



Plenary sitting

A8-0263/2017

18.7.2017

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008 (COM(2016)0493 – C8-0336/2016 – 2016/0238(COD))

Committee on Fisheries

Rapporteur: Ulrike Rodust

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 proposal for a regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008
(COM(2016)0493 – C8-0336/2016 – 2016/0238(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0493),
 - 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 (C8-0336/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the official notification of 29 March 2017 by the United Kingdom government, pursuant to Article 50 of the Treaty on European Union, of its intention to withdraw from the European Union;
 - having regard to the opinion of the European Economic and Social Committee of 14 December 2016¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0263/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Title 1

Text proposed by the Commission

Amendment

¹ Not yet published in the Official Journal.

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on establishing a multi-annual plan for *certain* demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.

Amendment

(4) The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are environmentally sustainable in the long-term, to apply the precautionary approach to fisheries management ***to ensure that stocks of harvested species are restored and maintained at levels above those that can produce MSY***, and to implement the ecosystem-based approach to fisheries management.

Amendment 3

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Regarding the exploitation of living marine biological resources, Regulation (EU) No 1380/2013 includes as an explicit goal the restoration and maintenance of populations of harvested species above levels capable of producing MSY. Therefore, in accordance with Article 2(2) thereof, the corresponding exploitation rate is to be achieved by 2015 where possible and, on a progressive,

incremental basis at the latest by 2020 for all stocks, and should be maintained thereafter.

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities.

Amendment

(5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities ***in full accordance with the best available scientific advice.***

Amendment 5

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points and safeguards.

Amendment

(6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice and contain objectives, quantifiable targets with clear timeframes, conservation reference points, ***objectives*** and safeguards, ***goals for stock conservation and technical measures to be taken to achieve the targets for the maximum possible avoidance of and reduction of unwanted catches as set out in Article 15 thereof.***

Amendment 6

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In addition, the Commission may be empowered to establish fish stock recovery areas in a multi-annual plan pursuant to Article 8(3) of Regulation (EU) No 1380/2013.

Justification

The reference to Article 8(3) of the CFP Basic Regulation, by means of which the Commission may be empowered to establish biologically sensitive protected areas as a delegated power in a multi-annual plan, was omitted in the Commission proposal.

Amendment 7

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Some stocks of common interest are also exploited by third countries, which makes it very important that the Union should consult those third countries in order to ensure that the stocks concerned are managed sustainably. In the absence of a formal agreement, the Union should do everything in its power to agree common arrangements for the fishing of those stocks in order to facilitate sustainable management, in which connection equal terms for the Union's market operators should be secured, enforced and promoted.

Amendment 8

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The objective of this plan should be to contribute to the achievement of the

(10) The objective of this plan should be to contribute to the achievement of the

objectives of the CFP, and especially **reaching** and maintaining **MSY for the stocks concerned**, contributing to the implementation of the landing obligation for demersal stocks subject to catch limits and contributing to the implementation of the ecosystem-based approach to fisheries management.

objectives of the CFP, and especially **restoring** and maintaining **fish stocks above levels of biomass capable of producing MSY** contributing to the implementation of the landing obligation for demersal stocks subject to catch limits **as well as implementation and achievement of the socio-economic aspects of the CFP** and contributing to the implementation of the ecosystem-based approach to fisheries management **by minimising the negative effects of fishing on the marine ecosystem**.

Amendment 9

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) This plan should also contribute to the achievement of good environmental status, as laid down in Directive 2008/56/EC, and to the achievement of favourable conservation status for habitats and species as required by Directive 2009/147/EC of the European Parliament and of the Council^{1a} and Council Directive 92/43/EC^{1b} respectively.

^{1a} **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).**

^{1b} **Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).**

Amendment 10

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the **targets** set out in the multi-annual plans.

Amendment

(11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the **objectives** set out in **Article 2(2) of Regulation (EU) No 1380/2013 and comply with the targets, time-frames and margins established in** the multi-annual plans.

Amendment 11

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In accordance with Article 33(1) of Regulation (EU) No 1380/2013, stocks managed jointly with third countries are to be managed wherever possible with joint agreements in line with the objectives laid down in Article 2(2) thereof. In addition, the goals set out in Articles 1 and 2 of Regulation (EU) No 1380/2013 as well as the definitions set out in Article 4 thereof should apply to such agreements.

Amendment 12

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) Where the targets relating to **MSY** are not available, the **precautionary approach should apply**.

(14) Where the targets relating to **the maximum sustainable yield** are not available, the **multi-annual plan should establish measures on the basis of the precautionary approach to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013. Those measures must guarantee a degree of conservation of the relevant stocks that is at least comparable**

to exploitation rates in accordance with the maximum sustainable yield, as set out in Article 9(2) of Regulation (EU) No 1380/2013.

Justification

Measures from the multi-annual plan following the precautionary principle must guarantee the preservation of affected stocks to an extent at least comparable to targets for the maximum sustainable yield, in line with Article 9(2) of the CFP Basic Regulation.

Amendment 13

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Recreational fisheries can have a significant impact on fish resources. Member States are to collect catch data of recreational fisheries, in accordance with legal requirements on data collection. Where such fisheries have a significant negative impact on resources, the plan should provide for the possibility to decide on specific management measures in line with the principle of proportionality. Any management and technical measures concerning recreational fisheries at Union level should be proportionate to the objectives aimed for.

Amendment 14

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) For Norway lobster functional units for which they are available, it is appropriate to use ***the following trigger abundance levels:*** minimum abundance (Abundancebuffer) ***that corresponds to the Bbuffer reference point defined in the Long Term Management Plan for North***

(16) For Norway lobster functional units for which they are available, it is appropriate to use ***ICES-advised*** minimum abundance (Abundancebuffer) ***and*** limit abundance (Abundancelimit) ***as trigger abundance levels.***

Sea Nephrops by the North Sea Advisory Council⁴² and the limit abundance (Abundancelimit) that corresponds to abundance MSY Btrigger (equivalent to Blim) as defined by ICES⁷.

⁴² *A Long Term Management Plan for North Sea Nephrops*

Justification

It is not appropriate to refer to Advisory Council advice in a legislative text.

Amendment 15

Proposal for a regulation **Recital 17**

Text proposed by the Commission

(17) Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when scientific advice states that remedial measures are needed. These measures should be supplemented by all other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of Regulation (EU) No 1380/2013.

Amendment

(17) Appropriate safeguard measures should be envisaged in case the stock size falls below these levels. Safeguard measures should include the reduction of fishing opportunities and specific conservation measures when ***the best available*** scientific advice states that remedial measures are needed. These measures should be supplemented by all other measures, as appropriate, such as Commission measures in accordance with Article 12 of Regulation (EU) No 1380/2013 or Member State measures in accordance with Article 13 of Regulation (EU) No 1380/2013.

