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REPORT

on the proposal for a Council regulation establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98

(COM(2003) 0818 – C5-0042/2004 – 2003/0318(CNS))

Committee on Fisheries

Rapporteur: Rosa Miguélez Ramos

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 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 (COM(2003)0818 – C5-0042/2004 – 2003/0318(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2003) 0818)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0042/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0051/2005),
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.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 1

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the Southern hake and Norway lobster stocks in ICES Divisions VIIIc and IXa have been subjected to levels of mortality by fishing which have eroded the quantities of mature

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the Southern hake and Norway lobster stocks in ICES Divisions VIIIc and IXa, ***excluding the Gulf of Cadiz***, have been subjected to levels of mortality by fishing

¹ Not yet published in OJ.

individuals in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that the stocks are therefore threatened with collapse.

which have eroded the quantities of mature individuals in the sea to the point at which the stocks may not be able to replenish themselves by reproduction and that the stocks are therefore threatened with collapse.

Justification

The autumn 2004 report on hake by the Advisory Committee on Fishery Management explicitly excludes the Gulf of Cadiz, since there are many doubts as to the identity of stocks in this area.

Amendment 2
RECITAL 3

(3) The objectives of the plans should be to rebuild these stocks to safe biological limits within **five to** ten years.

(3) The objectives of the plans should be to rebuild these stocks to safe biological limits within ten years.

Amendment 3
RECITAL 4a (new)

(4a) The adoption of the measures needed for the recovery of these stocks makes it necessary to adopt socio-economic measures to mitigate the impact on those affected by measures to restrict fishing capacity. It is therefore necessary to make provision for sufficient appropriations in the Community budget to deal with this situation.

Justification

Given the large number of people affected, sufficient Community funds are needed to cope with the implementation of these plans.

Amendment 4
RECITAL 5

(5) The absolute sizes of the stocks concerned as estimated by STECF and ICES are too uncertain to be used as targets for recovery and the targets should

deleted

be expressed in terms of fishing mortality rates.

Justification

Even though the scientific data currently available remain uncertain, it is nevertheless possible to set a target expressed in terms of biomass.

Amendment 5

RECITAL 6

(6) In order to achieve that objective, the **levels of the** fishing mortality rates need to be controlled so that it is highly likely that **those rates are reduced** from year to year.

(6) In order to achieve that objective, the fishing mortality rates need to be controlled so that it is highly likely that **the quantities of mature individuals in the sea increase** from year to year.

Amendment 6

RECITAL 7

(7) Such control of the fishing mortality rates can be achieved by establishing an appropriate method for the establishment of the level of Total Allowable Catches (TACs) of the stocks concerned, and **a system including closed areas and** limitations on **kilowatt-days whereby** fishing **efforts** on those stocks **are** restricted to levels at which the TACs are unlikely to be exceeded.

(7) Such control of the fishing mortality rates can be achieved by establishing an appropriate method for the establishment of the level of Total Allowable Catches (TACs) of the stocks concerned, and limitations on fishing **effort** on those stocks **so that it is** restricted to levels at which the TACs are unlikely to be exceeded.

Amendment 7

RECITAL 10

(10) The recovery of Norway lobster stocks requires certain areas of reproduction of the species to be protected from fishing. Therefore Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical conservation measures for the protection of juveniles of marine organisms should be amended accordingly,

deleted

Justification

For the majority of vessels operating in these areas, fishing for Norway lobster is a very sporadic activity. The closure of areas proposed by the Commission is disproportionate to the objective sought. The scientific basis used by the Commission to support its proposal is not a firm one, and further scientific data will be necessary before adopting a measure in the terms proposed by the Commission.

Amendment 8 ARTICLE 1, POINT A

(a) the Southern hake stock which inhabits Divisions VIIIc and IXa, as delineated by the International Council for the Exploration of the Sea (ICES);

(a) the Southern hake stock which inhabits Divisions VIIIc and IXa, as delineated by the International Council for the Exploration of the Sea (ICES), ***excluding the Gulf of Cadiz;***

Justification

The autumn 2004 report on hake by the Advisory Committee on Fishery Management explicitly excludes the Gulf of Cadiz, since there are many doubts as to the identity of stocks in this area.

