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## **REPORT**

on the proposal for a Council regulation establishing measures for the recovery  
of cod stocks  
(COM(2003) 237 – C5-0237/2003 – 2003/0090(CNS))

Committee on Fisheries

Rapporteur: Catherine Stihler

### ***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)

### ***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 21 May 2003 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council regulation establishing measures for the recovery of cod stocks (COM(2003) 237 – 2003/0090(CNS)).

At the sitting of 2 June 2003 the President of Parliament announced that he had referred the proposal to the Committee on Fisheries as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0237/2003).

The Committee on Fisheries had appointed Catherine Stihler rapporteur at its meeting of 20 May 2003.

The committee considered the Commission proposal and draft report at its meetings of 10 June, 8 July, 9 September and 2 October 2003.

At the last meeting it adopted the draft legislative resolution by 18 votes to 1, with no abstentions.

The following were present for the vote: Struan Stevenson (chairman), Brigitte Langenhagen (vice-chairwoman), Rosa Miguélez Ramos (vice-chairwoman), Catherine Stihler (rapporteur), Elspeth Attwooll, Niels Busk, Ian Stewart Hudghton, Salvador Jové Peres, Heinz Kindermann, Giorgio Lisi, Albert Jan Maat (for Arlindo Cunha), Patricia McKenna, Seán Ó Neachtain, Manuel Pérez Álvarez, Fernando Pérez Royo (for Carlos Lage), Bernard Poignant, Dominique F.C. Souchet, Margie Sudre (for Hugues Martin) and Daniel Varela Suanzes-Carpegna.

The opinion of the Committee on the Environment, Public Health and Consumer Policy is attached.

The report was tabled on 7 October 2003.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation establishing measures for the recovery of cod stocks**

**(COM(2003) 237 – C5-0237/2003 – 2003/0090(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2003) 237)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0237/2003),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0341/2003),
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

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Amendments by Parliament

#### Amendment 1 Recital 1

Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that a number of cod stocks in Community waters have been subjected to levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which the stocks may not be able to replenish

Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that a number of cod stocks in Community waters have been subjected to levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which the stocks may not be able to replenish

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<sup>1</sup> Not yet published in OJ.

themselves by reproduction and that these stocks are therefore threatened with collapse.

themselves by reproduction and that these stocks are therefore threatened with collapse, ***and as the precautionary approach requires that drastic measures be taken.***

#### *Justification*

*The precautionary approach is written into the Treaties and should be mentioned in the recovery plan.*

#### Amendment 2 Recital 7

Such control of fishing mortality rates can be achieved by establishing an appropriate method for the establishment of the level of the Total Allowable Catches (TACs) of the stocks concerned, and a system whereby fishing effort on those stocks is constrained to levels so that the TACs are unlikely to be exceeded.

Such control of fishing mortality rates can be achieved by establishing an appropriate method for the establishment of the level of the Total Allowable Catches (TACs) of the stocks concerned, and a system whereby fishing effort on those stocks is constrained to levels so that the TACs are unlikely to be exceeded. ***Constraints on fishing effort should be applied proportionately to the fleets of Member States.***

#### *Justification*

*So that fishermen accept these proposals, it is important that reductions in fishing effort are shared out equitably between Member States so that the fishermen in any one Member State do not feel they are treated unfairly.*

#### Amendment 3 Recital 7a (new)

***(7a) Member States should be allowed to take further, non-discriminatory measures for the conservation and protection of marine fish stocks, provided they are consistent with the objectives of the Common Fisheries Policy.***

***Such measures should have no impact on the allocation of quotas in accordance with the relative stability system once stocks have recovered and the Member State takes the view that fishing activities should***

*resume.*

*Justification*

*This amendment takes up an issue raised in Amendment 1 by the draftsman. The additional paragraph is needed to ensure that countries which wish to take further measures are not penalised by being allocated a lower quota in subsequent years, given that the quota is partly based on current catch volumes.*

Amendment 4  
Recital 10 (new)

