***I

DRAFT REPORT


Committee on Fisheries

Rapporteur: Jaroslaw Walęsa
### Symbols for procedures

<table>
<thead>
<tr>
<th>Symbol</th>
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<td>*</td>
<td>Consultation procedure</td>
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<td>Consent procedure</td>
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<td>***I</td>
<td>Ordinary legislative procedure (first reading)</td>
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<td>***III</td>
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(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


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2014)0614),
– 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 (C8-0174/2014),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– 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 hereinafter set out;
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.

Amendment 1

Proposal for a regulation
Recital 18

<table>
<thead>
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<td>(18) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union</td>
<td>(18) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union</td>
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should be delegated to the Commission in respect of supplementing this Regulation as regards remedial measures concerning plaice, flounder, turbot and brill, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at experts level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 2
Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

(22a) Rules should be laid down to ensure that financial support under Regulation (EU) No 508/2014 of the European Parliament and of the Council\(^1\) can be provided in the event of temporary cessation of fisheries.

_________

Amendment 3
Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission
2. The plan shall also apply to plaice, flounder, turbot and brill in ICES Subdivisions 22-32 caught when fishing for the stocks concerned.

Amendment
2. This Regulation also provides for measures in respect of by-catches of plaice, flounder, turbot and brill in ICES Subdivisions 22-32 to be applied when fishing for stocks referred to in paragraph 1.

Amendment 4
Proposal for a regulation
Article 2 – point b

Text proposed by the Commission
(b) "trapnet" means large nets, anchored, fixed on stakes or occasionally floating, open at the surface and provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;

Amendment
(b) "trapnet" means nets, anchored, fixed on stakes or occasionally floating, provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;

Amendment 5
Proposal for a regulation
Article 2 – point c
Text proposed by the Commission

(c) "pots and creels" mean small traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment

(c) "pots and creels" mean traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment 6

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The plan shall aim at contributing to the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013 and in particular:

(a) achieving and maintaining maximum sustainable yield for the stocks concerned, and

(b) ensuring the conservation of the stocks of plaice, brill, flounder and turbot in line with the precautionary approach.

Amendment

1. The plan shall contribute to attainment of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, and in particular:

(a) achieving and maintaining maximum sustainable yield for the stocks concerned, and

(b) ensuring, through management of by-catches, that the conservation of the stocks of plaice, brill, flounder and turbot is in line with the precautionary approach.

Amendment 7

Proposal for a regulation
Article 3 – paragraph 2 a (new)
Amendment 8
Proposal for a regulation
Article 6

Text proposed by the Commission

Article 6

Measures in case of threat to plaice, flounder, turbot and brill

1. When scientific advice states that the conservation of any of the Baltic stocks of plaice, flounder, turbot or brill is under threat, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures concerning the stock under threat and regarding any of the following:

(a) adaptation of fishing capacity and fishing effort;
(b) technical measures, including characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear;
(c) use of the fishing gear, in particular immersion time, depth of gear deployment;
(d) prohibition or limitation to fish in specific areas;
(e) prohibition or limitation to fish during specific time periods;

Amendment

Technical conservation measures for plaice, flounder, turbot and brill

1. When scientific advice indicates that remedial measures are needed to ensure that the Baltic stocks of plaice, flounder, turbot or brill are managed in accordance with the precautionary approach, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures for by-catches of plaice, flounder, turbot and brill and regarding the following technical measures:

(b) characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear;
(c) use of the fishing gear, in particular immersion time, depth of gear deployment;
(d) prohibition or limitation to fish in specific areas;
(e) prohibition or limitation to fish during specific time periods;
(f) minimum conservation reference size.

2. The measures referred to in paragraph 1 shall aim at achieving the objective set out in Article 3(1)(b) and be based on scientific advice.

3. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for specific conservation measures as referred to in paragraph 1.

4. The Commission shall review the delegated acts referred to in paragraph 1 one year after their adoption, and thereafter every year.

Amendment 9

Proposal for a regulation

Article 7

Text proposed by the Commission

Derogation for trapnets, pots and creels

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 the landing obligation shall not apply to the stocks concerned and plaice when fishing with the following gears: trapnets, pots and creels.

Amendment

Derogations

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the use of catches of species below the minimum conservation reference size up to a quantity of 30 kg caught by fishing vessels less than 12 m in length may, in accordance with the relevant legislation, also include the possibility of sale, at a
local level, for immediate human consumption.

