<EntPE>EUROPEAN PARLIAMENT</EntPE>

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Session document

<RefStatus>FINAL</RefStatus>

<NoDocSe>A5-0439/2003</NoDocSe>

<RefVer></RefVer>

<Date>{01/12/2003} 1 December 2003</Date>

<RefProcLect>\*</RefProcLect>

<TitreType>REPORT</TitreType>

<Titre>on the amended proposal for a Council Regulation amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species </Titre>

<DocRef>(COM(2002) 420 – C5‑0407/2002 – 2002/0189(CNS)) (COM(2003) 421 – C5–0429/2003 – 2002/0189(CNS))</DocRef>

<Commission>{PECH}Committee on Fisheries</Commission>

Rapporteur: <Depute>Yves Piétrasanta</Depute>

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| Symbols for procedures |
| \* Consultation procedure *majority of the votes cast*  \*\*I Cooperation procedure (first reading) *majority of the votes cast*  \*\*II Cooperation procedure (second reading) *majority of the votes cast, to approve the common position majority of Parliament’s component Members, to reject or amend the common position*  \*\*\* Assent procedure *majority of Parliament’s component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*  \*\*\*I Codecision procedure (first reading) *majority of the votes cast*  \*\*\*II Codecision procedure (second reading) *majority of the votes cast, to approve the common position majority of Parliament’s component Members, to reject or amend the common position*  \*\*\*III Codecision procedure (third reading) *majority of the votes cast, to approve the joint text*  (The type of procedure depends on the legal basis proposed by the Commission) |

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| Amendments to a legislative text |
| In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned. |

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PROCEDURAL PAGE

By letter of 3 September 2002 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council Regulation amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species (COM(2002) 420 – 2002/0189(CNS)).

At the sitting of 5 September 2002 the President of Parliament announced that he had referred the proposal to the {PECH}Committee on Fisheries as the committee responsible (C5‑0407/2002).

The committee appointed Yves Piétrasanta rapporteur at its meeting of 12 September 2002.

By letter of 23 June 2003, the Commission forwarded to Parliament an amended proposal (COM(2003) 421, presented by the Commission pursuant to Article 250(2) of the EC Treaty.

At the sitting of 8 October 2003, the President of Parliament announced that he had referred the amended proposal to the Committee on Fisheries as the committee responsible (C5-0429/2003).

At its meeting of 9 September 2003, the Committee on Fisheries considered its previous report (A5-0015/2003) as obsolete and reappointed Yves Piétrasanta rapporteur.

It considered the Commission amended proposal and draft report at its meetings of 2 October and 25 November 2003.

At the last meeting it adopted the draft legislative resolution by 13 votes to 0, with 1 abstention.

The following were present for the vote Struan Stevenson (chairman), Rosa Miguélez Ramos (vice-chairwoman), Brigitte Langenhagen (vice-chairwoman), Patricia McKenna (for Yves Piétrasanta (rapporteur), Niels Busk, Heinz Kindermann, Giorgio Lisi, Ioannis Marinos, Camilo Nogueira Román (for Ian Stewart Hudghton), Juan Ojeda Sanz (for Manuel Pérez Álvarez), Seán Ó Neachtain, Joaquim Piscarreta, Catherine Stihler and Daniel Varela Suanzes-Carpegna.

The report was tabled on 1 December 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the amended proposal for a Council Regulation amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species

(COM(2002) 420 – C5‑0407/2002 – 2002/0189(CNS))  
(COM(2003) 421 – C5–0429/2003 – 2002/0189(CNS))

(Consultation procedure)

*The European Parliament*,

– having regard to the Commission proposal to the Council (COM(2002) 420)[[1]](#footnote-1)1 and the amended proposal (COM(2003) 421)[[2]](#footnote-2)2,

– having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0407/2003 - C5‑0429/2003),

– having regard to Rule 67 of its Rules of Procedure,

– having regard to the report of the {PECH}Committee on Fisheries (A5‑0439/2003),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

5. Instructs its President to forward its position to the Council and Commission.

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| Text proposed by the Commission |  | Amendments by Parliament |

<Amend>Amendment <NumAm>1</NumAm>

Article 1, paragraph 6 a (new)  
Article 11 of Council Regulation (EC) No 973/2001

|  |  |
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|  | ***6 a. Article 11 is replaced by:***  ***"Monofilament streamer lines on swivels shall be used, so that live blue marlins and white marlins may be easily released."*** |

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Justification

<OptDelPrev>As both blue and white marlin are over-fished according to ICCAT, it seems better to require the use of this measure rather than simply encouraging it. This would also facilitate the release of live sharks, a stated goal of Resolution 2001-11 in ICCAT.</OptDelPrev>

</Amend>

EXPLANATORY STATEMENT

The Commission's proposal concerns what are known as highly migratory species, principally the various tuna and billfish species. Specifically, it is intended to bring up to date the regulation, adopted in May 2001, on technical measures.

