



2015/0063(COD)

16.7.2015

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries
(COM(2015)0121 – C8-0076/2015 – 2015/0063(COD))

Committee on Fisheries

Rapporteur: Ole Christensen

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (COM(2015)0121 – C8-0076/2015 – 2015/0063(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0121),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0076/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 27 May 2015¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0000/2015),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

EXPLANATORY STATEMENT

BACKGROUND

The Convention on Future Multilateral Cooperation in North East Atlantic Fisheries to which the European Union is a Contracting Party aims to ensure the long term conservation and optimum utilisation of the fishery resources of the North East Atlantic area, providing sustainable, environmental and social benefits.

For the purpose of ensuring the application of this Convention and recommendations adopted by the North East Atlantic Commission (NEAFC), measures concerning control and enforcement relating to fisheries concerned may be adopted.

Regulation (EU) No 1236/2010 transposes into Union law the Scheme of control and enforcement adopted by the NEAFC.

At its Annual Meetings in 2012, 2013, 2014 and 2015, NEAFC adopted:

- Recommendation 15:2013 amending the Scheme, concerning the communication of transhipments and of port of landing;
- Recommendation 9:2014 amending the Scheme, concerning, respectively, the definitions, a number of provisions applying to Port State Control of foreign fishing vessels and the infringement procedures;
- Recommendation 12:2015 amending Recommendation 9:2014 with respect to Articles 22 and 23 of the Scheme on Port State Control of foreign fishing vessels.

These Recommendations were adopted with the full support of the EU in NEAFC. It is in the EU's interest therefore that they be introduced in Union law by means of the proposed regulation.

CONTENT OF THE PROPOSAL

The proposal seeks to amend Regulation (EU) No 1236/2010 in order to incorporate it into Union law amendments to the Scheme as adopted in NEAFC Recommendations 15/2013 and 9/2014 as amended by Recommendation 12/2015 which have become binding for the Contracting Parties to NEAFC and consequently for the EU.

- The main change, operated by Recommendation 9/2014, is the alignment of the Scheme with the FAO Agreement on Port State Measures to prevent, deter and eliminate IUU, approved by the EU in 2011. Contracting Parties have agreed that this recommendation will enter into force on 1 July 2015.
- The other change, made through Recommendation 15/2013, clarifies that vessels involved in a transhipment operation in the Regulatory Area as receiving vessel shall communicate the port of landing regardless of whether the landing is to take place in a port inside or outside the Convention Area.

Recommendation 12/2015 amended Recommendation 9/2014 with respect to notification

procedures on Port State Control of foreign fishing vessels with the aim to adapt them for the switch-over from a paper based system to a modern web-based ICT application, operated by the NEAFC Secretary.

RAPPORTEUR's POSITION

Your rapporteur welcomes the transposition of the recommendations adopted within NEAFC, into EU law.

The main amendment to Regulation 1236/2010 concerns the alignment of the FAO Agreement control system on measures pertaining to port State competencies in order to prevent, deter and eliminate IUU fishing. The measures provided by this amendment will ensure a better long-term conservation and optimum utilization of fishery resources in the area of the Northeast Atlantic, bringing lasting results under the environmental and social aspects.

Considering that the entry into force of the amended version of the recommendation should have taken place by 1 July 2015, your rapporteur has decided not to propose amendments, in order to speed up the process of adoption as much as possible.

However your rapporteur would like to make two critical considerations from both a procedural and content point of view.

Concerning the procedure, your rapporteur stresses that the Commission has an increasing tendency to present to the two co-legislators proposals of transpositions of recommendations of international organizations with such short adoption deadlines that they complicate the legislative work of the Parliament and the Council, who must take into account the timeframes imposed by their internal procedures. All this to the detriment of the quality of legislation.

From a content point of view the proposal in question introduces new measures which should already be integrated in Regulations No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy and No. 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated, in respect of which Parliament is awaiting from the Commission proposals for the required revision.