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Committee on the Environment, Public Health and Food Safety

2012/0179(COD)

21.3.2013

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 – C7-0196/2012 – 2012/0179(COD))

Rapporteur: Anna Rosbach

PA_Legam

SHORT JUSTIFICATION

The Commission proposal establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (2012/0179 (COD)) has the potential to prevent significant adverse impacts on vulnerable marine ecosystems and restore deep-sea fish populations.

The deep sea is an area of high biodiversity with unique and exceptional species and habitats. Recent observer reports from the French national marine research institute IFREMER found that up to 144 species are caught in deep-sea trawl fisheries. Many of the fish species inhabiting the deep-sea are slow growing, long-lived, low fecundity species which reproduce relatively late in life. Very little is known of the biology and life-history characteristics of the large majority of the species caught by EU deep-sea fishing vessels in Union waters and on the high seas of the Northeast Atlantic, but most of them are recognized to be particularly vulnerable to the impact of fishing. The catch of most of these species remains unregulated under existing EU regulations.

Most deep-sea fisheries species are caught using bottom trawls, a method of fishing that causes damage to deep-sea benthic ecosystems by dragging steel plates, heavy cables and nets across the seafloor. The International Council for the Exploration of the Seas (ICES) recognizes that while all bottom contact gear can impact deep-sea benthic ecosystems, “*the impact of bottom trawl is far more detrimental to the seabed than static gear*”¹. Bottom trawling is recognized as the greatest threat to deep-sea coral and sponge ecosystems according to scientific research undertaken by the United Nations Environment Program (UNEP) amongst others.^{2 3}

The Commission proposal for fishing in the North-East Atlantic: specific conditions for deep-sea stocks, provisions for fishing in international waters 2012/0179 (COD) repealing Regulation No 2347/2002 has the potential to prevent further adverse impacts on vulnerable marine ecosystems and restore deep-sea fish populations.

This opinion unequivocally supports the phasing out of the use of destructive bottom gears with reference to a number of international agreements, with particular regard to UN General Assembly (UNGA) resolutions 59/25 (2004), 61/105 (2006), 64/72 (2009) and 66/68 (2011) on deep-sea fisheries management in the high seas⁴ giving a one year period to allow fishermen to implement alternative gears or fishing options.

For EU vessels operating in the unregulated high seas, it is important to note that Council Regulation 734/2008 has already incorporated the UNGA resolution 61/105 into EU law to improve the access conditions for bottom fishing of EU vessels operating in those areas of the high seas which are unregulated by regional fisheries management organizations or

¹ NEAFC request to evaluate the use and quality of VMS data, ICES Advice 2007, Book 9. page 30

² A. Friewald, J.H. Fosså, T. Koslow & J.M. Roberts. Cold-water coral reefs. UNEP-WCMC, Cambridge, UK. 2004.

³ M.M. Hogg, O.S. Tendal, K.W. Conway, S.A. Pomponi, R.W.M. van Soest, J. Gutt, M. Krautter & J.M. Roberts. Deep-sea Sponge Grounds: Reservoirs of Biodiversity, UNEP -WCMC Biodiversity Series No. 32, UNEP -WCMC, Cambridge, UK. 2010

⁴ International Guidelines for the Management of Deep-sea Fisheries in the High Seas. United Nations Food and Agriculture Organization, Rome. 2008

multilateral fisheries agreements. This opinion updates the conditions for access to deep-sea fish stocks for EU vessels operating in Union waters and on the high seas of the North East Atlantic with the existing UNGA Resolutions mentioned above. Further, it sets criteria for conducting deep-sea fisheries impact assessments in accordance with international standards, identifying vulnerable marine ecosystems and determining significant adverse impacts agreed under the auspices of the UN FAO (the Food and Agriculture Organization of the United Nations) and subsequently adopted by the UN FAO Committee on Fisheries and endorsed by the UN General Assembly and incorporated into UNGA resolutions 64/72 and 66/88¹.

This is of critical environmental importance given the vulnerability of deep-sea fish populations and the benthic habitats impacted by deep-sea fisheries in the region. Amongst other benefits, requiring prior impact assessments of deep-sea bottom fisheries would make an essential contribution to meeting Good Environmental Status under the Marine Strategy Framework Directive and EU biodiversity targets for fisheries.