Amendment 16

Proposal for a regulation **Recital 19**

Text proposed by the Commission

(19) It is appropriate to ***set the TAC for Norway lobster in ICES zones IIa and IV as the sum of the catch limits established***

Amendment

(19) It is appropriate to ***define a separate TAC for Norway lobster for each functional unit wherever possible.***

for each functional unit and of the statistical rectangles outside the functional units within that TAC area. However, this does not preclude the adoption of measures to protect specific functional units.

Separate measures to protect the respective functional units may be taken.

Justification

If a joint TAC for separate functional units is established, it is not guaranteed that the Norway lobster in one of the functional units will not be overfished. Although ICES has recommended separate TACs for individual functional units for some years, TACs are created for the whole area in these zones.

Amendment 17

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for **additional management measures**.

Amendment

(20) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for **other conservation measures, in particular measures to gradually eliminate discards, taking into account the best available scientific advice, or to minimise the negative impact of fishing on the ecosystem, to be further specified, where appropriate, in accordance with Article 18 of Regulation (EU) No 1380/2013.**

Justification

Change corresponds to Article 10(2)(a) of the CFP Basic Regulation.

Amendment 18

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Thresholds should be established for the demersal stocks that a fishing vessel

Amendment

(25) Thresholds should be established for the demersal stocks that a fishing vessel

is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating these ports or places close to the shore, Member States should apply the criteria provided in Article 43(5) of that Regulation in such a way as to ensure effective control of the *stocks* covered by this Regulation.

is required to land in a designated port or a place close to the shore, in accordance with Article 43 of Regulation (EC) No 1224/2009. Moreover, when designating those ports or places close to the shore, Member States should apply the criteria provided for in Article 43(5) of that Regulation in such a way as to ensure effective control of the *landing of catches* covered by this Regulation.

Justification

Alignment with the wording of Recital 28 of the Baltic Sea multi-annual plan.

Amendment 19

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on periodic evaluation of the plan based on scientific advice: the plan should be evaluated every five years. This period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also the minimum required period by scientific bodies.

Amendment

(26) In accordance with Article 10(3) of Regulation (EU) No 1380/2013 provisions should be established for the periodical assessment by the Commission of the adequacy and effectiveness of the application of this Regulation. Such assessment should follow and be based on periodic evaluation of the plan based on *the best available* scientific advice: the plan should be evaluated *by ... [three years after the date of entry into force of this Regulation], and* every five years *thereafter*. This period allows for the full implementation of the landing obligation, and for regionalised measures to be adopted, implemented and to show effects on the stocks and fishery. It is also the minimum required period by scientific bodies.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes a multi-annual plan ("plan") for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV ("North Sea") and the fisheries exploiting those stocks.

Amendment

1. This Regulation establishes a multi-annual plan ("plan") for the demersal stocks in waters of Union waters of ICES zones IIa, IIIa and IV ("North Sea" ***refers to those three zones***) and the fisheries, ***including recreational fisheries***, exploiting those stocks.

Amendment 21

Proposal for a regulation

Article 1 – paragraph 2

Text proposed by the Commission

2. ***Notwithstanding paragraph 1, Articles 4, 5, 6 and 8 apply to the stock areas for Groups 1 to 4 stocks as defined in Article 2.***

Amendment

deleted

Justification

This amendment is part a set to create a less complex 2 Group system

Amendment 22

Proposal for a regulation

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where on the basis of scientific advice, or on the basis of a request from the Member States concerned, the Commission considers that the list referred to in Article 2 needs to be adjusted, the Commission may submit a proposal for the amendment of that list.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *This Regulation also sets out details for the implementation of the landing obligation for all species provided for in Article 15(1) of Regulation (EU) No 1380/2013, other than the stocks already identified in paragraph 1 of this Article.*

Amendment 24

Proposal for a regulation Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) "demersal stocks" means those roundfish *and* flatfish species *and* Norway lobster that live at or near the bottom of the water column.

Amendment

(1) "demersal stocks" means: those roundfish, flatfish *and cartilaginous fish* species, Norway lobster (*Nephrops Norvegicus*) *and Northern prawn* (*Pandalus borealis*) that live at or near the bottom of the water column.

Amendment 25

Proposal for a regulation Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) *“Best available scientific advice” means scientific advice which has been reviewed by ICES or STECF and is supported by the most up-to-date data available and which meets all the requirements set out in Regulation (EU) No 1380/2013, in particular Article 25 thereof.*

Amendment 26

Proposal for a regulation Article 2 – paragraph 1 – point 1 b (new)

(1b) “ F_{MSY} range” means a range calculated by ICES delivering no more than a 5 % reduction in long-term yield compared to the maximum sustainable yield. The upper limit of the range is capped in such a way that the probability of the stock falling below B_{lim} is no more than 5 %. That upper limit also conforms with the ICES advice rule, which indicates that when spawning stock biomass is below the minimum spawning stock biomass reference point ($MSY B_{trigger}$), F is to be reduced to a value which does not exceed an upper limit equal to the F_{MSY} point value multiplied by the spawning stock biomass in the TAC year divided by $MSY B_{trigger}$.

Justification

An unambiguous reference to the ICES advice rule should be made not just in the recitals, but also in the enacting terms of the multi-annual plan for demersal stocks in the North Sea.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 1 c (new)

(1c) “ $MSY F_{lower}$ ” and “ $MSY F_{upper}$ ” mean the lowest and highest value within the F_{MSY} range.

Justification

This definition was first laid down in the Baltic Sea multi-annual plan and introduces the concepts to which reference is made in Annex I as modified by the rapporteur.

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

- (2) "Group 1": means demersal stocks for which targets as FMSY ranges and safeguards linked to biomass are established in this plan as follows:
- (a) Cod (*Gadus morhua*) in Subarea IV and Divisions VIIId and IIIa West (***North Sea, Eastern Channel***, Skagerrak), hereafter referred to as ***North Sea*** cod;
- (b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV and Divisions VIa and IIIa west (***North Sea, West of Scotland***, Skagerrak) hereafter referred to as haddock;
- (c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division IIIa (Skagerrak), hereafter referred to as ***North Sea*** plaice;
- (d) Saithe (*Pollachius virens*) in Subareas IV and VI and Division IIIa (***North Sea, Rockall and West of Scotland***, Skagerrak and Kattegat), hereafter referred to as saithe;
- (e) Sole (*Solea solea*) in Subarea IV (North Sea), hereafter referred to as ***North Sea*** sole;
- (f) Sole (*Solea solea*) in Division IIIa and Subdivisions 22–24 (***Skagerrak and Kattegat***, Western Baltic Sea), hereafter referred to as ***Kattegat*** sole;
- (g) Whiting (*Merlangius merlangus*) in Subarea IV and Division VIIId (***North Sea and Eastern English Channel***), hereafter referred to as ***North Sea*** whiting.

