



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2011/0144(COD)

15.7.2011

DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

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 (COM(2011)0330 – C7-0154/2011 – 2011/0144(COD))

Rapporteur: Daciana Octavia Sârbu

PA_Legam

SHORT JUSTIFICATION

Stocks of Atlantic bluefin tuna have been drastically reduced over the years and urgent action is required to protect them. In this context, the International Commission for the Conservation of Atlantic Tunas (ICCAT), to which the EU is a contracting party (CPC), agreed a new recommendation at its annual meeting in 2010. Recommendation 10-04 seeks to increase the measures to protect bluefin tuna by amending the previously agreed multiannual recovery plan. The changes include a reduction of the Total Allowable Catch and a strengthening of the control measures used to implement the recovery plan, specifically those control measures relating to caging and transfer operations. The purpose of the Commission's proposal is to transpose this new ICCAT recommendation into EU law.

Given that the ICCAT recommendation has already been adopted at international level, there is limited scope for amending the text of the transposition. However, there are some modifications which could be made in order to improve the proposal.

1. Consistency with other legal obligations

In addition to the ICCAT recommendation, the EU is also bound by other legal obligations regarding fish stocks and the marine environment. The most significant of these is perhaps the Marine Strategy Framework Directive, which obliges Member States to achieve 'good environmental status' by 2020 at the latest. Commission Decision 2010/477, which sets out criteria and methodological standards concerning good environmental status of marine waters, states that populations of all commercially exploited fish should be "within safe biological limits".

Given that under Article 7 TFEU the EU must ensure consistency between its legislation and policies, it is necessary to reflect the obligations contained in the Marine Strategy Framework Directive in the multiannual recovery plan for bluefin tuna.

2. Caging Operations

'Caging operations' refers to the transfer of bluefin tuna to fattening and farming cages. A section of the ICCAT text, which refers to determining the responsible CPC in cases where a farm is located outside the jurisdiction of a CPC, has been omitted from the text of the transposition. This should be inserted in order to clarify the responsible CPC in this specific context.

3. Spawning grounds

The ICCAT text highlights the importance of the identification and protection of spawning grounds. The Environment Committee should reiterate the significance of this, as it is likely to be an essential element of any successful recovery plan.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

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, 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, ***and foresees additional advice on the identification of spawning grounds and creation of sanctuaries to be developed by 2012.***

Or. en

Justification

The ICCAT recommendation highlights the need to properly identify spawning grounds as a matter of urgency. The protection of spawning grounds will be central to the ultimate success of the recovery plan and this should be borne in mind by all CPCs.

Amendment 2

Proposal for a regulation – amending act

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Union policy and legislation in relation to bluefin tuna should be consistent with 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)¹ and Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters² which require Member States to take action to ensure that the spawning stock biomass of all populations of commercially exploited fish, including bluefin tuna, is at or above the spawning stock biomass associated with maximum sustainable yield by 2020, at the latest.

¹ OJ L 164, 25.6.2008, p. 19.

² OJ L 232, 2.9.2010, p. 14.

Or. en

Justification

In addition to the ICCAT recommendation, the EU is also bound by the Marine Framework Strategy Directive, which obliges the Member States to 'achieve good environmental status' by 2020. Good environmental status means ensuring that commercially exploited fish stocks are within safe biological limits. To ensure consistency between policies and legislation, which the EU is required to do by Art 7 TFEU, it is necessary to reflect the relevant obligations of the Marine Strategy Framework Directive in the recovery plan for bluefin tuna.

Amendment 3

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 **by 2020**.

Or. en

Justification

In addition to the ICCAT recommendation, the EU is also bound by the Marine Framework Strategy Directive, which obliges the Member States to 'achieve good environmental status' by 2020. Good environmental status means ensuring that commercially exploited fish stocks are within safe biological limits. To ensure consistency between policies and legislation, which the EU is required to do by Art 7 TFEU, it is necessary to reflect the relevant obligations of the Marine Strategy Framework Directive in the recovery plan for bluefin tuna.

Amendment 4

Proposal for a regulation – amending act

Article 1 – point 10

Regulation (EC) No 302/2009

Article 24 – paragraph 1

Text proposed by the Commission

1. The Member State responsible for the farm shall submit within one week of the completion of the caging operation a caging report, validated by an observer, to the Member State or CPC whose flag vessels have fished the tuna and to the Commission. The Commission shall promptly forward that information to the ICCAT Secretariat. This report shall contain the information included in the caging declaration as set out in the ICCAT Recommendation [06-07] on bluefin tuna farming.

Amendment

1. The Member State responsible for the farm shall submit within one week of the completion of the caging operation a caging report, validated by an observer, to the Member State or CPC whose flag vessels have fished the tuna and to the Commission. The Commission shall promptly forward that information to the ICCAT Secretariat. This report shall contain the information included in the caging declaration as set out in the ICCAT Recommendation [06-07] on bluefin tuna farming. ***When the farming facilities authorised to operate for farming of bluefin tuna caught in the Convention area (hereafter referred to as FFBs) are located beyond waters under jurisdiction of CPCs, this paragraph shall apply, mutatis mutandis, to CPCs where the natural or legal persons responsible for FFBs are located.***

Or. en

Justification

The reference to farms located outside a CPC's jurisdiction is included in the ICCAT recommendation but has been excluded from the Commission's proposal. It should be included in order to clarify which CPC is responsible.

Amendment 5

Proposal for a regulation – amending act

Article 1 – point 10

Regulation (EC) No 302/2009

Article 24 – paragraph 8 – subparagraph 2

Text proposed by the Commission

If the investigation is not concluded within 10 working days or if the outcome of the investigation indicates that the number and or average weight of bluefin tuna is in excess of 10% of that declared by the farm operator, the flag CPC or Member State responsible for the catching vessel shall issue a release order for the **quantities** in excess.

Amendment

If the investigation is not concluded within 10 working days or if the outcome of the investigation indicates that the number and or average weight of bluefin tuna is in excess of 10% of that declared by the farm operator, the flag CPC or Member State responsible for the catching vessel shall issue a release order for the **number and /or weight** in excess.

Or. en

Justification

The specific references to number and weight have been used throughout the same paragraph and should not be changed. This is also the wording used in the ICCAT recommendation. The word 'quantities' is less precise.