Lastly, the opinion includes several additional amendments that align the Commission proposal with the provisions of the Lisbon Treaty, which establishes in Article 11 TFEU that environmental protection requirements must be integrated into the definition and implementation of Union policies and activities, especially with a view to promoting sustainable development.

¹ International Guidelines for the Management of Deep-sea Fisheries in the High Seas. United Nations Food and Agriculture Organization, Rome. 2008

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Citation 1

Text proposed by the Commission

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) **and Article 191** thereof,

Justification

For the revision of the deep sea access regime, which includes the management of vulnerable marine ecosystems, it is important to stress Article 191 TFEU, which lays down the basis for Union policy on the environment.

Amendment 2

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) As established in Article 11 of the TFEU, environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, including deep sea fisheries conservation, in particular with a view to promoting sustainable development;

Justification

This amendment ensures compliance with Union primary Law, which establishes in Article

11, TFEU the principle of environmental integration in defining and implementing Union policies.

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the destructive impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

Amendment

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the destructive impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks. ***Furthermore the Union should act as a leader in the establishment and implementation of good governance measures for the sustainable management of deep-sea fisheries within international fora in line with the UNGA and FAO resolutions adopted in this regulation.***

Amendment 4

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Union notes in particular paragraphs 83(a) of UNGA Resolution 61/105 and paragraphs 119(a) and 120 of UNGA Resolution 64/72 calling on flag States to not authorize bottom fishing activities until these resolutions have been fully implemented, including the requirement to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse

impacts on vulnerable marine ecosystems.

Amendment 5

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The capacity of vessels with deep-sea fishing permits has been limited since 2002 to the aggregate capacity of all the vessels that caught more than 10 tonnes of any mixture of deep sea species in any of the years 1998, 1999 or 2000. The Commission evaluation concluded that this capacity ceiling had no substantial positive effect. Given the past experience and the lack of accurate data in many deep sea fisheries, it is inadequate to manage these fisheries by means of effort limits only.

Amendment 6

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) Vessels targeting deep-sea species with other bottom gear should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems.

(11) Vessels targeting deep-sea species with other bottom gear should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems. ***Impact assessments carried out to that effect must conform to the requirements referred to in paragraph 47 of the 2008 FAO Guidelines for the Management of Deep Sea Fisheries.***

Amendment 7

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Given the mixed nature of most deep sea fisheries, fishing opportunities for deep sea fishing should be established in a way that ensures the long term conservation of the most vulnerable species caught in the fisheries involved.

Amendment 8

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to specific fisheries.

(13) Given the lack of accurate data in most deep sea fisheries and the mixed nature of most of them, fishing effort limits should only be used in combination with catch limits for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits need to be adapted to specific fisheries.

Amendment 9

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) A high number of species are caught in deep sea fisheries, including vulnerable species of deep sea sharks. An obligation to land all catches of fish and

non fish species should be introduced in deep sea fisheries. Such obligation could greatly contribute to fill the existing data gaps in these fisheries and to better understand their impact on the wide range of species caught.

Amendment 10
Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant conservation measures.

Amendment

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant **management, conservation and data collection** measures.

Amendment 11

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU to specify measures accompanying annual effort limits if Member States fail to take them or if the measures they adopt are deemed not to be compatible with the objectives of this regulation or insufficient in respect of the aims indicated in this regulation.

Amendment

(19) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU **to modify the conditions under which fishing activities are considered as deep sea fishing , in order to take into account varying exploitation patterns by the Member States and new scientific information on the stock structure and distribution of deep sea species .The same powers should be granted to the Commission to modify the conditions for landing and transhipment allowances for vessels not holding a deep sea fishing authorisation where this is necessary to take into account varying exploitation**

patterns in the Member States and to specify measures accompanying annual effort limits if Member States fail to take them or if the measures they adopt are deemed not to be compatible with the objectives of this regulation or insufficient in respect of the aims indicated in this regulation.