***(10) The European Commission should at the earliest opportunity present an analysis of the socio-economic consequences of the cod recovery plan and implement the requisite financial measures to mitigate the losses suffered by the sector.***

*Justification*

*Self-justifying.*

Amendment 5  
Article 2 a (new)

***Article 2a***

***Procedure for changing geographical areas***

***1. Acting on a substantiated request from a Member State, from a Regional Advisory Council established in accordance with Article 32 of Council Regulation (EC) No 2370/2002 which has responsibility for one or more of the areas specified in Article 2 of this Regulation, or on its own initiative, the Commission may, after consulting the Scientific Technical and Economic Committee on Fisheries Committee referred to in Article 33 of Council Regulation (EC) No 2370/2002, amend the geographical areas defined in Article 2 of this Regulation in***

*accordance with paragraphs 2 and 3 of this article.*

*2. Amendments may be permanent or for a specific time-period.*

*3. Measures for the implementation of paragraph 1 and 2 may be adopted in accordance with the procedure laid down in Article 30(2) of Council Regulation 2370/2002/EC.*

#### *Justification*

*Cod stocks are not uniformly distributed throughout the geographical areas defined in Article 2. Scientific work is ongoing to establish the extent of spatial linkages between cod stocks and other demersal stocks. The possibility to harvest other demersal stocks without adversely impacting on cod is already implicitly recognised in Annex XVII of Council Regulation 2341/2002 (with the exclusion of specified ICES statistical rectangles from the scope of the cod recovery measures). Given the long time-frame over which this proposal is expected to apply, and the possibilities for advancements in understanding of the linkages between demersal stocks, it should be possible to change the areas to which the plan applies.*

#### *Amendment 6 Article 8 a (new)*

##### *Article 8a*

##### *Allocation of additional kilowatt days*

*1. Acting on a substantiated request from a Member State, from a Regional Advisory Council established in accordance with Article 32 of Council Regulation (EC) No 2370/2002 which has responsibility for one or more of the areas specified in Article 2 of this Regulation, or on its own initiative, the Commission may, after consulting the Scientific Technical and Economic Committee on Fisheries referred to in Article 33 of Council Regulation (EC) No 2370/2002, make a proposal to allocate additional kilowatt days to Member States where it is expected that the adoption of technical measures would prevent the rates of fishing mortality specified in Article 6*



*being exceeded.*

*2. The technical measures referred to in paragraph 1 may include:*

*- measures regarding the structure of fishing gear, the number and size of fishing gear on board, and their methods of use.*

*- zones and/or periods in which fishing activities are prohibited or restricted including for the protection of spawning and nursery areas.*

*These measures may be applied in all or in any part of the geographical areas specified in Article 2.*

*3. The Council shall decide on a qualified majority on the basis of a proposal from the Commission on the allocation of additional kilowatt days under this Article.*

#### *Justification*

*Restricting kilowatt days is not the only means of reducing fishing effort on cod. Work by ICES has demonstrated that existing technical measures can make a small, but nonetheless important contribution to stock recovery. This proposal should not preclude the adoption of further innovative technical measures, such as separator trawls, which would allow fishermen to harvest stocks of other demersal species, without exceeding the rates of fishing mortality on cod laid down in this Regulation.*

#### *Amendment 7*

##### *Article 12, paragraph 1, second indent*

All vessels which appear in the data base specified in Article 9 shall be included in List 1 or List 2 and vessels which do not appear in that data base may also be included in List 1 or List 2.