Amendment 10

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph a

Text proposed by the Commission

(a) specifications of target species and mesh sizes laid down in Annexes II and III referred to in Articles 3 and 4 of Regulation (EC) No 2187/2005;

Amendment

(a) specifications of target species, mesh sizes and minimum conservation reference sizes laid down in Annexes II, III and IV to Regulation (EC) No 2187/2005 and referred to in Articles 3, 4 and 14(1) of that Regulation;

Or. en

Amendment 11

Proposal for a regulation
Chapter VI a (new)

Text proposed by the Commission

Amendment

CHAPTER VIa
SPECIFIC MEASURES

Article 9a
Specific measures

1. Conducting any fishing activity shall be prohibited from 1 May to 31 October within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:
(a) Area 1:
— 55° 45' N, 15° 30' E
— 55° 45' N, 16° 30' E
— 55° 00' N, 16° 30' E
— 55° 00' N, 16° 00' E
— 55° 15' N, 16° 00' E
— 55° 15' N, 15° 30' E
— 55° 45' N, 15° 30' E
(b) Area 2:
— 55° 00' N, 19° 14' E
— 54° 48' N, 19° 20' E
— 54° 45' N, 19° 19' E
— 54° 45' N, 18° 55' E
— 55° 00' N, 19° 14' E
(c) Area 3:
— 56° 13' N, 18° 27' E
— 56° 13' N, 19° 31' E
— 55° 59' N, 19° 13' E
— 56° 03' N, 19° 06' E
— 56° 00' N, 18° 51' E
— 55° 47' N, 18° 57' E
— 55° 30' N, 18° 34' E
— 56° 13' N, 18° 27' E.

2. By way of derogation from paragraph 1, fishing with gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or with drifting lines shall be permitted. No other gear shall be kept on board.

3. When fishing with any of the gear types defined in paragraph 2, no cod shall be retained on board.

4. All Union vessels of an overall length equal to or greater than eight metres carrying on board or using any gears for cod fishing in the Baltic Sea in accordance with Article 3 of Regulation
(EC) No 2187/2005 shall hold a special permit for fishing for cod in the Baltic Sea.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 15 to amend this Article, where necessary for the achievement of the objectives referred to in Article 3, and in particular the protection of juveniles or spawning fish.

Amendment 12
Proposal for a regulation
Article 10

Text proposed by the Commission

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures under this Chapter.

2. Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 within the following deadlines:

   a) for the measures set out in Article 6(1) and concerning a given calendar year, not later than 1 September of the previous year;

   b) for the measures set out in Articles 8(1) and 9(1), for the first time not later than six months after the entry into force of this Regulation and thereafter six months after

Amendment

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures referred to in Articles 6, 8 and 9.

2. Member States concerned may submit the joint recommendations referred to in Articles 6(3), 8(3) and 9(4) of this Regulation for the first time not later than 12 months after the entry into force of this Regulation, and thereafter 12 months after each submission of the evaluation of the plan in accordance with Article 14. Member States may also submit such recommendations in the event of any abrupt change in the situation for any of the stocks covered by the plan.
each submission the evaluation of the plan in accordance with Article 14.

Amendment 13
Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply to masters of Union fishing vessels of eight metres overall length or more retaining on board at least 300 kg of cod or two tons of pelagic stocks.

Amendment

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply to:

(a) masters of Union fishing vessels of eight metres overall length or more retaining on board at least 300 kilograms of cod;

(b) masters of Union fishing vessels of twelve metres overall length or more retaining on board at least two tonnes of pelagic stocks.

Amendment 14
Proposal for a regulation
Article 14

Text proposed by the Commission

Article 14
Evaluation of the plan
The Commission shall ensure an

Amendment

Article 14
Evaluation of the plan
The Commission shall carry out an
evaluation of the impact of this plan on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular to take account of changes in scientific advice, six years after the entry into force of the plan and, thereafter, every six years. The Commission shall submit the results of these evaluations to the European Parliament and Council.

evaluation of the impact of this plan, including any delegated acts adopted under Articles 8, 9 or 9a, on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular to take account of the most recent scientific advice, three years after the entry into force of the plan and, thereafter, every five years. The Commission shall submit the results of these evaluations to the European Parliament and the Council and make such legislative proposals as may be appropriate.

Amendment 15
Proposal for a regulation
Chapter IX a (new)

Text proposed by the Commission

Amendment

CHAPTER IXa
SUPPORT FROM THE EUROPEAN MARITIME AND FISHERIES FUND

Article 14a
Support from the European Maritime and Fisheries Fund

For the purposes of point (c) of Article 33(1) of Regulation (EU) No 508/2014, the multi-annual plan shall be regarded as a multi-annual plan pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013.
Amendment 16
Proposal for a regulation
Article 15 – paragraph 2

*Text proposed by the Commission*

2. The delegation of power referred to in Articles 6, 8 and 9 shall be conferred on the Commission for an *indeterminate* period of *time* from the date of the entry into force of this Regulation.

*Amendment*

2. The delegation of power referred to in Articles 6, 8, 9 and 9a shall be conferred on the Commission for a period of *five years* from the date of the entry into force of this Regulation.