Justification

Reflects the new delegated acts proposed by the rapporteur.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) to ensure the sustainable exploitation of deep-sea *species* while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment

(a) to ensure the sustainable *management and* exploitation of deep-sea *fisheries* while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) to prevent significant adverse impacts on vulnerable marine ecosystems and ensure the long-term conservation of deep sea fish stocks;

Amendment 14

Proposal for a regulation

Article 3 - paragraph 2 - point d

Text proposed by the Commission

(d) “deep-sea species” means the species listed in Annex I;

Amendment

(d) “deep-sea species” means the species listed in Annex I, ***which, provides an indicative and non-exclusive list, and other species recognised as deep-sea species, based on advice by the scientific advisory body;***

Justification

The list in Annex I, including the list of the most vulnerable species identified by an “x” in column three of the table, should be indicative and non-exclusive in order to be able to update it periodically based on robust scientific advice. The definition of “most vulnerable species” should be based on scientific and internationally agreed advice (such as the IUCN Red List and paragraph 14 of the FAO Guidelines).

Amendment 15

for a regulation

Article 3 – paragraph 2 - point e

Text proposed by the Commission

(e) “most vulnerable species” means ***the*** deep sea species ***indicated*** in the third column ‘Most vulnerable (x)’ of the table in Annex I;

Amendment

(e) “most vulnerable species” means deep sea species ***that qualify as vulnerable, endangered or critically endangered under the IUCN Red List criteria , rare species or species which a scientific advisory body has determined as highly susceptible to depletion or for which the scientific advisory body has recommended minimal or zero bycatch. All those species shall be included*** in the third column ‘Most vulnerable (x)’ of the table in Annex I. ***All species of deep-sea sharks shall fall under this category”;***

Amendment 16

Proposal for a regulation

Article 3 - paragraph 2 - points j a (new) and j b (new)

Text proposed by the Commission

Amendment

(ja) “significant adverse impacts” has the same meaning and characteristics as those described in paragraphs 17-20 of the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;

(jb) “vulnerable marine ecosystems” means marine ecosystems, which fit the criteria established in paragraph 42 of the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Justification

cf justification to Am 4.

Amendment 17

Proposal for a regulation

Article 3 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In accordance with the IUCN Red List, the list of species in Annex I ,including those identified as the most vulnerable species pursuant paragraph 2 e) will be revised every two years by the Commission by delegated acts in accordance with Article 20.

Amendment 18

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Identification and protection of vulnerable marine ecosystems

1. Member States shall use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known to occur or are likely to occur. In addition, the scientific advisory body shall undertake an assessment of where vulnerable marine ecosystems are known to occur or likely to occur in areas and depths where fisheries targeting deep-sea species may be authorised to occur.

2. Where, based on the information in paragraph 1, areas where vulnerable marine ecosystems are known or likely to occur have been identified; Member States and the scientific advisory body shall inform the Commission in a timely manner.

3. On the basis of the information in paragraph 2, the Commission shall provisionally close these areas until conservation and management measures are established to prevent significant adverse impacts on vulnerable marine ecosystems.

4. Until such conservation and management measures have been established, such areas shall remain closed to bottom fishing.

5. Member States shall implement these closures without delay and immediately notify the Commission as well as its own vessels of the closures. The closures will be applicable to all Union vessels.

6. Closures will be reopened to fishing activities if the scientific advisory body provides evidence that vulnerable marine ecosystems are not in the area or the Commission determines that measures have been adopted to ensure that significant adverse impacts on vulnerable marine ecosystems will be prevented.

Justification

This amendment incorporates into the regulation the requirements established in paragraph 83 (c) of UNGA Resolution 61/105, and 119(b) of UNGA Resolution 64/72 as well as Article 8 of Council Regulation No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.

Amendment 19

Proposal for a regulation

Article 4 - paragraph 2 - points (c) and (c a) (new)

Text proposed by the Commission

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to 10% of the overall catch weight **in the** fishing day **concerned**.

Amendment

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to 10% of the overall catch weight **during any** fishing day, **or fishing activities which lead to catches and retention on board of more than 10 tonnes of deep-sea species each calendar year**.

(ca) the vessel deploys bottom gear at depths equal to or below 200 metres.

Justification

This amendment ensures that bottom fishing in all areas where both "vulnerable deep-sea species" and "vulnerable deep-sea ecosystems" are likely to occur is covered by the Regulation. The threshold established in amendment 4.2(d) simplifies the monitoring and enforcement of the Regulation - through Vessel Monitoring Systems (VMS) it should be relatively easier to monitor depths at which fishing occurs as opposed to the percentage of deep-sea species in the bycatch. The UN FAO considers deep seas those waters deeper than 200 metres to its maximum depth.

