosystems be minimised and unwanted catches be avoided and reduced to the extent possible, *whilst ensuring that fishing activities are sustainable, in particular where the EU’s small and medium-sized enterprises are concerned.*

Or. fr

Justification

In sustainably managing fisheries, account must be taken of how important fishing activities are in terms of ensuring that certain areas thrive and that jobs in the sector are maintained.

Amendment 32

Nicola Caputo

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) A total ban on small-scale driftnet fisheries could potentially have very negative social and economic impacts on local coastal communities and on small-scale sustainable driftnet fisheries, which is carried out in accordance with ancient traditions and fishing techniques. The lack of scientific data does not enable these social and economic impacts to be accurately evaluated or the impact of small-scale driftnet fisheries on protected species to be assessed.

Or. it

Amendment 33
Nicola Caputo

Proposal for a regulation
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15c) In order to regulate small-scale driftnet fisheries in a consistent manner, consideration should be given to all specific regional features and specific small-scale coastal activities in the European Union.

Or. it

Amendment 34
Ian Duncan

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) In view of the reasons stated above

deleted

and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Or. en

Amendment 35

Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to ***introduce a full prohibition to take*** on board or use any kind of driftnets in all Union waters ***and*** by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Amendment

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to ***come up with new legislation on the retention on*** board or use ***of*** any kind of driftnets in all Union waters by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Or. fr

Justification

There is a need for legislative prudence here, rather than simply introducing a ban.

Amendment 36

Esther Herranz García

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In ***view of the reasons stated above and in*** order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, ***while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.***

Amendment

(16) In order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, ***a scientific report on the environmental impact of using driftnets must be drafted by 31 December 2016, accompanied if necessary by a proposal that such nets be banned in fisheries where they cause damage to protected and endangered species. The proposal shall also be accompanied by a socio-economic analysis of the importance to the local population of using these nets.***

Or. es

Amendment 37

Josu Juaristi Abaunz

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a ***full prohibition to take on board or use any kind of driftnets***

Amendment

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a ***selective ban on those forms of driftnet fishing which are***

in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

most harmful to strictly protected species and/or do not prevent the incidental capture of unauthorised species in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Or. es

Amendment 38
Nicola Caputo

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Amendment

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters. ***In order to avoid disproportionate socio-economic impacts, Member States should be able to derogate from the full prohibition and allow the continuation of certain current driftnet fishing activities for a certain period of time, while collecting data on those activities and on the socio-economic impacts of that prohibition on coastal communities and on small-scale fishing. Once that period has elapsed, the continuation of current driftnet fishing activities should only be permitted if authorised by the Commission upon application by the Member State concerned. The Commission should evaluate the data submitted by the***

Member State and, taking account of the specific features of regional fisheries, only authorise the driftnet fishing activity in question where it is convinced that it has no harmful impact on protected and unauthorised species.

Or. it

Amendment 39
Sirpa Pietikäinen

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters.

Amendment

(16) In view of the reasons stated above and in order to properly address the conservation concerns that this fishing gear continues to cause, as well as to achieve the environmental and enforcement objectives in an effective and efficient manner, while taking into account the minimal socio-economic impacts, it is necessary to introduce a full prohibition to take on board or use any kind of driftnets in all Union waters and by all Union vessels whether they operate within Union waters or beyond, as well as by non-Union vessels in Union waters. *After a period of five years from the entry into force of this Regulation, the European Commission should review the effectiveness of the legislation in all areas in order to ensure, inter alia, that no new methods of circumvention have been developed.*

Or. en

Amendment 40
Josu Juaristi Abaunz

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The prohibition shall not affect sustainable fishing gear such as the ‘xeito’, regulated by rules applied under exclusively held fisheries management powers, as in the case of Galicia, which has its own powers to regulate small-scale fishing and shellfishing gear, based on the legal acquis regulating the internal waters of its estuaries. The Commission shall guarantee the principle of subsidiarity.

Or. es

Amendment 41
Mireille D’Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) It is clear that with economic activity in the EU slowing down, restricting activity in certain sectors would accentuate the depression, particularly for small and medium-sized enterprises that are more sensitive to changes in legislation and do not have the financial resources necessary to renew their working methods.