Amendment 9 ARTICLE 1, POINT C

(c) the Norway lobster stock which inhabits ICES Division IXa.

(c) the Norway lobster stock which inhabits ICES Division IXa, ***excluding the Gulf of Cadiz.***

Justification

The 2004 ACFM report explicitly excludes the Gulf of Cadiz, since there are many doubts as to the identity of stocks in this area.

Amendment 10 ARTICLE 2

The recovery plan shall aim to rebuild the stocks concerned to within safe biological limits.

The recovery plan shall aim to rebuild the stocks concerned to within safe biological limits, ***in a sufficient period of time, in keeping with ICES information. This will mean:***

(a) as regards the stocks referred to in Article 1(a), reaching a spawning stock

biomass of 35 000 tonnes of hake during two consecutive years, according to the available scientific reports, or increasing the quantities of mature individuals within a period of ten years so that values are reached equal to or higher than 35 000 tonnes. This figure shall be adjusted in the light of new scientific data from the STECF;

(b) as regards the stocks referred to in Article 1(b) and (c), rebuilding the stocks concerned to within safe biological limits within a period of ten years.

Justification

According to the most recent scientific reports, the objective of the recovery of hake stocks should be based on reaching the biomass level recommended by scientific bodies.

Amendment 11
ARTICLE 5, PARAGRAPH 1

1. Where the fishing mortality rate for the Southern hake stock has been estimated by the STECF in the light of the most recent report of ICES to be above **0.17** per year, the TAC shall not exceed a level of catches which, according to a scientific evaluation carried out by the STECF in the light of the most recent report of ICES, will result in a reduction of 10% in the fishing mortality rate in the year of its application as compared with the fishing mortality rate estimated for the preceding year.

1. Where the fishing mortality rate for the Southern hake stock has been estimated by the STECF in the light of the most recent report of ICES to be above **0.27** per year, the TAC shall not exceed a level of catches which, according to a scientific evaluation carried out by the STECF in the light of the most recent report of ICES, will result in a reduction of 10% in the fishing mortality rate in the year of its application as compared with the fishing mortality rate estimated for the preceding year.

Justification

This level of mortality would ensure the sustainable exploitation of the resource.

Amendment 12
ARTICLE 5, PARAGRAPH 2

2. Where the fishing mortality rate for the Southern hake stock has been estimated by the STECF in the light of the most recent report of ICES to be equal to or below **0.17** per year, the TAC shall be set at a level of catches which, according to a scientific evaluation carried out by the STECF in the light of the most recent report of ICES, will result in a fishing mortality rate of **0.15** per year in the year of its application.

2. Where the fishing mortality rate for the Southern hake stock has been estimated by the STECF in the light of the most recent report of ICES to be equal to or below **0.27** per year, the TAC shall be set at a level of catches which, according to a scientific evaluation carried out by the STECF in the light of the most recent report of ICES, will result in a fishing mortality rate of **0.27** per year in the year of its application.

Justification

This level of mortality would ensure the sustainable exploitation of the resource.

Amendment 13
ARTICLE 7, PARAGRAPH 1

1. In the first year of application of this Regulation, the following rules shall apply:

deleted

(a) where application of Article 5 or Article 6 would result in a TAC which exceeds the TAC of the preceding year by more than 25%, the Council shall adopt a TAC which shall not be more than 25% greater than the TAC of that year;

(b) where application of Article 5 or Article 6 would result in a TAC which is more than 25% less than the TAC of the preceding year, the Council shall adopt a TAC which is not more than 25% less than the TAC of that year.

Justification

The first paragraph is deleted in order to ensure greater stability for fishing activity.

