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Committee on Fisheries

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AMENDMENTS 21-51

Draft report

(PE398.568v01-00)

Catherine Stihler

Proposal for a Council regulation concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters

Proposal for a regulation (COM(2007)0330 – C6-0236/2007 – 2007/0114(CNS))

Amendment by Rosa Miguélez Ramos

Amendment 21

Article 1, point (a), point (i)

(i) to engage in fishing activities in the waters under the sovereignty or jurisdiction of a third country in the framework of an agreement concluded between the Community and that country or

(i) to engage in fishing activities in the waters under the sovereignty or jurisdiction of a third country in the framework of an agreement concluded between the Community and that country, ***whether the agreement in question is a partnership agreement or an agreement of any other type signed by the Community, including bilateral agreements without financial compensation,*** or

Or. es

Justification

This wording will make it clearer that the regulation covers all fisheries agreements and not just partnership agreements.

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Amendment by Rosa Miguélez Ramos

Amendment 22

Article 1, point (a), point (ii)

(ii) to engage in fishing activities falling under the scope of a fisheries agreement adopted in the framework of a Regional Fisheries Management Organisation (hereinafter to be referred to as “RFMO”) or

(ii) to engage in fishing activities ***in international waters*** falling under the scope of a fisheries agreement adopted in the framework of a Regional Fisheries Management Organisation (hereinafter to be referred to as “RFMO”), ***as has been done in a number of RFMOs, including the North-West Atlantic Fisheries Organisation (NAFO), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the Indian Ocean Tuna Commission (IOTC), the North-East Atlantic Fisheries Commission (NEAFC), the Western and Central Pacific Fisheries Commission (WCPFC), the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), the General Fisheries Council for the Mediterranean (GFCM), the Inter-American Tropical Tuna Commission (IATTC), and the South-East Atlantic Fisheries Organisation (SEAFO),*** or

Or. es

Justification

This wording specifies the RFMOs with which the Community has international fisheries relations.

Amendment by Rosa Miguélez Ramos

Amendment 23

Article 2, point (a)

(a) Agreement: fisheries agreement concluded or signed in accordance with Article 300 of the Treaty;

(a) Agreement: ***any*** fisheries agreement concluded or signed in accordance with Article 300 of the Treaty, ***including bilateral agreements without financial***

compensation;

Or. es

Justification

This wording will make it clearer that the regulation covers all fisheries agreements and not just partnership agreements.

Amendment by Ioannis Gklavakis

Amendment 24
Article 2, point (g)

(g) Authorising authority: authority responsible for the authorisation of fishing activities of **Community** fishing vessels under the agreement;

(g) Authorising authority: authority responsible for the authorisation of fishing activities of fishing vessels under the agreement;

Or. el

Justification

Wording to include Chapter V, which refers to the fishing activities of third-country vessels in Community waters.

Amendment by Duarte Freitas

Amendment 25
Article 3, title

General **provision**

General **provisions**

Or. pt

Justification

The proposed wording is intended to make the text clearer and more in line with the title of the document.

Amendment by Duarte Freitas

Amendment 26
Article 3

Only Community fishing vessels for which a fishing authorisation has been issued in accordance with this Regulation shall be entitled to engage in fishing activities *in the waters subject to an agreement*.

Only Community fishing vessels for which a fishing authorisation has been issued in accordance with this Regulation shall be entitled to engage in fishing activities *outside Community waters*.

Or. pt

Justification

The proposed wording is intended to make the text clearer and more in line with the title of the document.

Amendment by Ioannis Gklavakis

Amendment 27
Article 4, paragraph 2

2. At the latest **15 days** after the information from the Commission referred to in paragraph 1, the Member States shall notify through electronic transmission to the Commission a list of vessels interested in making use of the fishing opportunities allocated to the Community by that agreement, containing the Community fleet register identification number and international radio call sign of the vessel and any other data required under the agreement or prescribed in accordance with the procedure referred to in Article 33(2).

2. At the latest **one month** after the information from the Commission referred to in paragraph 1, the Member States shall notify through electronic transmission to the Commission a list of vessels interested in making use of the fishing opportunities allocated to the Community by that agreement, containing the Community fleet register identification number and international radio call sign of the vessel and any other data required under the agreement or prescribed in accordance with the procedure referred to in Article 33(2).