Amendment

- (2) "Group 1" means demersal stocks for which targets as FMSY ranges and safeguards linked to biomass are established in this plan, ***as listed in Annexes I and II***, as follows.
- (a) Cod (*Gadus morhua*) in Subarea IV (***North Sea***) and Divisions VIIId (***Eastern Channel***) and IIIa West (Skagerrak), hereafter referred to as cod ***in Subarea IV and Divisions VIIId and IIIa West***;
- (b) Haddock (*Melanogrammus aeglefinus*) in Subarea IV (***North Sea***) and Divisions VIa (***West of Scotland***) and IIIa west (Skagerrak) hereafter referred to as haddock ***in Subarea IV and Divisions VIa and IIIa West***;
- (c) Plaice (*Pleuronectes platessa*) in Subarea IV (North Sea) and Division IIIa (Skagerrak), hereafter referred to as plaice ***in Subarea IV and Division IIIa***;
- (d) Saithe (*Pollachius virens*) in Subareas IV (***North Sea***) and VI (***West of Scotland and Rockall***) and in Division IIIa (Skagerrak and Kattegat), hereafter referred to as saithe ***in Subareas IV and VI and Division IIIa***;
- (e) Sole (*Solea solea*) in Subarea IV (North Sea), hereafter referred to as sole ***in Subarea IV***;
- (f) Sole (*Solea solea*) in Division IIIa (***Skagerrak and Kattegat***) and Subdivisions 22–24 (Western Baltic Sea), hereafter referred to as sole ***in Division IIIa and Subdivisions 22-24***;
- (g) Whiting (*Merlangius merlangus*) in Subarea IV (***North Sea***) and Division VIIId (Eastern English Channel), hereafter referred to as whiting ***in Subarea IV and Division VIIId***;

(ga) Anglerfish (Lophius piscatorius) in Division IIIa (Skagerrak and Kattegat) and Subareas IV (North Sea) and VI (West of Scotland and Rockall);*

(gb) Northern Prawn (Pandalus borealis) in Divisions IVa East and IIIa.*

The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend the list of stocks in Group 1, as set out in the first paragraph of this point and in Annexes I and II to this Regulation, in accordance with the best available scientific advice.

*(*To be added to the Annexes)*

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) “Group 2” means Norway lobster (*Nephrops norvegicus*) functional units (FU) for which targets as FMSY ranges and safeguards linked to abundance are established in this plan consisting of:

Amendment

(3) “Group 2” means Norway lobster (*Nephrops norvegicus*) functional units (FU) for which targets as FMSY ranges and safeguards linked to abundance are established in this plan, ***as set out in Annexes I and II***, consisting of:

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) “Group 6” means ***prohibited species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the common fisheries policy in the North Sea.***

Amendment

deleted

Justification

The proposal for a regulation on technical measures (Article 18) and Regulation 1380/2013 (Articles 12 and 13) already enable measures to be taken for these species.

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) **“Group 7” means demersal stocks for which targets as FMSY ranges and safeguards linked to biomass are established in Union legislation other than this Regulation.** *deleted*

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) The stocks concerned shall only be amended on the basis of the best available scientific advice.

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

10. “MSY Btrigger” means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing *MSY* in the long term.

10. “MSY Btrigger” means the spawning stock biomass reference point below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing **maximum sustainable yield** in the long term.

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) “Recreational fisheries” means non-commercial fishing activities exploiting marine living biological resources for recreation, tourism or sport.

Amendment 35

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management ***as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013, as well as contribute to a fair standard of living for those who depend on fishing activities, bearing in mind socio-economic aspects,*** and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield. ***The level of fishing which allows the maximum sustainable yield is to be achieved, as quickly as possible and, on a gradual, incremental basis by 2020 at the latest for all stocks covered by this Regulation under all circumstances, and it is to be maintained from that point in time. For stocks where no scientific advice and data exist, the targets set out in Article 9(2) of Regulation (EU) No 1380/2013 are to be met. Those targets ensure that the relevant stocks will be preserved at a level which is at least comparable with the***

targets for the highest sustainable yield.

Justification

The objectives and timeframe set by the CFP basic regulation must apply equally for the stocks of all groups.

Amendment 36

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The plan shall help to attain the socio-economic objectives referred to in Article 2(5) of Regulation (EU) No 1380/2013, in particular maintenance of the standard of living of those who are dependent on fishing activities, preserving an efficient and transparent internal market for fisheries and aquaculture products and maintaining equal conditions for fisheries and aquaculture products marketed in the Union;

Justification

Socioeconomic considerations and the socioeconomic objectives of the CFP should always form part of this multiannual plan and not be disregarded by it.

Amendment 37

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. ***It*** shall be ***coherent*** with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, ***particularly threatened habitats and protected species including marine mammals and seabirds***, are minimised. ***The plan*** shall ***complement and*** be ***consistent*** with ***the ecosystem-***

2008/56/EC.

based approach to fisheries management as defined in point 9 of Article 4(1) of Regulation (EU) No 1380/2013, with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC, and with the targets and rules laid down in Directives 2009/147/EC and 92/43/EEC. Furthermore, the plan shall provide for measures designed to mitigate adverse socio-economic impacts and enable operators to acquire more economic visibility in the long term.

Amendment 38

Proposal for a regulation Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The plan shall contribute to ensuring that stocks managed jointly with third countries pursuant to Article 33(1) of Regulation (EU) No 1380/2013 are managed in line with the objectives set out in Article 2(2) of Regulation (EU) No 1380/2013, and that the total fishing opportunities do not exceed the ranges set out in Annex I to this Regulation.*

Amendment 39

Proposal for a regulation Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *The plan shall take account of the Union's bilateral relations with third countries. Future bilateral agreements with third countries shall take account of the plan.*

Amendment 40

Proposal for a regulation

Article 3 – paragraph 4 – point b

Text proposed by the Commission

(b) **contribute to** the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

Amendment

(b) the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. All measures in the plan shall be taken on the basis of the best available scientific advice in accordance with point 1a of Article 2 of this Regulation. The best available scientific advice shall be reviewed by ICES or STECF by the time at which those measures are proposed by the Commission in accordance with Articles 4, 5, 6 and 18 of this Regulation, and with Article 16 of Regulation (EU) No 1380/2013.

Amendment 42

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The target fishing mortality shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks of Groups 1 and 2, and shall be maintained thereafter within the ranges set out in Annex I.

Amendment

1. The target fishing mortality shall be achieved as soon as possible, and on a progressive, incremental basis by 2020 for the stocks of Groups 1 and 2, and shall be maintained thereafter within the ranges set out in Annex I **and shall comply with the goals set out in Article 3(1).**

Amendment 43

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall comply with the target fishing mortality ranges set out in Annex I, column A to this Regulation.

Amendment

2. In accordance with Article 16(4) **and Article 17** of Regulation (EU) No 1380/2013, fishing opportunities shall **be established in line with the objectives and targets set out in the plan and with the best available scientific advice and shall** comply with the target fishing mortality ranges set out in Annex I, column A to this Regulation.

