



2014/0213(COD)

3.9.2015

**\*\*\*II**

## **DRAFT RECOMMENDATION FOR SECOND READING**

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (08806/1/2015 – C8-0260/2015 – 2014/0213(COD))

Committee on Fisheries

Rapporteur: Gabriel Mato

### ***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 Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (08806/1/2015 – C8-0260/2015 – 2014/0213(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (08806/1/2015 – C8-0260/2015),
  - having regard to the opinion of the European Economic and Social Committee of 15 October 2014<sup>1</sup>,
  - having regard to its position at first reading<sup>2</sup> on the Commission proposal to Parliament and the Council (COM(2014)0457),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Fisheries (A8-0000/2015),
1. Approves the Council position at first reading;
  2. Approves the statement annexed to this resolution;
  3. Notes that the act is adopted in accordance with the Council position;
  4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 12, 15.1.2015, p. 116.

<sup>2</sup> Text adopted of 13.1.2015, P8\_TA(2015)0005.

## ANNEX TO THE LEGISLATIVE RESOLUTION

### Statement by the European Parliament on granting derogations for the use of trawl nets and gill-nets fisheries in the Black Sea

"The European Parliament declares that the provisions in Article 15a to be inserted in Regulation (EU) No 1343/2011, regarding derogations from the prohibition on the use of certain gear in the coastal waters of the Black Sea, are of an exceptional nature. They take into account the prevailing situation in the region, where Member States have put in place measures in order to allow for the use of the gear concerned in accordance with relevant recommendations from the GFCM. That information was already available to Parliament prior to the tabling of the current Commission proposal. For those reasons, Parliament accepts, in the present context, the arrangement authorising the Member States concerned to grant the derogations in question. It stresses, however, that those provisions are not to be taken or used as a precedent in any future legal act.

## EXPLANATORY STATEMENT

Following the adoption of Parliament's first reading position by the plenary on 13 January 2015, informal negotiations started with the Latvian Presidency with view to reaching an early second reading agreement. After two rounds of trilogue, Parliament's and Council's negotiating team reached agreement on the file on 26 March 2015. The text of the agreement was presented to the PECH Committee for a vote of approval on 6 May 2015, and approved by an overwhelming majority. On the basis of the committee's approval, the Chairman of the Committee undertook in his letter to the chair of Coreper to recommend to the plenary to approve Council's position at first reading without amendment. Following legal-linguistic verification, Council adopted its first reading position confirming the agreement on 13 July 2015.

As Council's first reading position is in conformity with the agreement reached in the trilogues, your Rapporteur recommends to the Committee to accept it without further amendments. Your Rapporteur would like to highlight in particular the following elements of the compromise:

The European Parliament and the Council agreed on the transposition into the Union Law of several Recommendations made by the General Fisheries Commission for the Mediterranean ("the GFCM Agreement") which provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse.

The main problem encountered by the co-legislators was the choice of legal mechanisms to be used in requests to Member States to grant derogations, in particular concerning the use of trawl nets and gill-nets fisheries in the Black Sea and the minimum basal diameter of colonies, gear and devices and the harvesting of red coral.

Regarding the derogations to the ban of coastal trawling in the Black Sea, the Parliament accepted that these should be managed at Member States' level with the Commission scrutiny right. This differentiated procedure with respect to the one applicable in the Mediterranean is justified as these are different basins and, even if it concerns granting derogations, as in the Mediterranean, the conditions foreseen in the GFCM Recommendation to grant derogations in the Black Sea are much less stringent. It is question of authorizing a limited number of vessels to exceptionally use trawl nets within the Black Sea coastal zone. Also, Member States concerned are not obliged to introduce management plans but only a monitoring system as a condition for granting derogations.

Apart from this, the Commission has just accepted authorizations to vessels after having checked whether the conditions set by the GFCM Recommendation are met. This means that it was a question of transposing here *a posteriori* an existing situation.

However, the EP made a declaration pointing out that it accepts the arrangement authorising the Member States concerned to grant the derogations at stake but stresses that this arrangement is not to be taken or used as a precedent in any future legal act.

In relation to the issue on how to grant derogations on the harvesting and the minimum basal diameter of colonies of red coral, the Parliament succeeded in proposing a compromise that was accepted by all Institutions: . Member states will submit, within a period of 3 years, joint recommendations on the basis of the Article 18 of the CFP basic Regulation (regionalisation), accompanied by detailed information on the national management framework.

In the meantime, Member States that have already national frameworks in place can maintain them and those who wish to set up national frameworks they can do it provisionally, provided that an appropriate national management framework is in place. Where the Commission considers, on the basis of the notifications provided by the Member States, that a national management framework does not comply with the conditions set out in the present Regulation, it may, subject to providing relevant reasons and after consultation with the Members States concerned, request it to amend the framework.

On the issue of the gear and devices to be used for the harvesting of the red coral, the co-legislators agree that the use of the ROVs (Remotely Operated under-water Vehicles) for the purpose of observation and prospection of the red coral shall continue to be permitted in zones under the jurisdiction of the Members State provided that the ROV is not equipped with manipulator arms or any other allowing the cutting and harvesting of red coral. Such authorizations shall expire or be withdrawn no later than 31 December 2015, unless the MS concerned has obtained scientific results showing that the use of the ROVs beyond 31 December 2015 would have no negative impact on the sustainable exploitation of red coral.