Or. en

Amendment 17
Proposal for a regulation
Article 16 – paragraph 1

*Text proposed by the Commission*

Articles 20 and 21 of Regulation (EC) No 2187/2005 are deleted.

*Amendment*

Regulation (EC) No 2187/2005 is amended as follows:

1. Article 13(3) and Articles 20 and 21 are deleted.

2. In Annex IV, in the column headed "Minimum size", the words "38 cm" in respect of the minimum conservation reference size for cod shall be replaced by "35 cm".

Or. en

Amendment 18
Proposal for a regulation
Article 18 – paragraph 2
<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>It shall apply from 1 January 2015.</td>
<td>It shall apply from 1 January 2016.</td>
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Or. en
EXPLANATORY STATEMENT

The Commission Proposal

Multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks has been published by the European Commission in October 2014. The aim of the proposal is to establish a framework for the multispecies management of the stocks of cod, herring and sprat in the Baltic Sea, where fishing primarily targets these three species. Cod, herring and sprat account for over 94% of Baltic catches in the recent years. The Baltic Sea is a virtually closed body of water in which these three species are omnipresent and interact continuously. Therefore it is of utmost importance to deliver regulation making it possible to recognize interactions between the species covered, inter alia the cod's influence on herring and sprat stocks and the other way round.

A management plan for the Baltic Sea cod stocks has been in place since 2008 but it is widely assessed as not being commensurate with the current situation of the cod stocks and fisheries dependent on it. The stocks of herring and sprat are not yet covered by a management plan. Cod, herring and sprat are important components of the Baltic ecosystem. Cod predate on sprat and herring meaning that the size of the cod stock affects the size of the herring and sprat stocks and vice versa. The effects on flatfish due to particularly cod fisheries should also be covered by the plan.

In the view of the strong influence that biological interactions and environmental effects have on the Baltic stocks it is desirable to be able to adapt exploitation rates and patterns of these stocks in the light of improvements in scientific understanding of the interactions and of changes in environmental conditions. Such an approach would also be consistent with the ecosystem approach to fisheries management. The first step towards such adaptive management is the Commission Proposal to incorporate all relevant stocks into a single management plan. This includes target fishing mortalities expressed in ranges for each of the stocks. That will provide more flexible approach to resources during an annual setting up the fishing opportunities and improve reactions to changing stock situations.

The view of the Rapporteur

The general thrust of the Commission Proposal, that there is a need for a multispecies management plan in the Baltic Sea is right. The multispecies management approach is much more effective than a management of single species. The plan should provide for a balanced, sustainable exploitation of those stocks and the stability of fishing opportunities – and thereby of the livelihoods of fishers. At the same time it should guarantee that the management would be based on the most up-to-date scientific advice regarding the status of stocks covered, interactions between species and other aspects related to ecosystem and fisheries.

The Rapporteur also agrees with the position of the Commission that the Regulation has the include rules in relation to by-catches of flat fish. Flatfish such as plaice, flounder, turbot or brill can show up in significant amounts as by-catch during cod fishing and they don't expose cod, herring and sprat to any significant risk. In many points of the plan the Commission refers to flatfish while this is actually a plan for cod, herring and sprat. The Rapporteur wants to shift the importance from flatfish to by-catch to the main species covered; otherwise the proportionality of the whole proposal might be disturbed. By-catch of those species, as long

as properly considered, should not endanger their correct exploitation. Should by-catch of flatfish be excessive, the Commission needs to react and regulate it by using an adequate set of technical measures.

The Rapporteur also agrees with the approach taken by the Commission that the further specification of the measures necessary to achieve MSY for the relevant stocks should be established on the basis of the regionalised approach of the CFP reform. However, the rules need to be tied more properly to the regionalisation principle as set out in Article 18 of the Basic Regulation and allow for timely reaction to abrupt changes in the status of the stocks covered. The voice of the region in case of multiannual plans must be heard and put in practice, with an involvement of the European Parliament at an appropriate stage.

Furthermore, there are good arguments to keep certain existing rules, with a view to protecting the cod stocks during spawning time sand defending small-scale artisanal fisheries. Some amendments have been tabled to allow small scale fisheries to fish cod in coastal areas during summer months with no negative effect on pre-spawning and spawning concentrations, which take place on the Baltic Deeps, away from coastal areas. This may prove economically important for this fleet segment as prices during the relevant period are high.

Last but not least, it is important to keep in mind that the plan is a pioneer proposition in a very sensitive ecosystem of the Baltic Sea. Indeed, it may be seen as a “work in progress” given that the scientists are working on more advanced multispecies approaches, which may need to be reflected in the plan at a later stage. Therefore it is important that the first review is introduced relatively early, especially as a multi-species management plan is a new and developing concept. The first review of the plan should take place three years after its entry into force, and if the plan will have positive effects, to revise it again after 5 years. This will also provide a much needed flexibility to the plan.