Amendment 44

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those set out in Annex I, **column A**.

Amendment

3. Notwithstanding paragraphs 1 and 2, fishing opportunities may be fixed at levels corresponding to lower levels of fishing mortality than those set out in Annex I.

Amendment 45

Proposal for a regulation

Article 4 – paragraph 4 – point a

Text proposed by the Commission

(a) if, on the basis of scientific advice **or evidence**, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;

Amendment

(a) if, on the basis of **the best available** scientific advice, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;

Amendment 46

Proposal for a regulation

Article 4 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Decisions to fish in the upper range shall be supported by the best available scientific advice, in accordance with point (c) of Article 3 of Regulation (EU) No 1380/2013. Detailed scientific evidence shall be made publicly available at least four weeks before the adoption of decisions on fishing opportunities under Article 16 of Regulation (EU) No 1380/2013 based on column B of Annex I.

Amendment 47

Proposal for a regulation Article 4 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) if, on the basis of scientific advice **or evidence**, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or

(b) if, on the basis of **the best available** scientific advice, it is necessary to avoid serious harm to a stock caused by intra- or inter-species stock dynamics; or

Amendment 48

Proposal for a regulation Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Fishing opportunities shall in any event be fixed in such a way as to ensure that there is less than a 5 % probability of the spawning stock biomass falling below the limit spawning stock biomass reference point (B_{lim}) set out in particular in Annex II, column B.

Justification

Analogous to Article 4(7) of the Baltic Sea Multi-annual Plan.

Amendment 49

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Proposal for a regulation
Article 4 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *Where, on the basis of the best available scientific advice, the Commission considers that the fishing mortality ranges set out in Annex I no longer correctly express the objectives of the plan, the Commission may as a matter of urgency submit a proposal for amendment of those ranges.*

Justification

To incorporate a provision from the Baltic Sea management plan.

Amendment 50

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Fishing opportunities for the stocks of Groups 3 and 4 shall be consistent with scientific advice related to maximum sustainable yield.

1. Fishing opportunities for the stocks of Groups 3 and 4 shall be consistent with ***the best available*** scientific advice related to maximum sustainable yield.

Amendment 51

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. In the absence of scientific advice on fishing mortality rate consistent with maximum sustainable yield, fishing opportunities ***shall be consistent with scientific advice to ensure the sustainability of the stocks in line with*** the precautionary approach.

2. In the absence of scientific advice ***and data on the*** fishing mortality rate consistent with maximum sustainable yield, fishing opportunities ***and measures shall be decided on in line with*** the precautionary approach ***to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013, and in keeping with the targets set out in Article 3(1) of this Regulation.***

Justification

It must be emphasised that the precautionary approach under the CFP Basic Regulation is applied so that the stocks in question are afforded at least a comparable level of protection in accordance with Article 9(2) of the CFP Basic Regulation, as is the case for the management of the maximum sustainable yield.

Amendment 52

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Stocks of Group 5 shall be managed based on the precautionary approach in *line* with scientific advice.

Amendment

Stocks of Group 5 shall be managed based on the precautionary approach *to fisheries management as defined in point 8 of Article 4(1) of Regulation (EU) No 1380/2013 and in accordance with the best available* scientific advice *and with the targets set out in Article 3(1) and Article 3(3) of this Regulation. The absence of adequate scientific information shall not justify postponing or failing to take management measures to conserve marine biological resources.*

Amendment 53

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. When scientific advice indicates that for a given year the spawning biomass of any of the stocks in Group 1 is below the MSY Btrigger or that the abundance of any of the functional units in Group 2 is below the Abundancebuffer set out in Annex II, column A, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing maximum sustainable yield. In particular, by way of derogation from Article 4(2) fishing

Amendment

1. When *the best available* scientific advice indicates that for a given year the spawning biomass of any of the stocks in Group 1 is below the MSY Btrigger or that the abundance of any of the functional units in Group 2 is below the Abundancebuffer set out in Annex II, column A, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing maximum sustainable yield. In particular, by way of derogation from

opportunities shall be set at levels consistent with a fishing mortality, taking into account the decrease in biomass or abundance, that is reduced below the range laid down in Annex I, column A.

Article 4(2) fishing opportunities shall be set at levels consistent with a fishing mortality, taking into account the decrease in biomass or abundance, that is reduced below the range laid down in Annex I, column A ***in proportion to the decrease in biomass, following the ICES advice rule. The ICES advice rule referred to in point 1b of Article 2 shall apply.***

Justification

In view of the fact that the ICES advice rule is the basis for calculating the ranges proposed, it must be the condition for their application.

Amendment 54

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. When scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the Blim or the abundance of any of the Norway lobster functional units is below Abundancelimit as set out in Annex II, column B to this Regulation, further appropriate remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing maximum sustainable yield. In particular, those remedial measures shall include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

Amendment

2. When ***the best available*** scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the Blim or the abundance of any of the Norway lobster functional units is below Abundancelimit as set out in Annex II, column B to this Regulation, further appropriate remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing maximum sustainable yield. In particular, those remedial measures shall include, by way of derogation from paragraphs 2 and 4 of Article 4, suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities.

Amendment 55

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

2a. *When the best available scientific advice indicates that for a given year the spawning stock biomass of any of the stocks to which this Regulation applies is below $MSY B_{trigger}$, all appropriate remedial measures shall be adopted to ensure rapid return of the stock to levels above those capable of producing maximum sustainable yield, and fishing mortality shall be reduced on a linear basis in proportion to the decrease in biomass in accordance with the ICES advice rule. The ICES advice rule referred to in point 1b of Article 2(1) shall apply.*

Justification

Safeguards such as a reduction in fishing mortality or other remedial measures for reducing catch quantities, which go beyond technical measures, must also be an option for Groups 3, 4, 5 and 7.

Amendment 56

Proposal for a regulation
Article 8 – paragraph 2 b (new)

2b. *When the best available scientific advice indicates that the spawning stock biomass of any of the stocks to which this Regulation applies is below B_{lim} or another relevant limit, additional remedial measures shall be adopted to ensure rapid return of the stock to levels above those capable of producing maximum sustainable yield. In particular, the remedial measures may involve a suitable reduction of fishing opportunities or suspension of the targeted fishery of the stock.*

Justification

Safeguards such as suspending fishery or other remedial measures for reducing catch quantities, which go beyond technical measures, must also be an option for Groups 3, 4, 5 and 7.

Amendment 57

Proposal for a regulation Article 8 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Remedial measures referred to in this Article may include:

(a) emergency measures in accordance with Articles 12 and 13 of Regulation (EU) No 1380/2013;

(b) measures pursuant to Articles 11 and 11a of this Regulation.

The choice of measures referred to in this Article shall be made in accordance with the nature, seriousness, duration and repetition of the situation where the spawning stock biomass is below the levels referred to in paragraph 1.