Or. el

Justification

Given that the list of vessels is one of the eligibility criteria under Article 7, the deadline for notification thereof cannot be less than one month after the Member States have been informed by the Commission of the fisheries agreement. Furthermore, the proposed 15-day deadline is particularly tight in view of the fact that communications by undertakings with

vessels operating in third-country waters is not always easy and takes time.

Amendment by Rosa Miguélez Ramos

Amendment 28

Article 5

At least one month before the deadline for transmission of applications laid down in the agreement, Member States shall submit ***through electronic transmission*** to the Commission ***a fishing plan, containing*** the number of vessels for which they intend to apply for fishing authorisations, ***accompanied by*** planned fishing effort ***information***.

At ***the earliest possible date and in any event*** before the deadline for transmission of applications laid down in the agreement, Member States shall, ***through electronic transmission***, submit to the Commission ***an indication of*** the ***approximate*** number of vessels for which they intend to apply for fishing authorisations, ***and of the*** planned fishing effort.

Or. es

Justification

As this article would lead to a huge volume of red tape, apart from being difficult to enforce, it is proposed to slim down the obligations entailed.

Amendment by Rosa Miguélez Ramos

Amendment 29

Article 7, paragraph 1, point (a)

(a) that are not eligible for a fishing authorisation under the agreement concerned or are not included in the list of vessels notified in accordance with Article 4;

deleted

Or. es

Justification

The Commission proposal is muddled and will pose problems regarding the two lists to which it refers.

Amendment by Duarte Freitas

Amendment 30
Article 7, paragraph 1, point (a)

(a) that are not eligible for a fishing authorisation under the agreement concerned ***or are not included in the list of vessels notified in accordance with Article 4;***

(a) that are not eligible for a fishing authorisation under the agreement concerned;

Or. pt

Justification

A lista referida no artigo 4.º apenas circunscreve a elegibilidade a navios que inicialmente tenham demonstrado interesse em operar no âmbito de determinado acordo. Tal parece-me errado, dado que um armador de um navio pode inicialmente não manifestar interesse num acordo, mas vir a fazê-lo mais tarde. O navio pode ainda mudar de proprietário, podendo o novo proprietário manifestar interesse em operar na zona do Acordo. É ainda legítimo que se possa reorientar geograficamente determinados navios, pelo que não se deve limitar, à partida, o universo de navios potencialmente beneficiários de um pesqueiro.

Amendment by Ioannis Gklavakis

Amendment 31
Article 7, paragraph 1, point (a)

(a) that are not eligible for a fishing authorisation under the agreement concerned ***or are not included in the list of vessels notified in accordance with Article 4;***

(a) that are not eligible for a fishing authorisation under the agreement concerned;

Or. el

Justification

It should be possible to apply for authorisation for vessels which, for suitably justified reasons, have not been included in the list of vessels notified in accordance with Article 4.

Amendment by Rosa Miguélez Ramos

Amendment 32
Article 7, paragraph 1, point (b)

(b) that during the previous 12 months of fishing activities under the agreement concerned or, in case of a new agreement, of fishing activities of the agreement that preceded that agreement, have committed a serious infringement, or, where appropriate, have not yet fulfilled the conditions under that agreement for that period; ***deleted***

Or. es

Justification

The procedure proposed by the Commission is at odds with the national laws applicable in each instance. Cancelling an authorisation is an administrative act.

Amendment by Duarte Freitas

Amendment 33
Article 7, paragraph 1, point (b)

(b) that during the previous 12 months of fishing activities under the agreement concerned or, in case of a new agreement, of fishing activities of the agreement that preceded that agreement, have committed a serious infringement, or, where appropriate, have not yet fulfilled the conditions under that agreement for that period;

(b) that during the previous 12 months of fishing activities under the agreement concerned or, in case of a new agreement, of fishing activities of the agreement that preceded that agreement, have committed a serious infringement, or, where appropriate, have not yet fulfilled the conditions under that agreement for that period;

The first paragraph shall not apply where it transpires that a penalty has already been imposed on the vessel concerned, where there is evidence that the infringement was not serious, and/or where the vessel has changed owners and the new owner provides guarantees that the conditions will be fulfilled.

Or. pt

2. The Commission shall examine the ***fishing plans and*** requests for transmission of applications, taking into account:

2. The Commission shall examine the requests for transmission of applications, taking into account:

Or. es

Justification

See justification for amendment to Article 5.