All vessels which appear in the data base specified in Article 9 shall be included in List 1 or List 2 and vessels which do not appear in that data base may also be included in List 1 or List 2. ***In particular Member States shall have regard to the need to include on List 1 or List 2 vessels which have landed any quantity of the species mentioned in Article 15 which do not appear in the database specified in Article 9.***

### *Justification*

*There are vessels in the Community fleet which have landed the species mentioned in Article 15 (haddock, whiting, plaice, sole, sand eels, Norway pout and Norway lobsters) which would not be included on the database established by Article 9. These vessels would be prohibited from landing these species unless they were included on List 1 or List 2. The fishing days available to these vessels would also be reduced, without the effort expended by them in the reference period being included in the calculation of maximum permissible kilowatt days unless they were included on List 1 or List 2. The amendment seeks to clarify the text to ensure that these vessels are included on the lists.*

### Amendment 8

#### Article 13, second paragraph

A day absent from port shall be ***any*** continuous period of 24 hours from the time of entry into a geographical area defined in Article 2 ***or any part of such a period.***

A day absent from port shall be ***a*** continuous ***or discontinuous*** period of 24 hours from the time of entry into a geographical area defined in Article 2. ***The number of days absent from port shall be calculated by dividing the number of hours absent from port by 24.***

### *Justification*

*Some fishermen have to deal with the problems caused by tidal ports. They can leave and enter port only at high water and cannot thus optimise the time spent at sea and make full use of their quota of days absent from port because the tides force them to leave or return to port either earlier or later than they would like. A system based on hours absent from port would take account of the natural restrictions imposed by these fishermen's home ports and would prevent distortions of competition.*

### Amendment 9

#### Article 21 a (new)

#### ***Article 21a***

##### ***Vessel monitoring by satellite***

***1. Without prejudice to Article 22 of Council Regulation (EC) No 2371/2002, a fishing vessel which is included on either List 1 or List 2 specified in Article 12, shall from 1 January 2005 have installed on board a functioning system which allows detection and identification of that***

*vessel by remote monitoring systems.*

***2. For the implementation of paragraph 1, detailed rules may be adopted in accordance with the procedure laid down in Article 30(2) of Council Regulation (EC) No 2371/2002.***

#### *Justification*

*It is vital for the recovery of cod stocks that this Regulation can be effectively enforced. Vessel Monitoring by Satellite (VMS) provides an important monitoring and enforcement tool. The provisions of Council Regulation (EC) No. 2371/2002 (which require the fitting of satellite monitoring devices to all vessels over 15m in length from 1 January 2005), should be extended to allow satellite monitoring of all vessels likely to catch cod (and hence included on List 1 or List 2) in the area covered by this Regulation.*

#### Amendment 10 CHAPTER V a (new)

#### ***CHAPTER Va*** ***SUPPLEMENTARY PROVISIONS***

#### Amendment 11 Article 21 b (new)

#### ***Article 21b***

***The effect of industrial fishing on cod stocks***

***Within 2 years of the entry into force of this regulation the Commission shall submit a report to the Parliament and to the Council, accompanied by appropriate legislative proposals if necessary, on the impact of industrial fishing in the geographical areas specified in Article 2 on:***

***- mortality of cod***

***- other impacts on cod stocks, in particular the effect of removing a large biomass of cod prey species.***

### *Justification*

*ICES statistics show that industrial fishing has a low bycatch of juvenile cod. However, the effect on cod stocks of removing in excess of 1 million tonnes of feed species from the areas covered by this plan are largely unquantified. Research to investigate the impact of the removal of industrial species on other demersal fish stocks is underway. If this research finds that industrial fishing is contributing to the decline in cod and other demersal stocks for reasons other than bycatch, appropriate measures should be undertaken to contribute to the objectives of this Regulation.*

### Amendment 12 Article 21 c (new)

#### ***Article 21c***

#### ***Reports on the socio-economic impact of this Regulation***

- 1. No later than one year after this Regulation comes into force Member States shall report to the Commission on the socio-economic impact of this Regulation.***
- 2. No later than three years after this Regulation comes into force the Commission, working in close cooperation with the Member States, shall report to the Parliament and the Council on the socio-economic impact of this Regulation, and the measures undertaken by the Member States to address these impacts, accompanied by appropriate proposals as necessary, including proposals to take care of the financial resources.***
- 3. Where a report on the socio-economic impact of this Regulation indicates that the Regulation is having an adverse socio-economic impact on communities within a Member State, that Member State shall seek to access any funds to which they are entitled in order to offset that adverse socio-economic impact.***