Or. fr

Amendment 42
Mireille D’Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) With a view to drawing up any new legislation, an impact assessment needs to be carried out providing a short- and long-term simulation with regard to the fishing activities of small and medium-sized enterprises in the EU.

Or. fr

Justification

A short- and medium-term impact assessment would make it possible for the fishing industry and those with environmental concerns to get involved with this policy. Such an assessment should also take account of a number of commercial imbalances involving third countries that are not subject to restrictions.

Amendment 43

Esther Herranz García

Proposal for a regulation

Recital 17

Text proposed by the Commission

Amendment

(17) For reasons of clarity of Union legislation, it is also necessary to delete all other provisions related to driftnets by amending Council Regulation (EC) No 850/98¹², Regulation (EC) No 812/2004, Regulation (EC) No 2187/2005 and Council Regulation (EC) No 1967/2006¹³, and repealing Regulation (EC) No 894/97.

deleted

¹² ***Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).***

¹³ ***Regulation (EC) No 1967/2006 of 21***

December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 409, 30.12.2006, p. 11).

Or. es

Justification

The Commission should submit a reasoned scientific study of the environmental impact of driftnets before putting forward any proposal restricting or banning the use of these types of gear. Any prohibition should apply solely to fleets causing environmental damage.

Amendment 44
Ian Duncan

Proposal for a regulation
Recital 17

Text proposed by the Commission

Amendment

(17) For reasons of clarity of Union legislation, it is also necessary to delete all other provisions related to driftnets by amending Council Regulation (EC) No 850/98¹³, Regulation (EC) No 812/2004, Regulation (EC) No 2187/2005 and Council Regulation (EC) No 1967/2006¹⁴, and repealing Regulation (EC) No 894/97.

deleted

¹³ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

¹⁴ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 409, 30.12.2006, p. 11);

Amendment 45
Esther Herranz García

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. This Regulation should therefore enter into force on 1 January 2015.

deleted

Or. es

Justification

The Commission should submit a reasoned scientific study of the environmental impact of driftnets before putting forward any proposal restricting or banning the use of these types of gear. Any prohibition should apply solely to fleets causing environmental damage.

Amendment 46
Ian Duncan

Proposal for a regulation
Recital 18

Text proposed by the Commission

Amendment

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. This Regulation should therefore enter into force on 1 January 2015.

deleted

Or. en

Amendment 47
Josu Juaristi Abaunz

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. ***This Regulation should therefore enter into force on 1 January 2015.***

Amendment

(18) Vessels carrying out fisheries with small-scale driftnets ***which are harmful to strictly protected species and/or which do not prevent the incidental capture of unauthorised species*** may need some time to adjust to the new situation and necessitate a phasing-out period. Vessels engaged in small-scale fishing with driftnets which are not harmful to protected species, such as the small-size ‘xeito’ net, may continue operating in European waters.

Or. es

Amendment 48
Nicola Caputo

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. ***This Regulation*** should therefore ***enter into force on 1 January 2015.***

Amendment

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a phasing-out period. ***The full prohibition of small-scale driftnet fisheries*** should therefore ***apply from 1 June 2015.***

Or. it

Amendment 49
Mireille D’Ornano, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a **phasing-out** period. This Regulation should therefore enter into force on 1 January 2015.

Amendment

(18) Vessels carrying out fisheries with small-scale driftnets may need some time to adjust to the new situation and necessitate a **transition** period. This Regulation should therefore enter into force on 1 January 2015.

Or. fr

Amendment 50
Nicola Caputo

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The new situation could have negative socio-economic impacts that it is not yet possible to assess accurately, due to the lack of scientific data on local coastal communities. A substantial part of the European Maritime and Fisheries Fund should therefore be earmarked to support fishermen in their transition towards new, more selective and sustainable fishing gear.

Or. it

Amendment 51
Ian Duncan

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Article 18 of Regulation (EU)

1380/2013 reformed the Common Fisheries Policy on the basis of the principles of regionalisation and subsidiarity. This approach is an essential component of the new CFP and is positively viewed by Member States and industry experts as vital to successfully tackling the main challenges faced by Europe's fishermen.

