



EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

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2011/0144(COD)

15.9.2011

# AMENDMENTS

## 6 - 19

**Draft opinion**  
**Daciana Octavia Sârbu**  
(PE469.863v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 302/2009 concerning a multiannual recovery plan for bluefin tuna in the eastern Atlantic and Mediterranean

Proposal for a regulation  
(COM(2011)0330 – C7-0154/2011 – 2011/0144(COD))

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PE472.210v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_LegOpinion

**Amendment 6**  
**Gerben-Jan Gerbrandy**

**Proposal for a regulation-amending act**

–

*Proposal for 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 Commission proposal.***

Or. en

*Justification*

*Stocks of Atlantic bluefin tuna have been drastically reduced and urgent action is required to protect them. ICCAT recommendation 10-04 seeks to increase the measures to protect bluefin tuna, including a reduction of the Total Allowable Catch (TAC) and a strengthening of the control measures. ICCAT however has ignored its own scientific advice and set the TAC too high. The EP should send a political signal and reject this proposal as the bluefin tuna is on the brink of extinction.*

**Amendment 7**  
**Elisabetta Gardini**

**Proposal for a regulation – amending act**  
**Recital 1**

*Text proposed by the Commission*

(1) The International Commission for the Conservation of Atlantic Tunas (ICCAT) has adopted a Recommendation 10-04 amending the multiannual recovery plan for bluefin tuna. In order to rebuild the stock, the recommendation provides for ***a further*** reduction of the total allowable catch, ***for strengthening measures to reduce the fishing capacity*** and for ***reinforcing the control*** measures, ***in particular as regards the transfer and the caging operations.***

*Amendment*

**(1)** The International Commission for the Conservation of Atlantic Tunas (ICCAT) has adopted a Recommendation 10-04 amending the multiannual recovery plan for bluefin tuna. In order to rebuild the stock ***in question***, the recommendation provides for ***the progressive*** reduction of the total allowable ***bluefin tuna*** catch and for ***new stock conservation and management*** measures.

*Justification*

*While the various measures proposed for the rebuilding of bluefin tuna stocks are of undeniable importance in terms of marine conservation, it is necessary to carry out a scientific assessment of their real effectiveness in different areas, particularly in the case of a highly migratory species such as bluefin tuna.*

**Amendment 8**

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

**Proposal for a regulation – amending act**

**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Although Council Regulation (EC) No 2371/2002 of 20 December 2002 aims at the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, the situation concerning the sustainability of the bluefin tuna in the Eastern Atlantic and the Mediterranean is worrying due to the high fishing mortality rate and the low spawning stock biomass.***

Or. en

**Amendment 9**

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

**Proposal for a regulation – amending act**

**Recital 3 (new)**

*Text proposed by the Commission*

*Amendment*

***(3 b) The ‘precautionary approach to fisheries management’ as laid down in Council Regulation (EC) No 2371/2002 of 20 December 2002 in addition to the precautionary principle as laid down in Article 191 of the Treaty on the***

***Functioning of the European Union should be taken into consideration when amending Regulation (EC) No 302/2009 concerning the multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.***

Or. en

**Amendment 10**  
**Sandrine Bélier, Bas Eickhout**

**Proposal for a regulation – amending act**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Union policy and legislation in relation to bluefin tuna should also be consistent with the commitments undertaken in the context of the United Nations Convention on Biological Diversity and its Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, and in line with the EU Biodiversity Strategy which stipulates that Maximum Sustainable Yields should be achieved by 2015.***

Or. en

*Justification*

*The EU signed up to a target of achieving MSY levels by 2015 at the World Summit on Sustainable Development in 2002. The fisheries target adopted at CBD COP 10 states i.a. ‘By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.’*

**Amendment 11**  
**Kriton Arsenis**

**Proposal for a regulation – amending act  
Recital 3a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Union policy and legislation in relation to bluefin tuna should be consistent with the objective of ensuring an exploitation of living marine biological resources that restores and maintains healthy populations of harvested species above levels which can produce the maximum sustainable yield by 2015, where possible, as was established in the UN Convention on the Law of the Sea and adopted at the 2002 World Summit on Sustainable Development;***

Or. en

**Amendment 12  
Daciana Octavia Sârbu**

**Proposal for a regulation – amending act  
Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Multi-annual recovery plans drawn up under Article 5 of Regulation (EC) No 2371/2002, such as the recovery plan for bluefin tuna, must apply the precautionary approach to fisheries management as set out therein and be in accordance with the UN Fish Stocks Agreement, resulting in the need for more caution to be exercised on the part of the Union when information is uncertain, unreliable or inadequate and making it imperative that the absence of adequate scientific information is not used as a reason for postponing or failing to take management measures to conserve bluefin tuna and their environment.***

Or. en

**Amendment 13**  
**Sandrine Bélier, Bas Eickhout**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 302/2009

Article 1 – paragraph 3

*Text proposed by the Commission*

The objective of that recovery plan shall be to achieve a biomass corresponding to the maximum sustainable yield with greater than **60** % probability.