### *Justification*

*This proposal is likely to have a serious socio-economic impact on coastal communities. It is essential that an assessment is made of its impact by Member States and the Commission. On the basis of assessments made by Member States, the Commission must make a global*

*assessment of these impacts and in particular propose additional measures to mitigate these impacts where measures taken by the Member States are insufficient. These assessments should be mandatory both for the Member States and the Commission.*

Amendment 13  
Article 21 d (new)

***Article 21d***

***Mid-Term Review***

***No later than three years after this Regulation comes into force the Commission should report to the Parliament and the Council on progress in achieving the objectives of this Regulation.***

*Justification*

*In accordance with Article 5(5) of Council Regulation (EC) No. 2371/2002 a date should be set for the Commission to report on the progress in achieving cod recovery.*

Amendment 14  
Article 21 e (new)

***Article 21e***

***Regional Advisory Councils***

***1. Where a Regional Advisory Council which has responsibility for one or more of the areas specified in Article 2 of this Regulation is established in accordance with Article 32 of Council Regulation (EC) No 2371/2002 , the Commission shall consult the Regional Advisory Council on proposals for the amendment of, or which supplement or supersede this Regulation.***

***2. Notwithstanding its other powers, for the geographical area for which it has responsibility, in the context of this Regulation a Regional Advisory Council as described in paragraph 1 shall have the power to:***

***- submit a request to the Commission for the amendment of the geographical areas to which this Regulation applies in accordance with Article 2a.***

***- submit a request to the Commission for additional technical measures to apply in the area for which it has responsibility, and request an additional allocation of kilowatt days in accordance with Article 8a.***

#### *Justification*

*This Regulation can only be implemented effectively if fishermen are involved in the decision making process. This Regulation should provide for the consultation of Regional Advisory Councils on any changes or additions to the recovery plan, and should also set out certain powers of Regional Advisory Councils in the context of this Regulation.*

## **EXPLANATORY STATEMENT**

### **Context**

Since November 2000 the International Council for the Exploration of the Sea (ICES) has indicated that the cod stock in the North Sea and West of Scotland are at serious risk of collapse.

This Commission initiative follows on from previously made proposals regarding the conservation of cod and hake set out by the Commission in December 2001 and 2002. (COM(2001) 724 final and COM (2002) 773 final). It also stems from a request of the Council at the December 2002 Fisheries Council for the Commission to propose a definitive recovery plan to replace the interim measures imposed in Annex XVII of the TAC and quota regulation. ((EC) No 2341/2002). A proposal for the recovery of hake stocks will now be made separately.

The overall objective of the proposal is to ensure the safe recovery of the cod stocks to the precautionary stock sizes advised by scientists within a time frame of five to ten years. In order to achieve these objectives the proposed Regulation is organised into five main chapters.

### **Substance of Commission Proposal**

#### **Chapter I**

This chapter sets out which cod stocks are covered by this proposal. These include stocks subject to the existing measure: those in the North Sea and west of Scotland and the Skaggeak and Kattegat. The main change is that the Commission proposes that the controls should also apply to cod stocks in the eastern English Channel and the Irish Sea.

#### **Chapter II**

This chapter sets out what the absolute minimum stock sizes should be, below which scientists indicate that the stocks are in significant danger of total collapse. It is proposed that the recovery measures set out in the text should apply until stocks have recovered to the precautionary size recommended by scientists and the Council decides on a different management plan. The Commission remains firmly of the view that the level of cod stock remains very serious and thus in need of stringent measures.

#### **Chapter III**

This section lays down the guidelines for the setting of the levels of Total Allowable Catch (TAC) based on estimations of actual stock sizes by scientists. The aim is to limit catches to ensure a 30% increase in stock size (for very depleted stocks, more serious cuts are proposed). To avoid large annual changes in TACs, it is proposed to set a limit of +/-15% per year, subject to not exceeding the precautionary rate of fishing mortality recommended by the scientists. Target levels for the mature biomass of cod stocks in each area are set (in tonnes). These correspond to the levels agreed by the EU and Norway for the management of these stocks. If ICES reports show the stock is above the target level for more than two years in a row, it would be removed from the plan.