Or. en

Amendment 52
Ian Duncan

Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) Accordingly, any ban on the use of driftnets should fully take account of the heightened role of Regional Advisory Councils and should be supported by a full and accurate impact assessment, complete with robust data demonstrating precisely where the use of driftnets continues to pose a significant environmental problem. To date, such a comprehensive impact assessment has yet to be carried out. As a result, implementing a universal ban on driftnet fisheries throughout all EU waters would run in stark contradiction to the Commission's previously stated commitment of promoting an agenda of regionalisation and subsidiarity.

Or. en

Amendment 53
Ian Duncan

Proposal for a regulation
Recital 18 c (new)

Text proposed by the Commission

Amendment

(18c) One of the principal justifications for introducing a blanket ban on driftnet fisheries throughout EU waters is that the current rules have been easily circumvented. These rules should be more stringently enforced. Furthermore, regulations relating to gear characteristics (maximum mesh size, maximum twine thickness and hanging ratio etc.) and use (maximum distance from the coast, soaking time and fishing season etc.) will be amended next year in the overhaul of technical measures. Pre-empting this process with a universal ban on driftnets is disproportionate and unreasonable.

Or. en

Amendment 54
Ian Duncan

Proposal for a regulation
Recital 18 d (new)

Text proposed by the Commission

Amendment

(18d) The significant efforts made by many European driftnet fisheries businesses to embrace sustainable environmental management, and achieve accreditation by bodies such as the UK's Marine Stewardship Council, should be recognised, applauded and, by implication, supported by any relevant Union legislation.

Or. en

Amendment 55
Ian Duncan

Proposal for a regulation
Recital 18 e (new)

Text proposed by the Commission

Amendment

(18e) The Commission stresses that the precautionary principle and an ecosystem-based approach should be taken when regulating the use of driftnet fisheries in EU waters. However, certain fishermen have already met these standards and should not be punished accordingly.

Or. en

Amendment 56
Ian Duncan

Proposal for a regulation
Recital 18 f (new)

Text proposed by the Commission

Amendment

(18f) In the event that sustainability accreditation has been achieved, such driftnet fisheries should be exempt from any proposed ban on the use of driftnets. Where fisheries fail to achieve such accreditation, yet continue to use large-scale driftnet practices, firmer enforcement of existing regulations is required.

Or. en

Amendment 57
Nicola Caputo

Proposal for a regulation
Article 2 – paragraph 1

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Text proposed by the Commission

Amendment

Article 2

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Definition

1. For the purpose of this Regulation the definitions set out in Article 4(1) of Regulation (EU) No 1380/2013 shall apply.

2. In addition, a 'driftnet' means a net made up of one or more walls of netting, hung jointly in parallel on the headline(s), held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift such as a sea-anchor or an anchor on the bottom attached at one single end of the net.

Or. it

Amendment 58

Françoise Grossetête

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition, a 'driftnet' means **a net made up of one or more walls of netting, hung jointly in parallel on the headline(s)**, held on the **water** surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift **such as a sea-anchor or an anchor on the bottom attached at one single end of the net.**

2. In addition, 'driftnet' means **any gillnet** held on the surface **of the sea** or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift.

Justification

There is no scientific reason to change the current definition. The definition laid down in Regulation (EC) No 849/97 is still relevant.

Amendment 59
Nicola Caputo

Proposal for a regulation
Article 2 a – introductory part and point 1 (new)
Regulations (EC) No 894/97
Article 11 – paragraph 1

Present text

1. “Drift net” means: *any gillnet* held on the sea surface or at a certain distance below *it* by floating devices, drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift.