Amendment 14
ARTICLE 7, PARAGRAPH 2, introduction

2. Starting with the second year of application of this Regulation, the following rules shall apply:

2. As from the first year of application of this Regulation, the following rules shall apply:

Amendment 15
ARTICLE 7, PARAGRAPH 2, POINT A

(a) where application of Article 5 or Article 6 would result in a TAC which exceeds the TAC of the preceding year by more than **15%**, the Council shall adopt a TAC which shall not be more than **15%** greater than the TAC of that year;

(a) where application of Article 5 or Article 6 would result in a TAC which exceeds the TAC of the preceding year by more than **10%**, the Council shall adopt a TAC which shall not be more than **10%** greater than the TAC of that year;

Justification

It is proposed that the annual percentage variation should be 10% in order to ensure greater stability for fishing activity.

Amendment 16
ARTICLE 7, PARAGRAPH 2, POINT B

(b) where application of Article 5 or Article 6 would result in 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.

(b) where application of Article 5 or Article 6 would result in a TAC which is more than **10%** less than the TAC of the preceding year, the Council shall adopt a TAC which is not more than **10%** less than the TAC of that year.

Justification

It is proposed that the annual percentage variation should be 10% in order to ensure greater stability for fishing activity.

Amendment 17
ARTICLE 7 a (new)

Article 7a

Limitation of fishing effort

1. The total allowable catch referred to in Chapter II shall be complemented by a fishing effort limitation scheme based on geographical areas and categories of fishing gear, and on laying down the

corresponding conditions governing the use of these fishing possibilities.

2. For the purposes of the application of this Regulation, the Commission shall submit to the Council a proposal laying down the maximum number of fishing days per year for vessels taking substantial catches of Southern hake or Norway lobster in relation to their annual catches. This number of days shall be proportional to the annual adjustment in the fishing mortality rate laid down in Article 5.

3. Decommissioning or changes of fishing ground and vessels in the past three years shall be used to grant additional fishing days to vessels which continue to operate in the fishery.

4. The Member States may adopt measures for temporary or definitive cessation in order to achieve the objectives of the plan, and Community funds shall be available to them for this purpose.

Justification

This article replaces Chapter III of the Commission's proposal (Articles 8 to 15 inclusive), which is deleted. The present report deletes all the articles proposed by the Commission, since the calculation of fishing effort limitation under the terms set out in the proposal has become obsolete.

Amendment 18 CHAPTER III

This chapter is deleted.

Justification

The present report deletes all the articles proposed by the Commission in Chapter III, since the calculation of fishing effort limitation under the terms set out in the proposal has become obsolete.

Amendment 19
ARTICLE 16

Article 16 *deleted*
Effort messages

Notwithstanding Article 19a of Regulation (EEC) No 2847/93, Articles 19b, 19c, 19d and 19e and 19j of that Regulation shall apply to vessels included in the database provided for in Article 9 operating in the geographical areas referred to in Article 1.

Justification

Given that the bulk of fishing activity for these species is carried out in coastal areas, the application of this article would pose an excessive bureaucratic burden without contributing anything to the recovery plan. Fishing effort can be monitored by means of the vessel's logbook or the satellite monitoring system.

Amendment 20
ARTICLE 17

By way of derogation from Article 5(2) of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish, the permitted margin of tolerance, in estimation of quantities, in kilograms retained on board of vessels shall be **5%** of the logbook figure.

By way of derogation from Article 5(2) of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish, the permitted margin of tolerance, in estimation of quantities **of European hake**, in kilograms retained on board of vessels shall be **8%** of the logbook figure. ***In the event that no conversion factor is laid down in Community legislation, the conversion factor adopted by the Member States whose flag the vessel is flying shall apply.***

Justification

By analogy with the recovery plan for Northern hake, an 8% margin of tolerance is set calculated in line with the conversion factors of the flag Member State.

Amendment 21
ARTICLE 18

The competent authorities of a Member State shall ensure that any quantity of southern hake exceeding **50 Kg** and/or **50 Kg** of Norway lobster caught in any of the areas referred to in Article 1 shall be weighed using auction room scales before sale.