Amendment 20

Proposal for a regulation Article 4 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The conditions under which fishing activities referred to in paragraph 2 are considered as deep sea fishing, can be revised by the Commission by means of delegated acts as referred to in Article 20 in order to take into account varying exploitation patterns by the Member States and new scientific information on the stock structure and distribution of deep sea species.

Amendment 21

Proposal for a regulation Article 4 - paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall be empowered to modify the conditions for landing and transshipment allowances for vessels not holding a deep sea fishing authorisation by means of delegated acts in accordance with Article 20 where this is necessary to take into account varying exploitation patterns in the Member States.

Amendment 22

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall conduct annual capacity assessments of their fleet targeting deep sea species and transmit the results to the Commission by 30 May of each year. Capacity assessments shall

include an analysis of the total fleet capacity and its impact on stocks and the wider marine ecosystem. They shall also include an analysis of the long-term profitability of the fleet. To ensure a common approach to such assessments across all Member States, assessments shall be carried out in accordance with the Commission's guidelines for an improved analysis of the balance between fleet capacity and fishing opportunities. The assessments shall be made publicly available.

Amendment 23
Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type of gears, the depth range at which the activities will be deployed, and of the individual species targeted.

Amendment

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, ***including its boundaries***, the type ***and quantity*** of gears, the depth range at which the activities will be deployed, and of the individual species targeted.

Amendment 24
Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

From 1 January 2015 no fishing authorisation shall be issued for deep sea species in an area which has not been subject to a prior impact assessment in accordance with the criteria laid down in Annex IIa to this Regulation. The impact assessments should be made publicly

available and reviewed by a scientific advisory body.

Amendment 25
Proposal for a regulation

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Prior to granting an application Member States shall verify through the VMS record of such vessels that the information submitted following paragraph (b) is accurate. If the information provided under paragraph (b) does not match that in the VMS record the application shall not be granted.

Amendment 26

Proposal for a regulation
Article 7 - paragraph 2 - 2 e (new)

Text proposed by the Commission

Amendment

2. Any fishing authorization issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorized to the area in which the intended fishing activity as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

2. Any fishing authorization issued ***during the first two years after the entry into force of this Regulation*** on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorized to the area in which the intended fishing activity as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

2a. For all authorizations to fish not

covered under Article 7 (2), each application for a fishing authorization shall only be issued for an area which has been subject to a prior impact assessment in accordance with the criteria established in Annex III. The impact assessment shall be made publicly available. The impact assessment shall be reviewed by a scientific advisory body. The Commission can make, or require Member States to make, adjustments or improvements to the assessment based on any recommendations of the scientific advisory body. The Commission shall also review all assessments to take into account individual, collective and cumulative impacts, and make or require adjustments or improvements to the individual impact assessments.

2b. The competent authorities shall apply precautionary criteria in the conduct of the assessment referred to in paragraph 3. In case of doubt as to whether the adverse impacts are significant or not, they shall consider that the likely adverse impacts resulting from the scientific advice provided are significant.

2c. Beginning the third year after the entry into force of the Regulation, any authorization to fish for areas covered under paragraph 2 shall also require prior impact assessments pursuant to paragraph 3 as a condition for the authorization to fish.

2d. In the areas where no proper scientific assessment as referred to in paragraph 3 has been carried out and made available, the use of bottom gears shall be prohibited.

2e. Bottom fishing activities shall be permitted under the conditions laid down in this Regulation where the impact assessment shows that vulnerable marine ecosystems will not be at risk.

Justification

Retains the requirement in the COM proposal for an impact assessment for new fishing areas (i.e. outside the fisheries footprint) but establishes a two-year period to phase-in a requirement to conduct impact assessments in existing bottom fishing areas. It incorporates the relevant paragraphs of UNGA resolutions 61/105 and 64/72; as well as the internationally agreed criteria, in amendment (new) Annex III, for the conduct of impact assessments for deep-sea fisheries established in the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Amendment 27

Proposal for a regulation

Article 9

Text proposed by the Commission

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest **two years** after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Amendment

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest **one year** after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Amendment 28

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that **is consistent with** maximum sustainable yield.

Amendment

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that **ensures that populations of deep sea species are maintained or restored above levels which can produce** maximum sustainable yield.