Justification

To incorporate a provision from the Baltic Sea management plan.

Amendment 58

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Amendment

Specific conservation measures *for Groups 3 to 7*

Specific conservation measures

Amendment 59

Proposal for a regulation Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

When scientific advice indicates that remedial action is required **for the conservation of any of the demersal stocks of Groups 3 to 7, or when the spawning biomass of any of the stocks in Group 1 or abundance of any of the functional units in Group 2 for a given year is below the conservation reference points set out in Annex II, column A to this Regulation**, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding:

When **the best available** scientific advice indicates that remedial action is required **to ensure that all stocks to which this Regulation applies are managed in accordance with the objectives set out in Article 3 of this Regulation**, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding:

Justification

Alignment with the wording of Article 6(1) of the Baltic Sea multi-annual plan, making it possible to adopt delegated acts that can be used to guarantee the conservation of stocks, reduce unwanted catches or minimise the negative impact of fishing on the marine ecosystem.

Amendment 60

**Proposal for a regulation
Article 9 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) characteristics of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity;

(a) **defining the** characteristics **and specifications** of fishing gear, in particular mesh size, hook size, construction of the gear, twine thickness, size of the gear or use of selectivity devices to ensure or improve selectivity, **particularly with a view to reducing unwanted by-catches of stocks from Group 6;**

Justification

Alignment with the targets in Article 7(2)(b) of the CFP Basic Regulation.

Amendment 61

**Proposal for a regulation
Article 9 a (new)**

Text proposed by the Commission

Amendment

Article 9a

Designation of spawning grounds and stock recovery areas

By 2020 at the latest, Member States shall designate spawning grounds and areas where there is clear evidence of heavy concentrations of fish below minimum conservation reference size, and they shall draft joint recommendations in line with Article 12(2) of this Regulation with a view to establishing stock recovery areas for stocks to which this Regulation applies.

Justification

The article corresponds with the targets of Article 8 of the CFP Basic Regulation.

Amendment 62

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Amendment

Total allowable catches

Fishing opportunities

Amendment 63

Proposal for a regulation

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take into account objective and transparent criteria pursuant to Article 17 of Regulation (EU) No 1380/2013 when allocating quotas.

Amendment 64

Proposal for a regulation Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall enable the exchange of quotas pursuant to Article 33(2) of Regulation (EU) No 1380/2013 in the context of the joint management of stocks with third countries.

Justification

The exchange of quotas with third countries for straddling stocks is vital to ensuring the optimum usage of available fishing opportunities.

Amendment 65

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. **Without prejudice to Article 8, the TAC for the stock of Norway lobster in ICES zones IIa and IV shall be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units.**

2. For the stock of Norway lobster in ICES zones IIa and IV, **catch limits for each functional unit and a joint TAC for the statistical rectangles outside the functional units shall be established.**

Justification

The abundance of Norway lobster can vary substantially from one functional unit to another. By establishing a joint TAC as the sum of stocks inside and outside the functional units, fishing in some functional units may become too intensive, with fishing opportunities in another functional unit going unexploited.

Amendment 66

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Impact of recreational fisheries

1. *All available data on catches by recreational fisheries shall be examined in order to assess their likely impact on the stocks of regulated species.*
2. *The Council shall consider the assessment provided for in the first paragraph. For those stocks for which recreational catches are considered to be significant, the Council shall, when setting fishing opportunities, take account of recreational catches by, inter alia:*
 - (a) *considering the sum of estimates of catches by recreational fisheries, derived from the best available scientific advice, and the best available scientific advice on commercial fishing opportunities as total catch which corresponds to the target fishing mortality;*
 - (b) *imposing restrictions on recreational fisheries, including daily bag limits and closed seasons; or*
 - (c) *other means which are deemed appropriate.*

Amendment 67

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

Text proposed by the Commission

Provisions linked to the landing obligation
for Groups 1 to 7

Amendment

Provisions linked to the landing obligation

Amendment 68

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

Text proposed by the Commission

(a) exemptions from the application of the landing obligation for species for which

Amendment

(a) exemptions from the application of the landing obligation for species for which

scientific *evidence* demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, to facilitate the implementation of the landing obligation; and

the best available scientific *advice* demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem, to facilitate the implementation of the landing obligation; and

Amendment 69

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

(c) specific provisions on documentation of catches, in particular for the purpose of monitoring *the implementation of* the landing obligation; and

Amendment

(c) specific provisions on documentation of catches, in particular for the purpose of monitoring *and controlling in order to ensure a level playing field by ensuring full compliance with* the landing obligation; and

Amendment 70

Proposal for a regulation

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The measures set out in paragraph 1 of this Article shall contribute to achieving the objectives set out in Article 3 of this Regulation, in particular the protection of juvenile fish and spawning fish.

Amendment 71

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Technical measures

1. The Commission is empowered to adopt delegated acts in accordance with

Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding the following technical measures:

- (a) specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;**
- (b) specifications of modifications or additional devices to the fishing gears, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;**
- (c) limitations or prohibitions on the use of certain fishing gears and on fishing activities, in certain areas or periods to protect spawning fish, fish below the minimum conservation reference size or non-target fish species, or to minimise the negative impact on the ecosystem; and**
- (d) the fixing of minimum conservation reference sizes for any of the stocks to which this Regulation applies, to ensure the protection of juveniles of marine organisms.**

2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3.

Justification

To incorporate Article 8 of the Baltic Sea management plan. The Commission proposal links the issue of technical measures solely to the notion of measures designed to safeguard a stock. This approach is too narrow. A specific chapter should be created that will make it possible to introduce more general technical measures.

Amendment 72

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. *In addition to the prior notification obligation laid down in Article 17(1) of Regulation (EC) No 1224/2009, masters of Union fishing vessels of overall length of eight to twelve metres shall notify the competent authorities of the coastal Member State at least one hour before the estimated time of arrival at port of the information listed in points (a) to (f) of Article 17(1) of Regulation (EC) No 1224/2009 when retaining on board at least any of the following quantities of fish:* *deleted*

- (a) Group 1: 1000 kg; and/or*
- (b) Group 2 and 4: 500 kg; and/or*
- (c) Group 3: 1000 kg; and/or*
- (d) Group 7: 1000 kg.*

Justification

Given the management complexity arising from the large number of proposed groups, we would propose retaining the control regulation provisions, in line with the better regulation principle and the recommendations made by Parliament in its own-initiative report on harmonising fisheries controls.

Amendment 73

**Proposal for a regulation
Article 15**

Text proposed by the Commission

Amendment

Article 15 *deleted*
Logbook requirements for Groups 1 to 7
By way of derogation from Article 14(1) of Regulation (EC) No 1224/2009, masters of Union fishing vessels of an overall length of eight metres or more engaged in fishing for demersal stocks shall keep a logbook of their operations in accordance with Article 14 of that Regulation.