The competent authorities of a Member State shall ensure that any quantity of southern hake exceeding **300 Kg** and/or **150 Kg** of Norway lobster caught in any of the areas referred to in Article 1 shall be weighed using auction room scales before sale.

Justification

50 kg is a very small quantity for both species and it would create a series of very costly obligations for vessels which would have little impact on the fishery.

Amendment 22
ARTICLE 20, PARAGRAPH 1

1. The competent authorities of a Member State may require that any quantity of Southern hake exceeding **50 Kg** or Norway lobster exceeding **50 Kg** caught in any of the geographical areas referred to in Article 1 and first landed in that Member State is weighed before being transported elsewhere from the port of first landing.

1. The competent authorities of a Member State may require that any quantity of Southern hake exceeding **300 Kg** or Norway lobster exceeding **150 Kg** caught in any of the geographical areas referred to in Article 1 and first landed in that Member State is weighed before being transported elsewhere from the port of first landing.

Justification

50 kg is a very small quantity for both species and it would create a series of very costly obligations for vessels which would have little impact on the fishery.

Amendment 23
ARTICLE 20, PARAGRAPH 2

2. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, quantities bigger than **50 Kg** of southern hake or Norway lobster which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these species transported.

2. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, quantities bigger than **300 Kg** of southern hake or **150 Kg** of Norway lobster which are transported to a place other than that of landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of Regulation (EEC) No 2847/93 pertaining to the quantities of these

The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.

species transported. The exemption provided for in Article 13(4)(b) of Regulation (EEC) No 2847/93 shall not apply.

Justification

50 kg is a very small quantity for both species and it would create a series of very costly obligations for vessels which would have little impact on the fishery.

Amendment 24
ARTICLE 22
Article 29b (Regulation (EC) No 850/98)

Article 22

deleted

Restrictions on fishing for Norway lobster

Regulation (EC) No 850/98 is amended as follows:

The following article shall be inserted after Article 29a:

“Article 29b”

Restrictions on fishing for Norway lobster.

Fishing with bottom trawls and creels shall be prohibited in the geographical areas bounded by a line joining the following co-ordinates:

Box 1

Latitude 43°35N, longitude 004°45W

Latitude 43°45N, longitude 004°45W

Latitude 43°37N, longitude 005°20W

Latitude 43°55N, longitude 005°20W

Box 2:

Latitude 43°37N, longitude 006°15W

Latitude 43°50N, longitude 006°15W

Latitude 44°00N, longitude 006°45W

Latitude 43°34N, longitude 006°45W

Box 3:

Latitude 42°00N, longitude 009°00W

Latitude 42°27N, longitude 009°00W

Latitude 42°27N, longitude 009°30W

Latitude 42°00N, longitude 009°30W

Box 4:

Latitude 37°45N, longitude 009°00W

Latitude 38°10N, longitude 009°00W

Latitude 38°10N, longitude 009°15W

Latitude 37°45N, longitude 009°20W

Box 5:

Latitude 36°05N, longitude 007°00W

Latitude 36°35N, longitude 007°00W

Latitude 36°45N, longitude 007°18W

Latitude 36°50N, longitude 007°50W

Latitude 36°25N, longitude 007°50W”

Justification

For the majority of vessels operating in these areas, fishing for Norway lobster is a very sporadic activity. The closure of areas proposed by the Commission is disproportionate to the objective sought. The scientific basis used by the Commission to support its proposal is not a firm one, and further scientific data will be necessary before adopting a measure in the terms proposed by the Commission.

Amendment 25 ARTICLE 22 A (new)

Article 22a

Report on the recovery plan

The Commission shall submit a report to the European Parliament and the Council setting out the conclusions relating to the application of the recovery plan for hake and Norway lobster, including socio-economic data linked to the plan. This report shall be submitted two years after the entry into force of this Regulation.

Amendment 26 ANNEX

This annex is deleted.