Amendment 29

Proposal for a regulation Article 10 - paragraph 2

Text proposed by the Commission

2. Where, based on best scientific information available, it is not possible to identify exploitation rates **consistent with** maximum sustainable yield, the fishing opportunities shall be fixed as follows:

(a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period **may** not be fixed higher than those rates;

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities **may** be allocated for the fisheries concerned.

Amendment

2. Where, based on best scientific information available, it is not possible to identify exploitation rates **that ensure populations of deep sea species are maintained or restored above levels which can produce the** maximum sustainable yield **by 2015**, the fishing opportunities shall be fixed as follows:

(a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period **shall** not be fixed higher than those rates;

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities **shall** be allocated for the fisheries concerned.

(c) management measures, including fishing opportunities for target species in mixed species fisheries, shall be designed and established to prevent by-catches of the most vulnerable species and ensure the long-term sustainability of all other species taken in the fishery; and

(d) conditions for effective discard prevention shall be adopted. Those conditions shall aim at landing all fish and non-fish species taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy.

Justification

In accordance with the latest knowledge and advice from ICES on certain deep-sea fisheries, which are mixed fisheries, and where a high number of non-targeted species are caught, some of which are known to be highly vulnerable to the impact of fishing and, in the case of several species of deep-sea sharks recognized as endangered or critically endangered in the Northeast Atlantic by the IUCN Shark Specialist Group. This amendment also ensures consistency with Article 12(1) c) of the COM proposal, and refers to the need to protect and manage other non-fish species, such as corals and sponges.

Amendment 30 Proposal for a regulation

Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

ba) There shall be no fishing opportunities allocated for targeted fishing or by-catch of those deep-sea species identified in accordance with Article 3 (e) as being most vulnerable.

Amendment 31 Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fishing opportunities set for deep sea species shall take into account the probable composition of the catch in these fisheries and shall ensure the long term sustainability of all harvested species.

Amendment 32

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Obligation to land all deep sea catches

All catches of fish and non fish species made by a fishing vessel holding an authorisation to catch deep sea species shall be brought and retained on board the fishing vessels, recorded in the logbook and landed.

Amendment 33

**Proposal for a regulation
Chapter 3 – section 2 – title**

Text proposed by the Commission

Management by fishing effort limits

Amendment

Fishing effort limits *and accompanying measures*

Amendment 34

**Proposal for a regulation
Article 11 – title**

Text proposed by the Commission

Fishing opportunities by means of fishing effort limits only

Amendment

Fishing effort limits

Amendment 35

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

1. The Council, acting in accordance with the Treaty, may decide to *switch from the fixing of* annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits *to the fixing of only fishing effort limits for specific fisheries.*

Amendment

1. The Council, acting in accordance with the Treaty, may decide to *fix* annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits.

Amendment 36

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any *adjustmens* required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the *catches made by the relevant deep-sea métiers during the previous two calendar years*.

Amendment

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any *adjustments* required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the *rates of exploitation established in accordance with article 10*.

Amendment 37

Proposal for a regulation Article 11 – paragraph 3 – point a

Text proposed by the Commission

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the species targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; and

Amendment

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the *type and amount of gear allowed, the species and specific stocks* targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; and

Amendment 38

Proposal for a regulation Article 11 – paragraph 3 – point b

Text proposed by the Commission

(b) the fishing effort unit to be used for management.

Amendment

(b) the fishing effort unit *or combination of units* to be used for management.

Amendment 39

Proposal for a regulation

Article 11 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) methods and protocols for the monitoring and reporting of effort levels during a management period.

Amendment 40

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Where annual fishing effort limits have replaced catch limits in accordance with Article 11(1)***, Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

1. Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

Amendment 41

Proposal for a regulation

Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) measures to avoid an increase of the overall catching capacity of the vessels concerned by the effort limits.

(a) measures to avoid an increase of the overall catching capacity of the vessels concerned by the effort limits ***established following article 11.***

Amendment 42

Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) measures to ***avoid an increase in by-catches*** of most vulnerable species; and

Amendment

(b) measures to ***prevent by-catches in deep sea fisheries***, of most vulnerable species ***in particular***; and

Amendment 43

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption.

Amendment

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption, ***as well as annually thereof***.

