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REPORT

on the proposal for a Council regulation amending Regulation (EC)
No 1035/2001 establishing a catch documentation scheme for *Dissostichus* spp.
(COM(2004)0528 – C6-0114/2004 – 2004/0179(CNS))

Committee on Fisheries

Rapporteur: Margie Sudre

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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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation amending Regulation (EC) No 1035/2001 establishing a catch documentation scheme for *Dissostichus* spp.
(COM(2004)0528 – C6-0114/2004 – 2004/0179(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2004)0528)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0114/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0019/2005),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

EXPLANATORY STATEMENT

One of the main problems discussed within the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is illegal fishing.

One of the initiatives taken to combat the scourge of illegal fishing is the catch documentation scheme for toothfish, which was adopted by the CCAMLR in 1999 and introduced at Community level in 2001. The scheme is designed to improve the monitoring of international trade in this species by determining the origin of imports and exports and collecting catch data in order to facilitate the scientific evaluation of stocks.

In 2003 the CCAMLR noted that the catch documentation scheme was not sufficiently precise and that this had given rise to the fraudulent use of the scheme. The proposed amendments to Regulation (EC) No 1035/2001 are based on the CCAMLR's most recent discussions.

The authorities responsible have found that toothfish covered by catch documents was sometimes being landed in ports of countries not applying the catch documentation scheme. In addition, landings in the ports of countries applying the scheme were in certain cases validated by the authorities of the flag state rather than by the competent authorities of the port.

Hence the need to amend the initial regulation, firstly by specifying the authorities authorised to control landings of toothfish and secondly by expanding the scope of the regulation. The proposal thus includes a definition of the term 'import' in order to preclude all fraudulent practices. It should be borne in mind that the main weapon in the fight against illegal fishing is the effective monitoring of marketing circuits. In future, it will be impossible to import or export toothfish without a catch document.

The Commission proposal amends four articles:

- The amendment to **Article 3** introduces a definition of the term 'import'. The aim is to extend the scope of the regulation by linking it to the customs-based concept of import, which entails a series of strict controls. Overall, this expansion in scope is designed to improve monitoring of the product when it passes into or out of the Community market, including stocks imported or exported temporarily (particularly for trade fairs) or in transit (processed products).
- The amendments to **Article 4** are designed to link the granting of fishing licences or permits to the obligation to land catches in countries applying the catch documentation scheme. These provisions are intended to exclude landings in ports which do not apply the scheme.
- The amendments to **Articles 10 and 12** are designed to specify the port state authorities which are authorised to monitor catch documentation schemes. This will prevent fraudulent practices.

Your rapporteur believes that the amendments to Regulation No 1035/2001 faithfully reflect the CCAMLR's latest recommendations and will make it possible to monitor toothfish

exploitation as effectively as possible whilst limiting fraud. Consequently, even though the changes recommended are in fact already being implemented in the Member States concerned, your rapporteur takes a favourable view of the proposal.

PROCEDURE

Title	Proposal for a Council regulation amending Regulation (EC) No 1035/2001 establishing a catch documentation scheme for Dissostichus spp.	
References	COM(2004)0528 – C6-0114/2004 – 2004/0179(CNS)	
Legal basis	Article 37 EC	
Basis in Rules of Procedure	Rule 51	
Date of consulting Parliament	14.9.2004	
Committee responsible Date announced in plenary	PECH 13.10.2004	
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.10.2004	
Not delivering opinion Date of decision	ENVI 20.9.2004	
Enhanced cooperation Date announced in plenary	– –	
Rapporteur(s) Date appointed	Margie Sudre 1.9.2004	
Previous rapporteur(s)		
Simplified procedure Date of decision	– –	
Legal basis disputed Date of JURI opinion	– –	
Financial endowment amended Date of BUDG opinion	– –	
European Economic and Social Committee consulted Date of decision in plenary	–	
Committee of the Regions consulted Date of decision in plenary	–	
Discussed in committee	24.11.2004	
Date adopted	2.2.2005	
Result of final vote	for: unanimous against: abstentions:	
Members present for the final vote	Elspeth Attwooll, Niels Busk, Luis Manuel Capoulas Santos, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Alfred Gomolka, Heinz Kindermann, Albert Jan Maat, Rosa Miguélez Ramos, Philippe Morillon, Neil Parish, Struan Stevenson, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna	
Substitutes present for the final vote	Duarte Freitas, María Isabel Salinas García, Czesław Adam Siekierski	
Substitutes under Rule 178(2) present for the final vote		
Date tabled – A6	3.2.2005	A6-0019/2005