Justification

The Commission itself acknowledges that the calculation of fishing effort set out in the proposal is obsolete. The entire chapter on fishing effort limitation under the conditions proposed by the Commission has been deleted in this report, the aim being for the Commission to update the calculation of the corresponding limit under the terms proposed in the report.

EXPLANATORY STATEMENT

This draft report makes significant changes to the Commission proposal establishing measures for the recovery of Southern hake and Norway lobster stocks in the Cantabrian Sea and the waters of the Western Iberian peninsula.

Before analysing the draft regulation, it should be pointed out that the Commission's proposal is exclusively based on aspects relating to the conservation of resources and makes no mention at all of the socio-economic impact of its application. Consequently, your rapporteur considers it desirable to insert a reference to the economic measures which will need to be adopted to deal with the damage to the fishing industry as a result of the probable reduction in fishing possibilities available to the fleet traditionally operating in this sector.

The Commission proposal is geared to a stock-recovery objective which takes fishing mortality as its reference point. In contrast, the model used in the rapporteur's proposal is based on biomass recovery scales over a ten-year period, which will enable the industry to adapt more gradually and more flexibly, ensuring greater stability for fishing without diminishing the ultimate objective of ensuring the recovery of stocks to sufficient levels for their sustainable management.

The parameters contained in the amendments to the Commission proposal as regards fishing mortality in the hake fishery and the possibilities for annual variations in the TACs are in keeping with the scientific data provided by experts at the meeting held by our committee with scientists and stakeholders in September 2004.

Your rapporteur considers that the provisions contained in Chapter III of the Commission proposal on the calculation of the fishing effort limit are incorrect and proposes that they be replaced by a more appropriate system based on a calculation of total allowable catches complemented by a fishing effort limitation scheme based on geographical areas and categories of fishing gear.

Your rapporteur also takes the view that the quantities laid down in the Commission proposal in relation to the mandatory weighing of hake (50 kg), where strict control obligations are imposed, are very small. The application of this decision would entail a series of very costly obligations for stakeholders, which are disproportionate to the possible benefits to be gained from this measure in relation to the recovery of stocks.

With regard to the Norway lobster fishery, your rapporteur considers that the estimates contained in the Commission proposal are not accurate because they take no account of actual fishing conditions. Fishing in the areas covered by the proposal is generally multi-species. Catches of lobster in these multi-species fisheries represent approximately 1% of total catches.

Bearing in mind that other areas are already closed, the system of closed areas proposed in the Commission's plan would make trawling in the Cantabrian Sea and Western Iberian peninsula all but impossible.

With regard to the Gulf of Cadiz, there are at present no reliable scientific data on the actual state of stocks of hake and Norway lobster in this area, which means that, for the moment, it is preferable to exclude it from the regulations until we have sufficient scientific data to adopt appropriate measures.

PROCEDURE

Title	Proposal for a Council regulation establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98	
References	COM(2003)0818 – C5–0042/2004 – 2003/0318(CNS)	
Legal basis	Article 37	
Basis in Rules of Procedure	Article 51	
Date submitted to Parliament	22.1.2004	
Committee responsible	PECH	
Date announced in plenary	16.9.2004	
Committee(s) asked for opinion(s)	ENVI	
Date announced in plenary	16.9.2004	
Not delivering opinion(s)	ENVI	
Date of decision	1.9.2004	
Enhanced cooperation		
Date announced in plenary		
Rapporteur(s)	Rosa Miguélez Ramos	
Date appointed	28.7.2004	
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	5.10.2004	24.1.2005
Date adopted	15.3.2005	
Result of final vote	for:	17
	against:	1
	abstentions:	0
Members present for the final vote	Elspeth Attwooll, Marie-Hélène Aubert, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Rosa Miguélez Ramos, Bernard Poignant, Dirk Sterckx, Struan Stevenson, Catherine Stihler, Daniel Varela Suanzes-Carpegna	
Substitutes present for the final vote	María Isabel Salinas García	
Substitutes under Rule 178(2) present		

for the final vote	
Date tabled – A6	16.3.2005 A6-0051/2005
Comments	...