Amendment

Article 2a

Amendment of Regulation (EC) No 894/97

Regulation (EC) No 894/97 shall be amended as follows:

(1) Article 11, paragraph 1 is replaced by the following:

‘1. "Driftnet" means *a net made up of one or more walls of netting, hung jointly in parallel on the headline(s)*, held on the sea surface or at a certain distance below *the surface* by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift, *such as a sea-anchor or an anchor on the bottom attached at one single end of the net.*’

Or. it

Amendment 60
Nicola Caputo

Proposal for a regulation
Article 2 a – point 2 (new)
Regulations (EC) No 894/97
Article 11 a

Present text

1. ***From 1 January 2002***, no vessel may keep on board, or use for fishing, one or more drift-nets intended for the capture of species listed in Annex VIII.
2. ***From 1 January 2002***, it is prohibited to land species listed in Annex VIII which have been caught in drift-nets.
3. ***Until 31 December 2001, a vessel may keep on board, or use for fishing, one or more drift-nets referred to in paragraph 1 after receiving authorisation from the competent authorities of the flag Member State. In 1998, the maximum number of vessels which may be authorised by a Member State to keep on board, or use for fishing, one or more driftnets shall not exceed 60 % of the fishing vessels which used one or more drift-nets during the period 1995 to 1997.***
4. ***Member States shall communicate to the Commission for each target species by 30 April of each year, the list of vessels authorised to carry out fishing activities using the drift-nets referred to in paragraph 3; for 1998, the information shall be sent not later than 31 July 1998.***

Amendment

(2) Article 11a shall be replaced by the following:

- ‘1. No vessel may keep on board, or use for fishing, one or more driftnets intended for the capture of species listed in Annex VIII.
2. It is prohibited to land species listed in Annex VIII which have been caught in driftnets.
3. ***As from 1 June 2015 it shall be prohibited for fishermen to keep on board fishing gears other than driftnets.***
4. ***In the Mediterranean Sea, from 1 June 2015, no vessel may keep on board, or use for fishing, driftnets with a mesh size larger than 50 mm.***
5. ***In the Mediterranean Sea, from 1 June 2015, fishing with driftnets known in Italian as ‘ferrettara’, shall be permitted***

only if it complies with the following criteria:

- with driftnets with a mesh size smaller than 50 mm;*
- with driftnets shorter than 400 m;*
- with vessels measuring less than 7 metres long;*
- if the fishing activity takes place within three miles of the coast; and*
- for a maximum period of use of six months per year.'*

Or. it

Amendment 61
Giorgos Grammatikakis

Proposal for a regulation
Article 2 a – point 3 (new)

Text proposed by the Commission

Amendment

(3) The following Article is inserted:

'Article 11a

1. From 1 June 2015, it shall be prohibited to catch any marine biological resource with driftnets and to keep any kind of driftnet on board of fishing vessels.

2. By way of derogation from paragraph 1, Member States may, until 31 May 2017, allow the continuation of current driftnet fishing activities, without prejudice to Article 11(2) and Article 11a of this Regulation and Article 9 of Council Regulation (EC) No 2187/2005*.

From 1 June 2017, the continuation of current driftnet fishing activities shall only be permitted if authorised by the Commission. Member States shall apply to the Commission for such authorisation by 31 December 2015. The application

shall be made publically available and include the following:

- an inventory of the types of driftnets used and a definition of those types;*
- the period in each year during which driftnets are used;*
- a list of fishing vessels using driftnets;*
- a comprehensive study on driftnet fishing in the Member State concerned, covering at least the three years preceding the application and including, at least, information concerning the target species, by-catch, discard, area covered, and time period; and*
- a thorough assessment of the impact of the current use of driftnets on the marine environment and on marine biological resources, including targeted and bycatch species.*

3. The Commission shall decide on any requests for authorisation by 30 November 2016 at the latest. It shall only authorise the continuation of current driftnet fishing activities where there is sufficient evidence that the type of driftnet fisheries in question has no impact on protected and unauthorised species.

4. Following a refusal of authorisation, Member States shall, where appropriate, recommend measures to alleviate significant adverse socio-economic impacts on coastal communities.'

Or. en

Amendment 62
Nicola Caputo

Proposal for a regulation
Article 2 – point 3 (new)
Regulations (EC) No 894/97
Article 11 a a (new)

(3) The following Article shall be inserted:

‘Article 11aa

1. From 1 June 2015, it shall be prohibited to catch any marine biological resource with driftnets and to keep any kind of driftnet on board of fishing vessels.