## Chapter IV

This contains the Commission's proposals for the management of a fishing effort limitation scheme – i.e. restricting the time that the fishing vessels concerned may spend fishing to correspond with the TACs.

These proposals are a more simplified version of previous proposals. Essentially the provisions aim to offer greater flexibility to both Member States and fishermen in the management and allocation of the fishing regime.

The chapter proposes limiting the amount of time fishing vessels should be able to spend at sea on fishing trips, in order to complement the limit on catches. The Commission envisages calculating the past level of fishing effort by vessels catching cod in a reference period (initially 2000-02), determining the reduction in fishing effort required and sharing out the reduction between Member States in proportion to their landings of cod in the reference period.

A number of kilowatt days at sea for each cod stock would be allocated to each Member State as a result of this calculation. It would be for each country to determine how to allocate the total among its vessels. Kilowatt days could be transferred between vessels, though not between stocks.

This approach differs from the current interim effort control system, under which the EU legislation sets a fixed number of days at sea per month for each vessel in specific categories, depending on the gear they use. The proposal adopts certain management flexibilities developed in the interim system, including a definition of a day absent from port (any continuous 24-hour period) and provision for exemptions under exceptional circumstances.

## Chapter V

Chapter V provides for measures in relation to improved monitoring, inspection and control for the vessels covered by the effort management system. These measures include details of prior notification, the requirement to land cod in designated ports and stowage and transport conditions. This chapter remains largely unchanged from previous proposals although the rules concerning the use of VMS have been removed as they will be addressed in a new Regulation on this issue to be adopted as part of the CFP reform.

## Comments on the Proposal and Rapporteur's Amendments

The collapse of the formerly prolific Atlantic cod fisheries of the coast of Newfoundland, Canada, and the continued closure of the fisheries since 1992 gives a dire context for the ongoing discussion on cod recovery plans within the EU. The ICES warnings on the potential collapse of North Sea cod stocks are very serious.

This Commission proposal is far-reaching. Your rapporteur seeks a balance between the need to pursue the stated objectives of stock recovery and the socio-economic impact on the fisheries sector and highly fisheries-dependent communities. The Commission will recognise the vulnerability of peripheral fishing communities in Northern Scotland, the Northern and Western



Scottish Isles, and the West Coast of Ireland. This is linked to a limited scope for diversifying the local economy and restricted access to markets, including labour markets.

Amendments placed thus far by your rapporteur span several aspects of the report. These include the setting of fishing limits; inspection and control; the scope of the plan; the need for further research; a role for Regional Advisory Councils; the socio-economic impact; a mid-term review; and fishing effort limitation.

### **Inspection and Control**

The recent United Kingdom House of Lords report, *Progress of Reform of the Common Fisheries Policy*, (HL Paper 109, 13 May 2003) strongly made the case for extending satellite vessel monitoring (VMS), stating that "There seems to be no substantial reason why satellite monitoring should not be extended to all licensed fishing vessels in the next five years or so".<sup>1</sup> Your rapporteur notes the intention of the Commission to come forward with a separate proposal on VMS and proposes that VMS be required for all vessels that have landed cod in the reference period.

### **The Scope of the Plan**

A procedure which allows areas to be removed from the scope of the plan where it can be proved that fishing for other species there does not impact on cod has been suggested.

### **The Need for Further Research**

Your rapporteur has proposed some text to the effect that the Commission can come forward with new or supplementary proposals specifically referring to research. This would require further research on the interaction of cod with other commercial fish species, i.e., haddock and whiting. Such research would draw on evidence from fishermen as well as from fisheries scientists.

### **A Role for Regional Advisory Councils**

A new article on the role and responsibilities of Regional Advisory Councils in relation to this proposal has been added. The Commission has recently produced many proposals relating to the governance of fishing and the need to involve stakeholders. These have been welcome and for a recovery plan to succeed, co-operation between scientists and fishermen, and the involvement of the fishing sector is vital.

