



EUROPEAN PARLIAMENT

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Committee on Fisheries

2009/0041(CNS)

10.9.2009

DRAFT REPORT

on the proposal for a Council regulation amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation
(COM(2009)0127 – C7-0006/2009 – 2009/0041(CNS))

Committee on Fisheries

Rapporteur: Carmen Fraga Estévez

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. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in bold. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind 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 amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation (COM(2009)0127 – C7-0006/2009 – 2009/0041(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0127),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0006/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0000/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

EXPLANATORY STATEMENT

Council Regulation (EC) No 2115/2005 of 20 December 2005 contains the Community legislation establishing a recovery plan for Greenland halibut within the framework of the Northwest Atlantic Fisheries Organisation (NAFO)¹.

A number of modifications to this recovery plan were adopted at the NAFO meeting held in Lisbon in September 2007. Those amendments relate to enhanced measures for catch reporting and additional control measures designed to enhance at-sea inspections for vessels entering and leaving the NAFO Regulatory Area.

The changes concern the following aspects in particular:

- requirements relating to entry to the NAFO regulatory area for vessels with catches of 50 tonnes or more on board, and obligations regarding the communication of data to the NAFO Secretariat and conditions governing fishing in the area;
- the regular communication to the NAFO Secretariat every five or three days of catches taken in NAFO Subarea 2 and Divisions 3KLMNO.

These measures, which were approved by the European Union, were adopted on a temporary basis through Council Regulation (EC) No 40/2008 of 16 January 2008 and Council Regulation (EC) No 43/2009 of 16 June 2009 fixing for 2008 and 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks.

In this regard, the rapporteur wishes to express her disagreement with the method repeatedly used by the Commission, i.e. transposing recommendations made by RFOs through regulations setting TACs and quotas.

In this case, the measures concerned were adopted by NAFO two years ago, and the Commission's attempt to justify these delays by citing a lack of human resources is no longer sustainable. The transposition of recommendations issued by RFOs is an extremely important instrument both in the fight against illegal fishing and in order to prevent a legal vacuum for Community fleets, and even if such recommendations are provisionally incorporated through other regulations, these delays mean that the legislation is confused and damage the EU's credibility.

The Commission must therefore assign sufficient resources to work connected with RFOs as soon as possible.

At all events it is clear that, despite the delay, the Commission proposal is exclusively intended to incorporate a rule which is already binding for the European Union and which includes the legislative recasting of texts.

Bearing in mind the purpose of the consultation, your rapporteur therefore proposes that we approve the proposal for a Council regulation.

¹ OJ L 340, 23.12.2005, p. 3.