One of the most important objectives of technical measures is to limit bycatch and discards, although unfortunately, to date the Community legislation is heavily concentrated on juveniles of commercially valuable species. It is only recently that some measures have been taken to reduce the catches of non-target species.

It was in 2000 that the Commission first proposed to collect all of the technical measures on tuna and billfish and put them in one regulation. In its report at the time, of which I was the rapporteur, Parliament welcomed this move as a simplification of the legislation. That report also contains brief descriptions of both EU involvement in tuna fishing around the world and of the various technical measures which have been adopted by the tuna RFOs, as well as a discussion of the status to the more important tuna and billfish species. As with so many other species these days, tuna and billfish are being seriously over-exploited in many areas and the situation is getting worse, rather than better.

Possibly among the most widely flouted technical measures in tuna fishing are the minimum landing sizes for yellowfin, bigeye and bluefin in the Atlantic. The size limit is 3.2 kg for all species, though there is a tolerance of 15% for yellowfin and bigeye (adult fish are in the range of 15-20 kg or more). The Standing Committee on Research and Statistics (SCRS) of ICCAT evaluates the extent of undersized catches of these species and, in its 2002 report, it states that:

In 1999, the calculated proportions of undersized yellowfin were 70.9% for the purse seine fleet and 80.7% for the baitboat fleets.

For bigeye:

The percentage of fish smaller than the minimum size has increased since 1990 and was more than 50% of the total fish caught thereafter except in 2000, although the absolute number of undersized fish might have been reduced in some fisheries.

Finally, for bluefin:

The available data indicate that 36% of the number of fish in the Mediterranean catch was less than 3.2 kg in 2000 and 40% less than 6.4 Kg. In the East Atlantic it was 2% and 29% respectively.

In other words, very large numbers of juvenile tuna are being caught, which is doubtless part of the reason for the poor state of the stocks. One method of fishing that leads to particularly high catches of juvenile yellowfin and bigeye is the use of FADs, or fish aggregating devices. Fish tend to congregate under virtually anything that floats, a fact which is exploited by purse seiners - it is far easier to set a net around a stationary object floating in the water, thereby catching all of the tuna and other species beneath, than to try to surround a school of tuna swimming at speeds of several knots. But FAD fishing causes very large catches of juveniles. Experimental closed seasons for FAD fishing, as a means of reducing the catch of juveniles, have been inconclusive at best.

At its 2002 session, ICCAT adopted Recommendation 2002-09, which calls, among other things, upon the Contracting Parties to develop, in 2003 and 2004, specific programmes aiming to reduce the catch of juvenile bluefin tuna in the Mediterranean. ICCAT will reconsider the problem in 2005. While this is a positive step as far as it goes, it is far from being sufficient. Catches of juvenile tuna are not limited to bluefin in the Mediterranean - they occur in most of the tuna species and in most ocean areas, albeit to differing degrees. The Commission should use its influence in ICCAT and the IOTC to push for much more aggressive efforts to reduce the capture of juvenile tunas.

The capture of sharks in tuna fishing, by both longlines and purse seines, is receiving increased attention, given the vulnerability of many of these species to over-fishing. Here, at least, something is being done, although far less than necessary.

A few years ago, ICCAT began to collect statistics on shark catches, although there are many countries, including EU Member States, that do not submit complete data.

At its meeting in 2001, ICCAT adopted a Resolution (01-11) on sharks, calling upon contracting parties and others fishing in the Atlantic to:

- submit catch and effort data on porbeagle, shortfin mako and blue sharks;

- not increase fishing effort on these species until assessments have been conducted;

- encourage the release of incidentally-caught live sharks, particularly juveniles;

- minimize the waste and discards from shark catches.

The latter two points are the basis of one of the amendments that the Commission is proposing (presumably the first two points are dealt with elsewhere).

However, though the text reads that "Member States shall *do their utmost* to encourage the release of live sharks" [emphasis added], one suspects that the Member States encouraging their fishers to do or not to do something will probably not be very effective.

In my initial report, I included an amendment which is of relevance here. Another ICCAT Resolution calls for the use of monofilament streamer lines on swivels in the marlin longline fishery, as they would allow easier release of these depleted fish. The Commission proposal, and the subsequent regulation, says that Member States should encourage their use. My report proposed making their use compulsory, given the poor status of marlin. However, as these monofilament lines would favour the escape of sharks, which the industry wants to keep, the Council and Commission rejected the amendment. Perhaps, as part of the attempts to reduce shark bycatch, such an amendment should be reconsidered, and it is included again.

Other than that, your rapporteur has very little to add to the proposals. The Commission has effectively incorporated the relevant conservation measures into the proposal for amending the regulation.

Nonetheless, the set of technical measures currently in force in the three ocean areas covered by the Regulation are far from satisfactory - the enormous bycatches of juveniles and other species continue and several of the most commercially important species are depleted or even severely depleted.

The Commission needs to be much more pro-active in resolving these serious problems.

1. 1 OJ C 291 E, 26.11.2002, p. 210 [↑](#footnote-ref-1)
2. 2 Not yet published in OJ [↑](#footnote-ref-2)