### **The Socio-Economic Impact**

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<sup>1</sup> United Kingdom House of Lords report, *Progress of Reform of the Common Fisheries Policy*, (HL Paper 109, 13 May 2003), p. 15.

The cod recovery programme has already reduced fishing activity and this will continue with obvious socio-economic impact. The European Parliament has already recognised this and adopted a resolution on the socio-economic crisis in the whitefish sector in March 2003. However, your rapporteur would emphasise that it is up to national and regional authorities to take up the possibilities available for assisting the sector during this difficult process.

Review of the cod recovery programme is essential. Member States should carry out socio-economic impact assessments of the recovery plan. On the basis of reports produced by the Member States the Commission should make a global assessment of socio economic impacts accompanied by appropriate proposals to mitigate any negative effects. Member States should make these assessments within one year of the implementation of this programme.

### **Mid-Term Review**

An amendment has been proposed which sets a date for the Commission to report on the progress in achieving cod recovery.

### **Fishing Effort Limitation**

Fishing effort limitation remains at the core of this revised proposal. Changes include a welcome recognition of the principle of proportionality of effort reduction. The importance of this concept is emphasised in an amendment to the Recitals.

An amendment seeks to clarify the text such that vessels which mainly land other demersal species, but which have a limited impact on cod, are taken into account in calculating the fishing effort available under this Regulation.

Conflicting explanations have been put forward to account for shrinking cod stocks. Some of these highlight the impact of industrial fishing on cod stocks. The Commission proposal envisages a 10% reduction in kilowatt days for industrial fishing, a limited reduction linked to low cod by-catch. However, your rapporteur has inserted an amendment requiring the Commission to submit a report to Parliament and the Council on the outcome of research on the impact of industrial fishing on cod stocks accompanied by appropriate proposals.

As an incentive to the development of new technical measures it is proposed that Member States be allowed to adopt technical measures as an alternative to reducing kilowatt days, where the Commission agrees (after consulting the Scientific, Technical and Economic Committee on Fisheries) that these would have the same effect as effort reductions.

### **Conclusion**

The revised cod recovery plan will be painful for the fishing industry and dependent communities. There is no point in inflicting a lesser degree of pain or indeed any suffering at all if the measures implemented do not bring about the desired result. Yet if stock recovery is not achieved the outcome will be increased socio- economic hardship in any event. Successful recovery of the stock must be the priority. Therefore what is needed is a package of measures

which firstly, is effective, and secondly, minimises the pain to the sector. A review of the progress of the plans and the socio-economic impact must be undertaken.

10 September 2003

**OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH  
AND CONSUMER POLICY**

for the Committee on Fisheries

on the proposal for a Council regulation on establishing measures for the recovery of cod stocks

(COM(2003) 237 – C5-0237/2003 – 2003/0090(CNS))

Draftsman: Inger Schörling

**PROCEDURE**

The Committee on the Environment, Public Health and Consumer Policy appointed Inger Schörling draftsman at its meeting of 11 June 2003.

It considered the draft opinion at its meeting of 9 September 2003.

At that meeting it adopted the following amendments by 39 votes to 0, with 1 abstention.

The following were present for the vote: Alexander de Roo, acting chairman, Mauro Nobilia and Guido Sacconi, vice-chairmen, Inger Schörling draftsman, María del Pilar Ayuso González, Maria Luisa Bergaz Conesa, Hans Blokland, John Bowis, Philip Bushill-Matthews (for Martin Callanan), Dorette Corbey, Chris Davies, Avril Doyle, Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcóyen Tormo, Robert Goodwill, Françoise Grossetête, Jutta D. Haug (for Anne Ferreira), Marie Anne Isler Béguin, Hedwig Keppelhoff-Wiechert (for Peter Liese), Christa Kläß, Eija-Riitta Anneli Korhola, Bernd Lange, Giorgio Lisi (for Raffaele Costa), Torben Lund, Minerva Melpomeni Malliori, Erik Meijer (for Jonas Sjöstedt), Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Ria G.H.C. Oomen-Ruijten, Frédérique Ries, Dagmar Roth-Behrendt, Karin Scheele, María Sornosa Martínez, Catherine Stihler, Nicole Thomas-Mauro, Antonios Trakatellis, Kathleen Van Brempt and Phillip Whitehead.

