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Committee on Fisheries

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DRAFT REPORT

on the proposal for a Council regulation amending Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999

(COM(2006)0867 – C6-0054/2007 – 2007/0001(CNS))

Committee on Fisheries

Rapporteur: Rosa Miguélez Ramos

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation on amending Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999

(COM(2006)0867 – C6-0054/2007 – 2007/0001(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0867)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0054/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0000/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
ARTICLE 1, POINT 2 A (NEW)
Article 5 a (Regulation (EC) No 601/2004)

(2a) The following Article 5a is inserted:

¹ Not yet published in OJ.

'Article 5a

Notifications of intent to participate in a krill fishery

All Contracting Parties intending to fish for krill in the Convention area shall notify the CCAMLR Secretariat of their intent not less than four months in advance of the regular annual meeting of the Commission immediately prior to the season in which they intend to fish.'

Amendment 2

ARTICLE 1, POINT 2 B (NEW)

Article 6, paragraph 3 (Regulation (EC) No 601/2004)

(2b) Article 6(3) is replaced by the following:

'3. The flag Member State shall notify the Commission not later than four months in advance of the annual meeting of the CCAMLR of the intention of a Community fishing vessel to develop a new fishery in the Convention area.

The notification shall be accompanied by as much of the following information as the Member State is able to provide:

(a) the nature of the proposed fishery, including target species, methods of fishing, the proposed region and any minimum level of catches required to develop a viable fishery;

(b) biological information from comprehensive research/survey cruises, such as distribution, abundance, population data and information on stock identity;

(c) details of dependent and associated species and the likelihood of such species being affected in any way at all by the proposed fishery;

(d) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential

yield;

(e) if the proposed fish will be taken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities.'

Amendment 3

ARTICLE 1, POINT 4

Article 7 b, point (a) (Regulation (EC) No 601/2004)

(a) *Dissostichus* spp. individuals shall be tagged and released at a rate of one individual per tonne of green weight catch throughout the season in accordance with the CCAMLR Tagging Protocol. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged ***one individual per tonne of green weight caught;***

(a) *Dissostichus* spp. individuals shall be tagged and released at a rate of one individual per tonne of green weight catch throughout the season in accordance with the CCAMLR Tagging Protocol. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged ***Dissostichus spp at the specified rate;***

Amendment 4

ARTICLE 1, POINT 4

Article 7 b, point (b) (Regulation (EC) No 601/2004)

(b) the programme shall target individuals of all sizes in order to meet the tagging requirement of one individual per one tonne of green weight catch. All released individuals shall be double tagged and releases shall cover as broad a geographical area as possible;

(b) the programme shall target individuals of all sizes in order to meet the tagging requirement of one individual per one tonne of green weight catch. All released individuals shall be double tagged and releases shall cover as broad a geographical area as possible; ***in regions where both Dissostichus species occur, the tagging rate shall, to the extent possible, be in proportion to the species and size of Dissostichus spp present in the catches.***

Amendment 5

ARTICLE 1, POINT 4

Article 7b, point (c) (Regulation (EC) No 601/2004)

(c) all tags shall be clearly imprinted with a

(c) all tags shall be clearly imprinted with a

unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual;

unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual; ***from 1 September 2007 all tags for use in explanatory fishery shall be sourced from the CCAMLR Secretariat.***

Amendment 6

ARTICLE 1, POINT 4

Article 7 b, point (e) (Regulation (EC) No 601/2004)

(e) all recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), ***an electronic photograph taken if possible***, the otoliths recovered and the tag removed;

(e) all recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), ***an electronic time-stamped photograph taken of the fish***, the otoliths recovered and the tag removed;

Amendment 7

ARTICLE 1, POINT 4

Article 7 b, paragraph 1 a (new) (Regulation (EC) No 601/2004)

Tootfish that are tagged and released shall not be counted against the catch limits.

Amendment 8

ARTICLE 1, POINT 12 A (new)

Article 26 a (Regulation (EC) No 601/2004)

(12a) The following Article 26a is inserted:

"Article 26a

Report of vessel sighting

1. If the master of a licensed fishing vessel sights a fishing vessel within the Convention area, the master shall, where possible, document as much information as possible on each such sighting, including:

- (a) the name and description of the vessel;***
- (b) the vessel call sign;***
- (c) the registration number and the Lloyds/IMO number of the vessel;***
- (d) the flag State of the vessel;***

(e) photographs of the vessel to support the report;

(f) any other relevant information regarding the observed activities of the sighted vessel.