2. By way of derogation from paragraph 1, Member States may, until 31 May 2017, allow the continuation of current driftnet fishing activities, without prejudice to Article 11(2) and Article 11a of this Regulation and Article 9 of Council Regulation (EC) No 2187/2005.

From 1 June 2017, the continuation of current driftnet fishing activities shall only be permitted if authorised by the Commission. Member States shall apply to the Commission for such authorisation by 1 June 2016. The application shall include the following:

- an inventory of the types of driftnets used and a definition of those types;**
- the period in each year during which driftnets are used;**
- a list of fishing vessels using driftnets;**
- a comprehensive study on driftnet fishing in the Member State concerned, covering at least the three years preceding the application and including, at least, information concerning the target species, by-catch, discard, area covered, and time period;**
- a comprehensive study on the impact of the current use of driftnets on protected species under Union legislation and unauthorised species as listed in Annex VIII; and**
- a socio-economic study on the impact on**

local communities of a ban on each type of driftnet to be allowed.

3. Each Member State, taking into account the socio-economic studies on the impact on local communities of a ban on each type of driftnet for which authorisation has been requested, shall submit a plan regarding the allocation of resources from the European Maritime and Fisheries Fund in order to support fishermen in their transition towards new, more selective and sustainable fishing gear. The plan must become operational as soon as possible to enable the fishing gear to be replaced before the total prohibition of driftnets enters into force.

4. The Commission, taking into account specific regional features and small-scale activities, shall decide on any requests for authorisation by 30 November 2016 at the latest. It shall only authorise the continuation of current driftnet fishing activities where it is convinced that the type of driftnet fisheries in question has no harmful impact on protected and unauthorised species.'

Or. it

Amendment 63
Giovanni La Via

Proposal for a regulation
Article 2 a – point 3 (new)

Text proposed by the Commission

Amendment

(3) The following Article is inserted:

'Article 11a a

1. From 1 June 2015, it shall be prohibited to catch any marine biological resource with driftnets and to keep any kind of driftnet on board of fishing vessels.

2. By way of derogation from paragraph 1, Member States may, until 31 May 2020, allow the continuation of current driftnet fishing activities, without prejudice to Article 11(2) and Article 11a of this Regulation and Article 9 of Council Regulation (EC) No 2187/2005*

From 1 June 2020, the continuation of current driftnet fishing activities shall only be permitted if authorised by the Commission. Member States shall apply to the Commission for such authorisation by 1 June 2019. The application shall include the following:

- an inventory of the types of driftnets used and a definition of those types;***
- the period in each year during which driftnets are used;***
- a list of fishing vessels using driftnets;***
- a comprehensive study on driftnet fishing in the Member State concerned, covering at least the three years preceding the application and including, at least, information concerning the target species, by-catch, discard, area covered, and time period;***
- a comprehensive study on the impact of the current use of driftnets on protected species under Union legislation and unauthorised species as listed in Annex VIII;***
- a socio-economic study on the impact on local communities of a ban on each type of driftnet to be allowed.***

3. The Commission shall decide on any requests for authorisation by 30 November 2019 at the latest.

*** Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).**

Or. en

Justification

The proposal is not based on sufficient information able to select the sustainable activities and therefore risks putting at danger the activity of small scale fisheries that are currently using drifting nets in a sustainable way. Member States should therefore be granted enough time to conduct the scientific studies on the environmental impact that those nets have on marine resources - mainly on protected and endangered species- and to apply for authorisation to allow the continuation of the sustainable uses.

Amendment 64

Sylvie Goddyn, Mireille D'Ornano, Jean-François Jalkh

Proposal for a regulation

Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Prohibition of driftnets

It shall be prohibited:

(a) to catch any marine biological resource with driftnets; and

(b) to keep any kind of driftnet on board of fishing vessels

Or. fr

Justification

A total ban on driftnets will slash fishermen's incomes. Such an extreme step should only be taken once impact assessments and assessments of the state of fish stocks have been carried out with a view to making sure that it is sensible to proceed. Without these assessments, there

is no scientific or environmental justification for such a ban.