## SHORT JUSTIFICATION

The Commission is proposing a recovery plan for depleted cod stocks in EU waters, including most stocks except the Baltic Sea. The proposal is most welcome, although it should also include the depleted Baltic Sea cod.

This is the fourth version of a cod recovery plan that the Commission has proposed. As long ago as February 2000, the Commission adopted emergency measures to protect some of these cod stocks, and in December 2000, Council requested a proposal for a comprehensive recovery plan. Despite further declines in the stocks and more emergency measures, the Council has still not found the political will to adopt the recovery plan. If it doesn't act quickly there may be no more cod to worry about protecting.

The proposed regulation would accomplish several things:

- establish a set of harvesting rules for deciding upon a Total Allowable Catch (TAC), given upon the status of the stock. Under these provisions, there would be clear and unambiguous guidelines to be followed, with smaller TACs for more depleted stocks;
- limit fishing effort. Based upon historical records for the period 2000-2002, each Member State will be allocated a certain number of kilowatt-days (derived from the engine power of the ship and the amount of days spent fishing) that it can then divide among individual vessels;
- some specific provisions are made for enhanced control and surveillance, as these are, after all, depleted stocks. They include prior notification of landing fish, the creation of a list of designated ports where cod must be landed and certain conditions for the stowage of cod on board and its transport after landing.

These are all good proposals and deserve to be warmly welcomed by the Parliament, quickly adopted by Council and then implemented by the Member States.

The harvesting rules may prove to be controversial in some quarters, as hitherto the Ministers have had wide freedom to decide upon a TAC and were under no obligation to follow scientific advice. Thus, for instance, with respect to the cod in the Irish Sea, from 1993-2002, Council set the TAC at a level that was, on average, 28% greater than the advice by ICES (International Council for the Exploration of the Sea). Under the recovery plan, there would be a clear set of guidelines that specifies, given the size of each of the cod stocks, what the TAC should be. The objective is to allow the stock to grow at 30% per year until it is above the target level. While one could argue about whether the Commission has proposed the most appropriate numbers (for instance, the proposal uses the levels defined by ICES as "Bpa", or "precautionary approach biomass", as the target levels, even though ICES specifies that Bpa is not to be considered as target), the basic approach is positive.

That should be welcomed by the fishing industry for a couple of reasons. The procedure, if adopted, would lead to much greater transparency in the setting of quotas, so the industry will be able to predict much further into the future what their fishing opportunities are likely to be. Second, the rules are far more likely to result in stock recovery, which is the best way to provide for a sustainable fishery.

As this is the first proposal for a recovery plan to be produced following the reform of the

CFP in December 2002, it is a particularly important precedent. The Commission has availed itself of most of the opportunities it was given under Reg 2371/2002, including target levels (in terms of population size), limit reference points, harvesting rules for governing catch limits, and fishing effort limitations.

There remains some lack of clarity for stocks near the target levels. The Commission proposes that stocks be removed from the recovery plan once they have been above the target level for two consecutive years, to be then subject to a multiannual management plan. Hopefully the management plans would follow a similar philosophy as the recovery plan, to ensure that the stock does not fall below the target level again. What is also needed is a general procedure for deciding, for any given stock of fish, at what point a recovery plan should be developed.

In short, at least for certain stocks of cod, the Commission has fulfilled its obligations under the CFP and it is now for the Council to follow.

Three amendments are being tabled.