Justification

This provision has no place in a management plan and should be the subject of more extensive discussions when the control regulation is revised.

Amendment 74

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

No less than **five** years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks. It shall submit the results of this evaluation to the European Parliament and to the Council.

Amendment

No less than **three** years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ensure an evaluation of the impact of the plan on the stocks to which this Regulation applies and on the fisheries exploiting those stocks, ***as well as the extent to which the objectives of this Regulation have been met, including the recovery of fish stocks above levels capable of producing the maximum sustainable yield and the progress towards good environmental status.*** It shall submit the results of this evaluation to the European Parliament and to the Council. ***The Commission may report, where this is considered necessary, at an earlier date.***

The Commission shall report annually to the European Parliament and to the Council on progress in achieving the objectives of this Regulation and on the situation of fish stocks in the waters and for the stocks covered by this Regulation, as early as possible following the adoption of the yearly regulation fixing the fishing opportunities available in Union waters and in certain non-Union waters. That report shall be annexed to the annual report referred to in Article 50 of Regulation (EU) No 1380/2013.

That report shall contain:

(1) the comprehensive scientific advice on the basis on which the fishing opportunities were fixed; and

(2) a scientific justification demonstrating that the fishing opportunities fixed are in line with the objectives and provisions of this Regulation, in particular the fishing mortality targets.

Amendment 75

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Support from the European Maritime and Fisheries Fund

Temporary cessation measures adopted in order to achieve the objectives of the plan shall be deemed as temporary cessation of fishing activities for the purposes of points (a) and (c) of Article 33(1) of Regulation (EU) No 508/2014.

(This Article should appear in Chapter X)

Justification

Addition of the provision set out in Article 17 of the Baltic Sea multi-annual plan on support from the European Maritime and Fisheries Fund for temporary cessation measures adopted in order to achieve the objectives of the plan.

Amendment 76

Proposal for a regulation Annex 1

Text proposed by the Commission

Amendment

Annex I

Annex I

Target fishing mortality

Target fishing mortality

1. Group 1

1. Group 1

STOCK

Target fishing mortality *range* consistent with

STOCK

Target fishing mortality *ranges* consistent with

achieving maximum sustainable yield (FMSY)

Column A Column B

achieving maximum sustainable yield (FMSY)

Column A Column B

Figures in the table come from the most recent ICES Special Request Advice, the “EU request to ICES to provide F_MSY ranges for selected North Sea and Baltic Sea stocks”

<i>North Sea cod</i>	<i>0.22 – 0.33</i>	<i>0.33 – 0.49</i>	<i>Cod in Subarea IV and Divisions VIIId and IIIa West</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>Haddock</i>	<i>0.25 – 0.37</i>	<i>0.37 – 0.52</i>	<i>Haddock in Subarea IV and Divisions VIa and IIIa West</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>North Sea plaice</i>	<i>0.13 – 0.19</i>	<i>0.19 – 0.27</i>	<i>Plaice in Subarea IV and Division IIIa</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>Saithe</i>	<i>0.20 – 0.32</i>	<i>0.32 – 0.43</i>	<i>Saithe in Subareas IV and VI and Division IIIa</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>North Sea sole</i>	<i>0.11 – 0.20</i>	<i>0.20 – 0.37</i>	<i>Sole in Subarea IV</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>Kattegat sole</i>	<i>0.19 – 0.22</i>	<i>0.22 – 0.26</i>	<i>Sole in Division IIIa and Subdivisions 22-24</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
<i>North Sea whiting</i>	<i>Not defined</i>	<i>Not defined</i>	<i>Whiting in Subarea IV and Division VIIId</i>	<i>FMSY lower - FMSY</i>	<i>FMSY - FMSY upper</i>
			<i>Anglerfish</i>	<i>FMSY</i>	<i>FMSY</i>

		<i>in Division IIIa and Subareas IV and VI</i>		<i>Northern Prawn in Divisions IVa East and IIIa</i>	
				<i>lower - FMSY</i>	<i>- FMSY upper</i>
				<i>FMSY</i>	<i>FMSY</i>
				<i>lower - FMSY</i>	<i>- FMSY upper</i>
2. Group 2				2. Group 2	
Norway lobster functional unit (FU)	Target fishing mortality range consistent with achieving maximum sustainable yield (FMSY) (as harvest rate)	Column A	Column B	Norway lobster functional unit (FU)	Target fishing mortality ranges consistent with achieving maximum sustainable yield (FMSY) (as harvest rate)
				Column A	Column B

Figures in the table come from the most recent ICES Special Request Advice, the “EU request to ICES to provide F_{MSY} ranges for selected North Sea and Baltic Sea stocks”

Division IIIa FU 3 and 4	0.056 – 0.079	0.079 – 0.079	Division IIIa FU 3 and 4	FMSY lower - FMSY	FMSY - FMSY upper
Farn Deeps FU 6	0.07 – 0.081	0.081 – 0.081	Farn Deeps FU 6	FMSY lower - FMSY	FMSY - FMSY upper
Fladen Ground FU 7	0.066 – 0.075	0.075 – 0.075	Fladen Ground FU 7	FMSY lower - FMSY	FMSY - FMSY upper
Firth of Forth FU 8	0.106 – 0.163	0.163 – 0.163	Firth of Forth FU 8	FMSY lower - FMSY	FMSY - FMSY upper
Moray Firth FU 9	0.091 – 0.118	0.118 – 0.118	Moray Firth FU 9	FMSY lower - FMSY	FMSY - FMSY upper

Justification

Establishing the principle for calculating the ranges makes it possible to align these ranges with the latest and best available scientific advice. If these ranges, as proposed by the

European Commission, are expressed in figures, then they are set according to current scientific advice and can only be adjusted in accordance with the ordinary legislative procedure. Moreover, defining a stock name in terms of ICES areas, subareas and divisions is clearer and more precise.

