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Committee on Fisheries

2011/0218(COD)

7.5.2012

AMENDMENTS

28 - 29

Draft report

Anna Rosbach

(PE483.657v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

Proposal for a regulation

(COM(2011)0479 – C7-0216/2011 – 2011/0218(COD))

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Amendment 28

Anna Rosbach

Proposal for a regulation

Article 1 – point 1 b (new)

Regulation (EC) No 1967/2006

Article 7 – paragraphs 4 and 5

Text proposed by the Commission

Amendment

(1b) Article 7 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. If the Commission considers that the fisheries management measures notified pursuant to paragraph 3 are not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the measure within three months from the date of notification of the request.

If the Commission considers that the Member State's fisheries management measures have not been changed, or have been amended inappropriately, and are still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts, in accordance with Article 30a, designating a fishing protected area or laying down fisheries management measures in respect of the waters concerned."

(b) Paragraph 5 is replaced by the following:

"5. Where a Member State proposes to designate a fishing protected area within its territorial waters that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that designation.

The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed designation within 30 working days from the date of notification of the proposed designation.

After considering any such comments submitted, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the designation within 60 working days from that date of notification of the proposed designation."

Or. en

Justification

It seems appropriate to inverse the order of paragraphs 4 and 5. Since the designation of fishing protected areas does not fall under Article 43 (3) TFEU, a provision according to the Council the power to take such a decision alone is contrary to the system established by the Treaty of Lisbon. The Commission should be empowered to adopt delegated acts if the Member State's measures are considered to be insufficient. In the case of fishing protected areas liable to affect the vessels of another Member State, the Commission should also be empowered to intervene by means of delegated acts.

Amendment 29

Anna Rosbach

Proposal for a regulation

Article 1 – point 2 c (new)

Regulation (EC) No 1967/2006

Article 19 – paragraphs 8 and 9

Text proposed by the Commission

Amendment

(2c) Article 19 is amended as follows:

(a) Paragraph 8 is replaced by the following:

"8. If the Commission, on the basis of the notification referred to in paragraph 7 or of new scientific advice, considers that a management plan adopted under either

paragraph 1 or paragraph 2 is not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the plan within three months from the date of notification of the request.

If the Commission considers that the Member State's management plan has not been changed, or has been amended inappropriately, and is still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts, in accordance with Article 30a, amending the management plan in order to ensure the protection of the resources and of the environment."

(b) Paragraph 9 is replaced by the following:

"9. Where a Member State proposes to adopt a management plan that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that management plan.

The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed management plan within 30 working days from the date of notification of the proposed adoption.

After considering any such comments submitted, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the plan within 60 working days from that date of notification of the proposed management plan."

Or. en

Justification

It seems appropriate to inverse the order of paragraphs 8 and 9. Since the decision on the amendment of a management plan for fisheries in territorial waters does not fall under Article 43 (3) TFEU, the Council cannot take such a decision on its own. The Commission should be empowered to adopt delegated acts if the Member State's management plan is considered to be insufficient. In the case of management plans that are liable to affect the vessels of another Member State, the Commission should also be empowered to intervene by means of delegated acts.