2. The master shall forward a report containing the information referred to in paragraph 1 to his flag State as soon as possible. The flag State shall submit to the CCAMLR Secretariat any such reports if the sighted vessel is engaged in IUU activities according to CCAMLR standards."

Amendment 9

ARTICLE 1, POINT 14

Article 30, paragraph 1 (Regulation (EC) No 601/2004)

14. Article 30(1) is replaced by the following:

“Member States shall take all necessary measures in accordance with national and Community law, in order that:

(a) no special fishing permit referred to in Article 3 is issued to Community fishing vessels appearing in the IUU vessel list to fish in the Convention Area;

(b) no licence or special fishing permit is issued to vessels appearing in the IUU vessel list to fish in waters under their sovereignty or jurisdiction;

(c) their flag is not granted to vessels appearing in the IUU vessel list;

(d) vessels appearing in the IUU *vessel list that enter their ports voluntarily are inspected in port in accordance with Article 27;*

(e) importers, transporters, and other sectors concerned are encouraged to refrain from dealing with and from transshipping of fish caught by vessels in the IUU vessel list."

14. Article 30(1) is replaced by the following:

“Member States shall take all necessary measures in accordance with national and Community law, in order that:

(a) no special fishing permit referred to in Article 3 is issued to Community fishing vessels appearing in the IUU vessel list to fish in the Convention Area;

(b) no licence or special fishing permit is issued to vessels appearing in the IUU vessel list to fish in waters under their sovereignty or jurisdiction;

(c) their flag is not granted to vessels appearing in the IUU vessel list;

(d) vessels appearing in the IUU *list shall be denied access to ports unless for the purpose of enforcement action or for reasons of force majeure or for rendering assistance to vessels or persons on those vessels in danger or distress. Vessels allowed entry to port shall be inspected in accordance with Article 27;*

(e) where port access is granted to such vessels:

– documentation and other information,

including Dissostichus Catch Documents where relevant, are examined, with a view to verifying the area in which the catch was taken; and where the origin cannot be adequately verified, the catch is detained or any landing or transshipment of the catch is refused, and – where possible, if catch is found to be taken in contravention of CCAMLR conservation measures, catch is confiscated.

All support to such vessels, including non-emergency refuelling, resupplying and repairs shall be prohibited.

(f) importers, transporters, and other sectors concerned are encouraged to refrain from dealing with and from transshipping of fish caught by vessels in the IUU vessel list.”

(Point (e) in the Commission text has become a new point (f) in Parliament's amendment.)

Amendment 10

ARTICLE 1, POINT 15

Article 30, paragraph 2 (Regulation (EC) No 601/2004)

15. Article 30(2) is replaced by the following:

“The following activities shall be prohibited:

(a) by derogation of Article 11 of Regulation (EEC) 2847/93, for Community fishing vessels, support vessels, mother-ships and cargo vessels, to participate *in any* transshipment or joint fishing operations with, support or re-supply vessels appearing on the IUU vessel list;

(b) for vessels appearing *in* the IUU vessel list that enter ports voluntarily, to land or tranship therein;

(c) *to charter* vessels appearing *on* the IUU vessel list;

(d) to import, export, or re-export Dissostichus spp. from vessels appearing in the IUU vessel list.”

15. Article 30(2) is replaced by the following:

“The following activities shall be prohibited:

(a) by derogation of Article 11 of Regulation (EEC) 2847/93, for Community fishing vessels, support vessels, *refuel vessels*, mother-ships and cargo vessels, to participate *in any way in* transshipment or joint fishing operations with, support or re-supply vessels appearing on the IUU vessel list;

(b) *to charter* vessels appearing *on* the IUU vessel list;

(c) to import, export, or re-export Dissostichus spp. from vessels appearing in the IUU vessel list.”