Amendment 65
Nicola Caputo

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Prohibition of driftnets

It shall be prohibited:

- a) to catch any marine biological resource with driftnets; and*
- b) to keep any kind of driftnet on board of fishing vessels*

Or. it

Amendment 66
Josu Juaristi Abaunz

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Prohibition of driftnets

It shall be prohibited:

- a) to catch any marine biological resource with driftnets; and*
- b) to keep any kind of driftnet on board of fishing vessels*

Or. es

Amendment 67
Françoise Grossetête

Proposal for a regulation
Article 3

Text proposed by the Commission

Amendment

Article 3

deleted

Prohibition of driftnets

It shall be prohibited:

(a) to catch any marine biological resource with driftnets; and

(b) to keep any kind of driftnet on board of fishing vessels

Or. fr

Amendment 68
Esther Herranz García

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

Text proposed by the Commission

Amendment

a) to catch any marine biological resource with driftnets; and

a) To catch any marine biological resource with driftnets ***whose mesh size is over 50 mm***; and

Or. es

Justification

The Commission's proposal is not based on any reasoned, serious scientific report on the impact of these nets in the various fishing grounds. Certain sectors of the small-scale fleet use these nets, guaranteeing a high level of environmental protection. Prohibition of their use would be unjustified and cause serious socioeconomic damage.

Amendment 69
Esther Herranz García

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

Text proposed by the Commission

Amendment

b) to keep any kind of driftnet on board of fishing vessels *deleted*

Or. es

Justification

The Commission's proposal is not based on any reasoned, serious scientific report on the impact of these nets in the various fishing grounds. Certain sectors of the small-scale fleet use these nets, guaranteeing a high level of environmental protection. Prohibition of their use would be unjustified and cause serious socioeconomic damage.

Amendment 70
Stefan Eck

Proposal for a regulation
Article 3 – paragraph 1 – a (new)

Text proposed by the Commission

Amendment

Small-scale driftnet fisheries are exempted from the ban for a period of five years.

Or. en

Justification

The five-year moratorium will allow the Member-States and all the stakeholders to carry out full and comprehensive studies needed to assess the environment and economic impact of an extension of the ban to small-scale driftnet fisheries.

Amendment 71
Teresa Rodriguez-Rubio

Proposal for a regulation
Article 3 – paragraph 1 a (new)

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Text proposed by the Commission

Amendment

Small scale fisheries which use traditional methods are exempted from this prohibition, unless it is proven that their activity is harmful for biodiversity.

Or. en

Justification

Many small scale fisheries use traditional methods that could be considered driftnets with this definition. It is not proven that small scale fisheries have the same harmful consequences as large fisheries. It is necessary to protect these methods as often they are well adapted to the local conditions.

Amendment 72

Françoise Grossetête

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Conservation measures

As a complement to Regulation (EC) No 894/97, the Member States may adopt conservation measures in accordance with Article 19 of Regulation (EU) No 1380/2013 with a view to restricting the use of driftnets.

Or. fr

Justification

A total ban that does not take regionalisation into account is out of the question. Technical measures such as restricting certain types of fishing gear must be regionalised in order to take account of the needs of small-scale coastal fishing.

Amendment 73
Esther Herranz García

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Reports

The Commission shall, by 31 December 2016 at the latest, present a scientific report to the Council and the Parliament assessing the impact of driftnets on protected and endangered species, accompanied if necessary by a proposal to the Council and the Parliament to prohibit driftnets in fisheries where environmental damage is caused by their use. The study shall include an analysis of the socioeconomic impact of eliminating these nets.

Or. es

Amendment 74
Françoise Grossetête

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Repeal

Regulation (EC) No 894/97 is repealed.

Or. fr

Justification

Regulation (EC) No 894/97 is still relevant when it comes to restricting certain types of fishing, including driftnet fishing.

Amendment 75
Nicola Caputo

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on **1 January 2015**.

Amendment

This Regulation shall enter into force on **the twentieth day following that of its publication in the Official Journal of the European Union**.

Or. it

Amendment 76
Giovanni La Via

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on **1 January 2015**.

Amendment

This Regulation shall enter into force on **1 June 2015**.

Or. en