*Amendment*

The objective of that recovery plan shall be to achieve a biomass corresponding to the maximum sustainable yield with greater than **75** % probability **by 2015**.

Or. en

**Amendment 14**  
**Elisabetta Gardini**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 302/2009

Article 1 – paragraph 3

*Text proposed by the Commission*

The objective of that recovery plan shall be to achieve a biomass corresponding to the maximum sustainable yield with greater than 60% probability.

*Amendment*

The objective of that recovery plan shall be to achieve **by 2020** a biomass corresponding to the maximum sustainable yield with greater than 60% probability.

Or. it

*Justification*

*It would be advisable to adhere fully to the text of ICCAT Recommendation 10-04, modifying the recommended deadline accordingly to ensure greater consistency between the various European policies and measures.*

**Amendment 15**  
**Sandrine Bélier, Bas Eickhout**

**Proposal for a regulation – amending act**

**Article 1 – point 5 – point a**

Regulation (EC) No 302/2009

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Purse seine fishing for bluefin tuna shall be prohibited in the eastern Atlantic and Mediterranean ***during the period from 15 June to 15 May.***

2. Purse seine fishing for bluefin tuna shall be prohibited in the eastern Atlantic and Mediterranean.

Or. en

*Justification*

*Five out of the eight tuna species are at risk of extinction due to over-fishing. The latest assessment for the International Union for Conservation of Nature (IUCN) concludes that the only way to save southern and Atlantic bluefin tuna was to shut down the fisheries until stocks were rebuilt. (If adopted, articles 30 and 31 are adapted to be consistent).*

**Amendment 16**

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

**Proposal for a regulation – amending act**

**Article 1 – point 5a (new)**

Regulation (EC) No 302/2009

Article 7a (new)

*Text proposed by the Commission*

*Amendment*

***(5a) The following article shall be inserted:***

***‘Article 7a***

***Spawning grounds***

***The Commission, based on the available scientific research provided by the Standing Committee on Research and Statistics concerning the six dominant spawning areas in the Mediterranean, shall identify the spawning grounds within the Union and shall create sanctuaries pursuant to the precautionary***



*principle.'*

Or. en

**Amendment 17**  
**Rolandas Paksas**

**Proposal for a regulation – amending act**

**Article 1 – point 9**

Regulation (EC) No 302/2009

Article 22 – paragraph 1 – point c

*Text proposed by the Commission*

(c) estimate of quantity of bluefin tuna to be transferred;

*Amendment*

(c) estimate of quantity of bluefin tuna to be transferred **by size**;

Or. It

**Amendment 18**  
**Sandrine Bélier, Bas Eickhout**

**Proposal for a regulation – amending act**

**Article 1 – point 16a (new)**

Regulation (EC) No 302/2009

Article 33

*Text proposed by the Commission*

*Amendment*

***(16a) Article 33 is replaced by the following :***

**‘Article 33**

**Enforcement**

**1. Member States shall take enforcement measures with respect to a fishing vessel flying their flag, where it has been established, in accordance with their law that the vessel does not comply with Articles 4, 7, 8, 9, 17, 18, 19, 20, 21 and 23 of this Regulation. The measures shall include, depending on the gravity of the offence and in accordance with their**

**national law:**

**(a) fines reflecting the value of the catches and the conservation status of the species;**

**(b) seizure of illegal fishing gear and catches;**

**(c) sequestration of the vessel;**

**(d) suspension or withdrawal of authorisation to fish;**

**(e) reduction or withdrawal of the fishing quota, if applicable.**

*Fines shall represent at least five times the value of the catches obtained through infringement. In the case of a repeated serious infringement within a five-year period, the financial penalties shall be increased to an amount that is at least eight times the value of the catches obtained through infringement.*

**2. Each Member State within the jurisdiction of which the bluefin tuna farm is located shall take enforcement measures with respect to that farm, where it has been established, in accordance with its law, that the farm does not comply with Articles 24 and 31(2) of this Regulation and Article 4a, 4b and 4c of Regulation (EC) No 1936/2001. The measures shall include, depending on the gravity of the offence and in accordance with the national law:**

**(a) fines reflecting the value of the fish and the conservation status of the species;**

**(b) suspension or withdrawal from the fattening farms record;**

**(c) prohibition of caging or marketing quantities of bluefin tuna.'**

Or. en

*Justification*

*Amending article 33 in order to change 'may' into 'shall' in the second sentence of*

*paragraph 1 and 2; to include reference to value and conservation status of species to fines; and to insert minimum level for fines (equal to financial penalties adopted by EP in the first reading on Timber Regulation).*

**Amendment 19**

**Sandrine Bélier, Bas Eickhout**

**Proposal for a regulation-amending act**

**Article 1 – point 18a (new)**

Regulation (EC) No 302/2009

Article 34 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

***(18a) In Article 34, the following paragraph is inserted:***

***‘3a. Member States shall lay down the rules on penalties applicable to trade in tuna that infringes the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive and shall include, inter alia, immediate suspension of authorisation to trade.’***

Or. en

*Justification*

*It is necessary to ensure that traders are also subject to enforcement action.*