Recently, Sweden notified the Commission that, as cod stocks were so depleted in the North and Baltic Seas, it wished to declare a moratorium on cod fishing for its fishermen. The Commission refused to allow this, thus forcing Sweden to fish for depleted stocks. Two amendments point out that, for reasons of environmental conservation, and to be consistent with the precautionary approach, no Member State can be forced to take up its quota of stocks that are subject to a recovery plan.

Finally, Article 6 paragraph 5(b) states that TACs should not be reduced by more than 15% from one year to the next. While this would serve to bring some stability into the fishery, it would be unwise to establish such a rule for depleted stocks. Therefore the deletion of this sub-paragraph is proposed.

## AMENDMENTS

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

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Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

### Amendment 1 Recital 1

Recent scientific advice from the  
International Council for the Exploration of

Recent scientific advice from the  
International Council for the Exploration of

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<sup>1</sup> Not yet published in OJ..

the Sea (ICES) has indicated that a number of cod stocks in Community waters have been subjected to levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that these stocks are therefore threatened with collapse.

the Sea (ICES) has indicated that a number of cod stocks in Community waters have been subjected to levels of mortality by fishing which have eroded the quantities of mature fish in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that these stocks are therefore threatened with collapse, ***and as the precautionary approach requires that drastic measures be taken.***

#### *Justification*

*The precautionary approach is written into the Treaties and should be mentioned in the recovery plan.*

#### Amendment 2

##### Recital 7a (new)

***(7a) Member States should be allowed to take further, non-discriminatory measures for the conservation and protection of marine fish stocks, provided they are consistent with the objectives of the Common Fisheries Policy.***

***Such measures should have no impact on the allocation of quotas in accordance with the relative stability system once stocks have recovered and the Member State takes the view that fishing activities should resume.***

#### *Justification*

*This amendment takes up an issue raised in Amendment 1 by the draftsman. The additional paragraph is needed to ensure that countries which wish to take further measures are not penalised by being allocated a lower quota in subsequent years, given that the quota is partly based on current catch volumes.*

Amendment 3  
Article 6, paragraph 5 (b)

<p><b><i>(b) in the event that the rule provided for in paragraphs 2 or 4 would lead to a TAC which is more than 15% less than the TAC of the preceding year, the Council shall adopt a TAC which is not more than 15% less than the TAC of that year.</i></b></p>	<p><b><i>Deleted</i></b></p>
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*Justification*

*Any stock included in this regulation is a depleted stock, requiring extra care and attention so as to ensure its recovery to a level of abundance that can support a safer fishery. It would appear more prudent to not limit the reductions in TACs from one year to another to 15% - fish stocks can decline more rapidly than that and the management provisions should be as flexible as possible. A limit of a 15% reduction is an unwarranted constraint*

Amendment 4  
Article 11, paragraph 2 a (new)

***(2a) A Member State may, in order to contribute to more rapid recovery of the stocks listed in Article 1, choose to not allocate all or any of the permissible kilowatt-days among vessels flying its flag and registered in the Community for one or more of those stocks. It must notify the Commission of such a decision. Such a measure shall not affect its allocation of quota under relative stability whenever the stock recovers and the Member State wishes to resume fishing***

*Justification*

*This amendment is in line with Amendment 3 by the draftsman. The addition is necessary to prevent the reduction of quotas for Member States taking more measures than required by this regulation, as these quotas are also based on the amount of fish caught in previous years.*



Amendment 5  
Article 13, second paragraph

A day absent from port shall be ***any*** continuous period of 24 hours from the time of entry into a geographical area defined in Article 2 ***or any part of such a period.***

A day absent from port shall be ***a*** continuous ***or discontinuous*** period of 24 hours from the time of entry into a geographical area defined in Article 2. ***The number of days absent from port shall be calculated by dividing the number of hours absent from port by 24.***

*Justification*

*Some fishermen have to deal with the problems caused by tidal ports. They can leave and enter port only at high water and cannot thus optimise the time spent at sea and make full use of their quota of days absent from port because the tides force them to leave or return to port either earlier or later than they would like. A system based on hours absent from port would take account of the natural restrictions imposed by these fishermen's home ports and would prevent distortions of competition.*