Amendment by Rosa Miguélez Ramos

Amendment 37

Article 8, paragraph 2, point (a)

(a) the fishing opportunities allocated to each Member State by the Council on the basis of Article 20 of Regulation (EC) No 2371/2002 ***or pursuant to Article 300 of the Treaty*** and

(a) the fishing opportunities allocated to each Member State by the Council on the basis of Article 20 of Regulation (EC) No 2371/2002 and

Or. es

Justification

The reference to the Treaty is removed because, although Parliament has to be consulted when agreements are to be signed with third countries, that obligation does not extend to the fishing opportunities mentioned in the above article; the only acceptable criterion is Article 20 of the regulation specified by the Commission.

Amendment by Ioannis Gklavakis

Amendment 38

Article 9, paragraph 1, introduction

1. The Commission shall not transmit to the authorising authority applications, with regard to which:

1. The Commission, ***having given the Member States the opportunity to submit their observations***, shall not transmit to the authorising authority applications, with regard to which:

Or. el

Justification

Prior to any decision not to transmit applications Member States should have the opportunity to submit their observations, particularly in cases where action is needed to remedy omissions or resolve problems.

Amendment by Duarte Freitas

Amendment 39

Article 9, paragraph 1, point (a)

(a) the data provided by the Member State is incomplete;

(a) the data provided by the Member State is incomplete, ***with respect to the requirements of the fisheries agreement in question;***

Or. pt

Justification

In the circumstances referred to in the additional text, it would be unacceptable for fishing vessels not to be eligible.

Amendment by Rosa Miguélez Ramos

Amendment 40

Article 10

Where ***the Commission has reason to believe*** that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, ***it shall*** inform the Member State thereof and give that Member State the opportunity to submit its observations. ***Should the Commission determine***, in the light of any observations submitted by the Member State, ***that*** a breach of those obligations ***has*** occurred, ***then it shall*** decide, having due regard to the principles of legitimate expectation and proportionality, to exclude the vessels of that Member State from further participation under that agreement.

Where ***it comes to the Commission's knowledge, on the basis of duly substantiated facts***, that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, ***the Commission shall*** inform the Member State thereof and give that Member State the opportunity to submit its observations. ***If***, in the light of any observations submitted by the Member State, a breach of those obligations ***is proven to have*** occurred, ***the Commission may*** decide, having due regard to the principles of legitimate expectation and proportionality, to exclude the vessels of that Member State from further participation

under that agreement.

Or. es

Justification

Couched in the terms proposed by the Commission, this article entails great legal uncertainty, referring as it does to possible 'reasons to believe'. Any refusal by the EC to pass on applications has to be based on proven facts.

Amendment by Carmen Fraga Estévez

Amendment 41
Article 10

Where the Commission has ***reason to believe*** that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, it shall inform the Member State thereof and give that Member State the opportunity to submit its observations. Should the Commission determine, in the light of any observations submitted by the Member State, that a breach of those obligations has occurred, then it shall decide, having due regard to the principles of legitimate expectation and proportionality, to exclude the vessels of that Member State from further participation under that agreement.

Where the Commission has ***irrefutable evidence*** that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, it shall inform the Member State thereof and give that Member State the opportunity to submit its observations. Should the Commission determine, in the light of any observations submitted by the Member State, that a breach of those obligations has occurred, then it shall decide, having due regard to the principles of legitimate expectation and proportionality, to exclude the vessels of that Member State from further participation under that agreement.

Or. es

Amendment by Marie-Hélène Aubert

Amendment 42
Article 10

Where the Commission has reason to believe that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, it shall inform the Member State thereof and give that Member State the opportunity to submit

Where the Commission has reason to believe that a Member State has not complied with the obligations referred to in Annex I with regard to a specific agreement, it shall inform the Member State thereof and give that Member State the opportunity to submit

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its observations. Should the Commission determine, in the light of any observations submitted by the Member State, that a breach of those obligations has occurred, then it shall decide, having due regard to the principles of legitimate expectation and proportionality, to exclude the vessels of that Member State from further participation under that agreement ***for a period of 12 months.***

Or. en

Amendment by Ioannis Gklavakis

Amendment 43
Article 14, paragraph 1

1. Member States shall obtain information on the existence of any arrangements between nationals of a Member State and a third country, allowing fishing vessels flying their flag to engage in fishing activities in waters under the jurisdiction or sovereignty of a third country and shall inform the Commission thereof ***by submission of a list of the vessels concerned.***

1. Member States shall obtain information on the existence of any arrangements between nationals of a Member State and a third country, allowing fishing vessels flying their flag to engage in fishing activities in waters under the jurisdiction or sovereignty of a third country and shall inform the Commission thereof.