Amendment 77

Proposal for a regulation Annex 2

<i>Text proposed by the Commission</i>			<i>Amendment</i>		
Annex II			Annex II		
Conservation reference points (as referred to in Article 7)			Conservation reference points (as referred to in Article 7)		
1. Group 1			1. Group 1		
STOCK	Minimum spawning stock biomass reference point (in tonnes) (MSY Btrigger)	Limit biomass reference point (in tonnes) (Blim)	STOCK	Minimum spawning stock biomass reference point (in tonnes) (MSY Btrigger)	Limit biomass reference point (in tonnes) (Blim)
				Column A	Column B
<i>North Sea cod</i>	165 000	118 000	<i>Cod in Subarea IV and Divisions VIIId and IIIa West</i>	165 000	118 000
Haddock	88 000	63 000	<i>Haddock in Subarea IV and Divisions VIa and IIIa West</i>	88 000	63 000
<i>North Sea plaice</i>	230 000	160 000	<i>Plaice in Subarea IV and</i>	230 000	160 000

			<i>Division IIIa</i>		
Saithe	200 000	106 000	Saithe <i>in Subareas IV and VI and Division IIIa</i>	150 000	106 000
<i>North Sea sole</i>	37 000	26 300	Sole <i>in Subarea IV</i>	37 000	26 300
<i>Kattegat sole</i>	2 600	1 850	Sole <i>in Division IIIa and Subdivisions 22-24</i>	2 600	1 850
<i>North Sea whiting</i>	Not defined	Not defined	Whiting <i>in Subarea IV and Division VIIId</i>	Not defined	Not defined
			<i>Anglerfish in Division IIIa and Subareas IV and VI</i>	<i>Not defined</i>	<i>Not defined</i>
			<i>Northern Prawn in Divisions IVa East and IIIa</i>	<i>Not defined</i>	<i>Not defined</i>
2. Group 2			2. Group 2		
Norway lobster functional unit (FU)	Minimum abundance reference point (in millions) (Abundancebuffer)	Limit abundance reference point (in millions) (Abundancelimit)	Norway lobster functional unit (FU)	Minimum abundance reference point (in millions) (Abundancebuffer)	Limit abundance reference point (in millions) (Abundancelimit)
				Column A	Column B

Division IIIa FU 3 and 4	NA	NA	Division IIIa FU 3 and 4	NA	NA
Farn Deeps FU 6	999	858	Farn Deeps FU 6	999	858
Fladen Ground FU 7	3 583	2 767	Fladen Ground FU 7	3 583	2 767
Firth of Forth FU 8	362	292	Firth of Forth FU 8	362	292
Moray Firth FU 9	262	262	Moray Firth FU 9	262	262

Justification

To ensure the references to Columns A and B in Annex II are clear, the columns must be clearly designated as such. Moreover, defining a stock name in terms of ICES areas, subareas and divisions is clearer and more precise.

Amendment 78

Proposal for a regulation Annex II a (new)

Text proposed by the Commission

Amendment

Annex II a

Prohibited species

- (a) starry ray (*Amblyraja radiata*);***
- (b) the following species of sawfish:***
 - (i) narrow sawfish (*Anoxypristis cuspidata*);***
 - (ii) dwarf sawfish (*Pristis clavata*);***
 - (iii) smalltooth sawfish (*Pristis pectinata*);***
 - (iv) largetooth sawfish (*Pristis pristis*);***
 - (v) green sawfish (*Pristis zijsron*);***
- (c) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*);***
- (d) common skate (*Dipturus batis*)***

complex (Dipturus cf. flossada and Dipturus cf. intermedia);

(e) smooth lanternshark (Etmopterus pusillus) in Union waters of ICES Subarea IV and ICES Division IIIa;

(f) reef manta ray (Manta alfredi);

(g) giant manta ray (Manta birostris);

(h) the following species of Mobula rays:

(i) devil fish (Mobula mobular);

(ii) Mobula rochebrunei;

(iii) spinetail mobula (Mobula japanica);

(iv) smoothtail mobula (Mobula thurstoni);

(v) longhorned mobula (Mobula eregoodootenkee);

(vi) Munk's devil ray (Mobula munkiana);

(vii) Chilean devil ray (Mobula tarapacana);

(viii) shortfin devil ray (Mobula kuhlii);

(ix) lesser devil ray (Mobula hypostoma);

(i) thornback ray (Raja clavata) in Union waters of ICES Division IIIa;

(j) guitarfishes (Rhinobatidae);

(k) angel shark (Squatina squatina);

(l) salmon (Salmo salar) and sea trout (Salmo trutta) when fishing with any towed net within the waters outside the six-mile limit measured from Member States' baselines in ICES Subareas II and IV (Union waters);

(m) berried female crawfish (Palinuridae spp.) and berried female lobster (Homarus gammarus) except when used for direct restocking or transplantation purposes.

Justification

The proposal for a regulation on technical measures (COM(2016) 134 final) lists prohibited species in Annex 1. As this proposal is currently still being discussed, the rapporteur deems it necessary to give a more detailed definition of the “prohibited species” referred to in Article 2(7) of this Regulation. As such, the prohibited species to which this Regulation applies have been taken from the list contained in the proposal for a regulation on technical measures.

EXPLANATORY STATEMENT

(1) Background to the Commission proposal

The basic regulation regards multi-annual plans as essential to the multi-annual, sustainable exploitation of biological marine resources, the idea behind these plans being to address the characteristics of different fisheries.

Multi-annual plans form the basis for discard plans that will specify the landing obligation for certain stocks and fisheries and allow for exceptions.

The Baltic Sea plan is the first multi-annual plan in line with the basic regulation to have been adopted. It is considered a blueprint for multi-annual plans for other marine areas, but the characteristics of different fisheries (and areas) still need to be taken into consideration.

The impact assessment that the Commission proposal for this multi-annual plan (hereinafter "North Sea Plan") is based upon sets out the following objectives (p.31):

The reduction of underfishing using $F(MSY)$ ranges

Safeguards for the precautionary approach

Easier application of the landing obligation

A framework for adopting regionalisation

The Commission proposal relates solely to demersal stocks, as the management of these stocks differs significantly from the management of pelagic and industrial stocks.

(2) Content of the proposal

Structure and scope

The Commission has essentially followed the structure of the Baltic Sea plan. Some passages have been amended or omitted.

The proposal focuses on mixed fisheries for North Sea demersal stocks. It does not refer to the biological interactions between stocks, since science is not yet able to model them sufficiently. The phenomenon of choke species may occur in mixed fisheries.

The Commission has therefore incorporated the concept of ranges in its proposal. These ranges should allow for a degree of flexibility for the issue of choke species.

The Commission has divided demersal stocks into six groups. This has been done according to certain criteria, e.g. total allowable catches (hereinafter "TAC").

The Commission has introduced the Abundance(buffer) concept devised by the North Sea Advisory Council. This concept is more sustainable than the Abundance(limit) concept devised by the International Council for the Exploration of the Sea (ICES).

Consistency and mechanisms

Whereas scientific advice and calculations of stock generally relate to so-called ICES areas that are based on knowledge/findings and can be adapted over time to the stock situation, setting TACs actually relates to management units that, unlike ICES areas, do not change. This results in a discrepancy between stock units and management units.

For the group classification system chosen by the Commission, it is therefore important to make sure that some stocks that belong to Group 3 also enjoy the reference levels of Group 1. Given that these stocks are predominantly found in the North Atlantic, however, the reference levels will be included in the future multi-annual plan for the Northwest Atlantic. This means that these stocks will come under Group 7 in the North Sea Plan.

The basic premise behind Group 7 is that there will be multi-annual plans for more areas, plans which, if the structure is kept, will place stocks with F_{MSY} ranges in Group 1.