Amendment 11
ARTICLE 1, POINT 15 A (new)
Article 31 (Regulation (EC) No 601/2004)

(15a) Article 31 is replaced by the following:

"Article 31

Scheme to promote compliance by nationals with CCAMLR conservation measures

1. Without prejudice to the primacy of the responsibility of the flag State, Member States shall take appropriate measures, subject to and in accordance with their applicable laws and regulations:

(i) to verify if any natural or legal persons subject to their jurisdiction are engaged in the IUU activities as described in article 28 of Council Regulation (EC) No 601/2004 of 22 March 2004;

(ii) to enable them to take appropriate action in response to any verified activities referred to in paragraph 1(i); and

(iii) to enable them to cooperate for the purpose of implementing the measures and actions referred to in paragraph 1(i). To this end, relevant agencies of Member States shall cooperate to implement CCAMLR conservation measures and shall seek cooperation by industries within their jurisdiction.

*2. To assist with the implementation of this conservation measure, Member States shall submit to the CCAMLR Secretariat and the Contracting Parties and non-Contracting Parties cooperating with CCAMLR, for the purpose of implementing the Catch Documentation Scheme for *Dissostichus* spp., a report on the actions and measures taken in accordance with paragraph 1, in a timely fashion, with a copy to the Commission."*

EXPLANATORY STATEMENT

Since 1981 the EC has been a contracting party to the Convention on the conservation of Antarctic marine living resources (CCAMLR), and has therefore been obliged to incorporate its conservation and management measures into Community law. The measures relating to fisheries monitoring have been codified since 2002 in a single regulation (subsequently amended a number of times), in order to incorporate the decisions adopted by the Convention's annual assemblies.

Incorporation of these conservation measures into the Community rules is vital for the fight against illegal, undeclared and unregulated fishing, which in the case of *Dissostichus spp.*, a species of great commercial value, is one of the main problems facing the CCAMLR. In 1999, it approved the establishment of a catch documentation system, as a binding legal instrument for all contracting parties. The aim was to improve the monitoring of international trade in that species, determine the origin of catch imported into or exported from the territory of the contracting parties to the Convention, check whether the catch has taken place within the Convention area in a form compatible with the conservation measures, and supply data to facilitate the scientific evaluation of the populations.

Hence the different methods adopted by this regional fisheries organisation: setting catch limits, imposing mandatory use of a satellite tracking system (STS) by fishing vessels, introducing inspections of unloading and in-port transfers of catch, and making vessels' activities conditional on issue by the flag state of the necessary license or authorisation. The application of these measures, which have become more stringent over time, and the implementation of stricter controls in the Convention area, have yielded encouraging results.

This report concerns the proposed updating of Regulation (EC) No 601/2004, in line with the changes adopted by the annual meetings held by CCAMLR in 2004 and 2005 and with the Community system of data communication on catch and fishing effort. Although some of these new measures were included provisionally in the annual regulation on TAC and quotas for 2006, what is now needed is to give them a more permanent status as part of the Community rules.

Most of the measures are intended to strengthen the monitoring of vessels authorised to carry out fishing activities in CCAMLR waters or to fight illegal, undeclared and unregulated fishing (IUUF) in the regulated area. Many of them derive from proposals drawn up by the Community together with other parties to the Convention, consolidating its already important role in fighting IUUF, which is a grave threat to the vulnerable marine environment around the southern continent.

Also significant are the prohibition on dumping various types of waste, introduced in order to protect the environment, and the implementation of measures to prevent the accidental capture of seabirds. A tagging programme is also proposed in order to improve knowledge of the situation and interconnections of the various southern hake populations.

The slow nature of the regulatory procedures and the constraints of multilingualism have led to considerable delay in incorporating the RFOs' decisions into Community law. In the

interests of the smooth functioning of the Union institutions, priority needs to be given to achieving simpler and more flexible legislative procedures, while not undermining the necessary guarantees or the European Parliament's powers of control over the Community administration. Your rapporteur has, therefore, not limited herself in her report to the proposal amending Regulation 601/2004 as submitted by the Commission and confined in scope to the decisions adopted in 2004 and 2005.

Following lines similar to those adopted for the recent proposal for amendment of the conservation and execution measures applicable in the NAFO area, the rapporteur's amendments additionally introduce the changes proposed by the CCAMLR in November 2006, which are of major importance in relation to the fight against IUUF but were not included in the proposal received by Parliament. These provisions will make it possible to close the Community's ports not only to fish illegally caught in the Convention area, but also to illegal vessels, since the latter will not even be able to use the port services. Including these provisions in the report will facilitate their implementation, as soon as possible and throughout the Community.