Amendment 44

Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, as appropriate, catch or effort limits on the species whose targeting is allowed; ***or***

Amendment

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, as appropriate, catch or effort limits on the species whose targeting is allowed;

ba) failure to implement accompanying measures in accordance with Article 12; or

Amendment 45

Proposal for a regulation
Article 18 – paragraph 1 – point b

Text proposed by the Commission

b) failure to take on board a scientific observer or to allow sampling of catches for scientific purposes as specified in Article 19 of this Regulation.

Amendment

b) failure to ***comply with the data collection requirements, including the obligation to*** take on board a scientific observer or to allow sampling of catches for scientific purposes as specified in Article 19 of this Regulation.

Amendment 46

Proposal for a regulation
Article 20 - paragraphs 2 - 5

Text proposed by the Commission

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Amendment

2. The power to adopt delegated acts as referred to in ***Article 3, paragraph 2a , Article 4, paragraph 2a and 5a and*** Article 13 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in ***Article 3, paragraph 2a, Article 4, paragraph 2a and 5a and*** Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to ***Article 3, paragraph 2a, Article 4, paragraph 2a and 5a and*** Article 13 shall enter into force only if no objection has

a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Justification

Reflects the delegated acts proposed by the rapporteur.

Amendment 47

**Proposal for a regulation
Chapter 5 a (new)**

Text proposed by the Commission

Amendment

CHAPTER V - COMPLIANCE

Article 20 – Sanctions in case of non-compliance of Member States

1. Failure of Member States to comply with their obligations under this regulation shall result:

- in the immediate withdrawal of fishing authorisations referred to in Article 4 for all vessels of that Member State; and

- in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy.

2. The sanctions referred to in paragraph 1 shall remain in effect until the Commission deems that the Member State concerned has fulfilled its obligations.

3. Fishing opportunities which had been allocated to a non-compliant Member State shall not be reallocated to other Member States, nor shall they be

reclaimed in subsequent years.

Amendment 48

**Proposal for a regulation
Annex II a (new)**

Text proposed by the Commission

Amendment

Annex IIa

The impact assessments referred to in Article 7(1) shall address, inter alia:

- a) type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan);***
- b) best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;***
- c) identification, description and mapping of VMEs known or likely to occur in the fishing area;***
- d) data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;***
- e) identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs and low-productivity fishery resources in the fishing area;***
- f) risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VMEs and low-productivity fishery resources;***

and the proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs and ensure long-term conservation and sustainable utilization of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.

Justification

Ensures the Union's compliance with its commitment to implement the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, with the language in Annex III identical to the wording of paragraph 47. The Guidelines were adopted in 2008 and subsequently approved and incorporated into the deep-sea fisheries management provisions of UNGA resolutions 64/72 (2009) and 66/68 (2011). This is the internationally negotiated and agreed standard for conducting impact assessments for deep-sea bottom fisheries.

PROCEDURE

Title	Specific conditions to fishing for deep-sea stocks in the North-East Atlantic, provisions for fishing in international waters of the North-East Atlantic and repeal of Regulation (EC) No 2347/2002
References	COM(2012)0371 – C7-0196/2012 – 2012/0179(COD)
Committee responsible Date announced in plenary	PECH 11.9.2012
Opinion by Date announced in plenary	ENVI 22.11.2012
Rapporteur Date appointed	Anna Rosbach 11.10.2012
Discussed in committee	19.2.2013
Date adopted	20.3.2013
Result of final vote	+: 58 -: 0 0: 1
Members present for the final vote	Martina Anderson, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sergio Berlato, Lajos Bokros, Milan Cabrnich, Yves Cochet, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Jo Leinen, Corinne Lepage, Peter Liese, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Vladko Todorov Panayotov, Andrés Perelló Rodríguez, Mario Pirillo, Pavel Poc, Anna Rosbach, Oreste Rossi, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Salvatore Tatarella, Thomas Ulmer, Glenis Willmott, Sabine Wils
Substitute(s) present for the final vote	Margrete Auken, Minodora Cliveti, Gaston Franco, Julie Girling, Philippe Juvin, Jiří Maštálka, James Nicholson, Britta Reimers, Michèle Rivasi, Rebecca Taylor, Vladimir Urutchev, Kathleen Van Brempt
Substitute(s) under Rule 187(2) present for the final vote	Ioan Enciu