The Commission proposal places whiting in Group 1. The ICES Special Request Advice for ranges does not list any ranges for whiting, and so they are not set out in Annex I. According to the Commission, whiting has been placed in Group 1 because information is expected on the ranges in the near future. The next version of the ICES Advice will also contain updated figures for haddock.

The rapporteur has been informed that Groups 3 and 6 encompass all species of ray. Group 3 also includes Kattegat cod.

The rapporteur has tabled amendments aiming to bring consistency and clarity to the designation of areas. This is why she has adapted the “North Sea” nomenclature. It is made clear that ICES Division IIIa refers to both the Skagerrak and the Kattegat, whereas Division IIIa West refers only to the Skagerrak.

For the Atlantic and North Sea, the TACs are also defined in IIa for Union waters. The Commission proposal does not, however, list this area referred to in Article 1 in the individual group definitions in Article 2. The rapporteur assumes that this area will not be incorporated into the ICES stock calculations

Groups 1 and 2 can only be altered in accordance with the ordinary legislative procedure, and this also applies to the ranges set for these groups in the Annex. Further stocks can, however, be categorised under Group 3 if the Council sets TACs for them. If this were to happen, the stock would be taken out of Group 5. The opposite can occur if the Council decides to remove a TAC. If this were to happen, the stock would move from Group 3 into Group 5.

Although the Baltic Sea Plan only proposes delegated acts for by-catch species, the Commission can, according to the Commission proposal, adopt “Specific Conservation Measures” (Article 9) for different groups and a large number of species.

(3) Rapporteur’s position

The rapporteur has drafted amendments designed to clarify facts, comply with rules in force such as the basic regulation and the Baltic Sea plan, and achieve a degree of flexibility with regard to updated scientific findings.

Mixed fisheries, ranges and flexibility

The Baltic Sea Plan has already proposed ranges. The rapporteur has decided to adopt the range approach of the Baltic Sea Plan, primarily owing to the mixed fisheries in the North Sea and the issue of choke species.

These ranges allow a degree of flexibility when it comes to establishing TACs. Additional flexibility mechanisms are already laid out in the basic regulation. This includes Member States taking the catch composition into account when it comes to allocating quotas. The rapporteur backs the Commission in this regard. She is of the opinion that, first of all, quota swaps should be made and that selectivity should be increased so that quotas are not underutilised. According to the Commission, Member States have not yet applied inter-species flexibility. Here, there is still some potential to reduce potential choke situations. In addition, Article 33(2) of the basic regulation refers to exchanging fishing opportunities with third countries to ensure the sustainable fishing of stocks that are shared with said third countries.

The calculation of upper limits in ICES ranges is based on the ICES advice rule. This contains a specific safeguard in case the stock falls below a certain threshold. The use of these upper limits is only justifiable if the ICES advice rule is followed. That is why the rapporteur has specified this context in the text.

Legislation under the CFP should be based on the best available scientific advice. This also means that legislation should allow for a degree of flexibility in order to be able to respond to new scientific findings. This is why the rapporteur has detailed the principle rather than specific figures in the annexes.

Best available scientific advice

The subject of “best available scientific advice” was in fact already being discussed during negotiations over the Baltic Sea Plan. UNCLOS uses this term in Article 119(1)(a), and so does the basic regulation, for instance in Article 3(c). There is no definition of this term. The common practice is to base legal texts on the advice of the ICES.

Negotiations over fishing quotas for the Baltic Sea for 2017 in particular established the need for a clearer definition of “best available scientific advice”. This is why the rapporteur has come up with a definition that states that scientific advice must be published and reviewed before it is used.

Brexit and Norway

The plan should establish a firm working basis for future management with third countries. In this respect, the options listed in Article 33 of the basic regulation should be fully exploited. This is why the North Sea Plan needs to be drafted with some urgency.

Other issues

Group 6 in the Commission proposal refers to the list of prohibited species as they currently appear in Article 12 of Council Regulation (EU) 2017/127. The rapporteur suggests referring to a less flexible list in this particular instance. Just as the Commission has done in its current proposal on technical measures. Such a list would also prevent stocks with a zero TAC being categorised in this group.

The impact assessment was carried out when the first discard plan for demersal species in the North Sea came into effect. According to the Commission, a year of experience with the discard plan would have no bearing on the basic assumptions of the impact assessment. The rapporteur will take the upcoming implementation assessment into consideration during future work on this plan.

The flexibility created by regionalisation and delegated acts as a result of multi-annual plans must not impede the European Parliament from fulfilling its monitoring role.

Article 17 of the Baltic Sea Plan provides for support from the European Marine and Fisheries Fund with temporary cessation measures if they are adopted to reach the objectives of the plan. The rapporteur has incorporated this provision here.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks			
References	COM(2016)0493 – C8-0336/2016 – 2016/0238(COD)			
Date submitted to Parliament	3.8.2016			
Committee responsible Date announced in plenary	PECH 12.9.2016			
Committees asked for opinions Date announced in plenary	DEVE 12.9.2016	BUDG 12.9.2016	ENVI 12.9.2016	REGI 12.9.2016
Not delivering opinions Date of decision	DEVE 18.8.2016	BUDG 31.8.2016	ENVI 31.8.2016	REGI 8.9.2016
Rapporteurs Date appointed	Ulrike Rodust 15.9.2016			
Discussed in committee	11.10.2016	9.11.2016	25.1.2017	22.3.2017
	30.5.2017			
Date adopted	12.7.2017			
Result of final vote	+ : 13 - : 4 0 : 7			
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Renata Briano, Alain Cadec, David Coburn, Richard Corbett, Sylvie Goddyn, Mike Hookem, Ian Hudghton, Carlos Iturgaiz, Werner Kuhn, António Marinho e Pinto, Gabriel Mato, Norica Nicolai, Ulrike Rodust, Annie Schreijer-Pierik, Isabelle Thomas, Peter van Dalen, Jarosław Wałęsa			
Substitutes present for the final vote	José Blanco López, Ole Christensen, John Flack, Jens Gieseke, Julie Girling, Anja Hazekamp, Czesław Hoc, Maria Lidia Senra Rodríguez			
Date tabled	18.7.2017			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

13	+
ALDE	António Marinho e Pinto, Norica Nicolai
ECR	John Flack, Julie Girling, Peter van Dalen
ENF	Sylvie Goddyn
PPE	Alain Cadec
S&D	Clara Eugenia Aguilera García, Renata Briano, Ole Christensen, Richard Corbett, Ulrike Rodust, Isabelle Thomas

4	-
GUE/NGL	Anja Hazekamp
Verts/ALE	Marco Affronte, Ian Hudghton, Keith Taylor

7	0
GUE/NGL	Maria Lidia Senra Rodríguez
PPE	Jens Gieseke, Carlos Iturgaiz, Werner Kuhn, Gabriel Mato, Annie Schreijer-Pierik, Jarosław Wałęsa

Key to symbols:

+ : in favour

- : against

0 : abstention