Or. el

Justification

Information for the Commission in the form of a list of the vessels concerned is covered by Article 15(3).

Amendment by Ioannis Gklavakis

Amendment 44
Article 14, paragraph 2

2. Where the fishing activities referred to in paragraph 1 are targeting stocks that are deemed to be outside safe biological limits , as defined in Article 3(l) of Regulation

deleted

(EC) No 2371/2002, the Commission may request the Member State concerned to submit an evaluation of the stocks and may, where necessary for the protection of the stocks and after having obtained the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) as referred to in Article 33 of Regulation (EC) No 2371/2002, impose restrictions on the fishing activities concerned.

Or. el

Justification

This provision is unrelated to the simplification of authorisation procedures for Community vessels outside Community waters.

Amendment by Rosa Miguélez Ramos

Amendment 45
Article 15, paragraph 2

2. Community fishing vessels that have committed serious infringements during the 12 months preceding the date on which the authorisation is to take effect ***or that are included in an IUU list*** shall not be authorised to engage in the fishing activities referred to in paragraph 1.

2. Community fishing vessels that have committed serious infringements during the 12 months preceding the date on which the authorisation is to take effect shall not be authorised to engage in the fishing activities referred to in paragraph 1.

Or. es

Justification

See justification for amendment to Article 10.

Amendment by Ioannis Gklavakis

Amendment 46
Article 19, paragraph 1

1. Without prejudice to Article 26(4) of Regulation (EC) No 2371/2002 and Article 21(3) of Regulation (EC) No 2847/93, when a Member State considers that the fishing opportunities which have been allocated to it have been exhausted, it shall immediately prohibit fishing activities for the respective area, stock or group of stocks.

1. Without prejudice to Article 26(4) of Regulation (EC) No 2371/2002 and Article 21(3) of Regulation (EC) No 2847/93, when a Member State considers that the fishing opportunities which have been allocated to it have been exhausted, it shall immediately prohibit fishing activities for the respective area, stock or group of stocks, ***suspending authorisations which have been granted.***

Or. el

Justification

This ensures more effective monitoring of fishing activities.

Amendment by Rosa Miguélez Ramos

Amendment 47

Article 19, paragraph 3

3. Where fishing authorisations have been issued for mixed fisheries and one of the stocks or group of stocks concerned is deemed to be exhausted, the Member State shall prohibit all fishing activities that are part of the mixed fisheries. ***deleted***

Or. es

Justification

It makes no sense, and it is extremely counterproductive for the credibility of the CFP, to prohibit the catching of species when the conservation status of their stocks is good. By definition all fisheries are, moreover, mixed.

Amendment by Ioannis Gklavakis

Amendment 48

Article 19, paragraph 3

3. Where fishing authorisations have been issued for mixed fisheries and one of the

3. Where fishing authorisations have been issued for mixed fisheries and one of the

stocks or group of stocks concerned is deemed to be exhausted, the Member State shall prohibit ***all fishing activities that are part of the mixed fisheries.***

stocks or group of stocks concerned is deemed to be exhausted, the Member State shall prohibit ***the specific activities threatening the endangered stocks.***

Or. el

Justification

A ban should be imposed on activities threatening endangered stocks and not all fishing activities.

Amendment by Carmen Fraga Estévez

Amendment 49

Article 21, paragraph 1, point (a)

(a) For ***all concerned users of the Member States and concerned*** authorising authorities on the website linked to the Community fishing authorisation information system. The data accessible to these persons shall be limited to *that* data they need in the framework of the fishing authorisation process.

(a) For authorising authorities *concerned* on the website linked to the Community fishing authorisation information system. The data accessible to these persons shall be limited to *those* data they need in the framework of the fishing authorisation process.

Or. es

Amendment by Carmen Fraga Estévez

Amendment 50

Article 21, paragraph 1, point (b)

(b) For ***all concerned users of*** the competent inspection authorities on the website linked to the Community fishing authorisation information system. The data accessible to these persons shall be limited to *that* data they need in the framework of their inspection activities.

(b) For the competent inspection authorities on the website linked to the Community fishing authorisation information system. The data accessible to these persons shall be limited to *those* data they need in the framework of their inspection activities.

Or. es

Amendment by Pedro Guerreiro

Amendment 51

Article 24, paragraph 3 a (nouveau)

3a. Member States, as interested parties, shall be active participants in the procedures, in particular decision-making procedures, resulting from this chapter.

Or. pt

Justification

Self-explanatory.