

# EUROPEAN PARLIAMENT

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*Session document*

FINAL  
**A6-0116/2005**

27.4.2005

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## **REPORT**

on the proposal for a Council regulation establishing a rebuilding plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation  
(COM(2004)0640 – C6-0197/2004 – 2004/0229(CNS))

Committee on Fisheries

Rapporteur: Henrik Dam Kristensen

### ***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 a rebuilding plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation (COM(2004)0640 – C6-0197/2004 – 2004/0229(CNS))

### (Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2004)0640)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0197/2004),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0116/2005),
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 Title

Proposal for a Council Regulation establishing a **rebuilding** plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

Proposal for a Council Regulation establishing a **recovery** plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

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

*Justification*

*Coherence with the terminology of the legal rules established in the Council Regulation (EC) No 2371/2002 of 20 December 2002.*

Amendment 2  
Recital 7

(7) It is therefore necessary to **implement** the **rebuilding** plan on a **permanent** basis. To that end a procedure should be determined for the transmission of the list of vessels to which a special fishing permit has been issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits.

(7) It is therefore necessary to **incorporate** the **recovery** plan **into Community law** on a **firm** basis. To that end a procedure should be determined for the transmission of the list of vessels to which a special fishing permit has been issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits.

*Justification*

*This serves to clarify the wording. The original wording of the proposal may give the impression that the rebuilding plan will be permanent, although this is not necessarily the case, since it covers a specific period of time.*

Amendment 3  
Recital 9

(9) Additional control measures are required to ensure an effective implementation at Community level and to ensure coherence with recovery plans adopted by the Council in other areas. Such measures should include an obligation for prior notification of entry into port designated by Member States **and to limit margins of tolerance**.

(9) Additional control measures are required to ensure an effective implementation at Community level and to ensure coherence with recovery plans adopted by the Council in other areas. Such measures should include an obligation for prior notification of entry into port designated by Member States.

*Justification*

*A unilateral limit on margins of tolerance should not be included, given that NAFO has not stipulated anything in this area.*

Amendment 4

Article 3, paragraph 1, subparagraph 2

However, where it is decided by NAFO that those TAC levels will not ensure a sustainable fishery of that stock, the Council, acting by a qualified majority on a proposal from the Commission, shall adjust the TAC provided for in the first subparagraph in conformity with the decision by NAFO.

However, where it is decided by NAFO that those TAC levels will not ensure a sustainable fishery of that stock (***or where, on the other hand, recovery of the stock is detected***), the Council, acting by a qualified majority on a proposal from the Commission, shall adjust the TAC provided for in the first subparagraph in conformity with the decision by NAFO.

*Justification*

*Any alteration to the TAC should take into account the possibility that stocks have recovered - this being precisely the purpose of the plan.*

Amendment 5

Article 5, paragraph 4

4. Each Member State shall allocate its quota for Greenland halibut among its vessels included in the list referred to in paragraph 1. Member States shall inform the Commission of the allocation of quotas not later than 15 ***December*** each year.

4. Each Member State shall ***take the necessary action to*** allocate its quota for Greenland halibut among its vessels included in the list referred to in paragraph 1. Member States shall inform the Commission of the allocation of quotas not later than 15 ***January*** each year.

*Justification*

*This rewording of the text brings it into line with what was agreed for 2005 and results in a deadline for notifying quota allocations which corresponds more closely to actual practice.*

Amendment 6  
Article 6, paragraph 3

3. When quantities of Greenland halibut reported in accordance with paragraph 1 point (b) are deemed to have exhausted 70 % of the Member States' quota, masters shall *take* transmit the reports referred to in point (b) ***on a daily basis***.

3. When quantities of Greenland halibut reported in accordance with paragraph 1 point (b) are deemed to have exhausted 70 % of the Member States' quota, masters shall transmit the reports referred to in point (b) ***every third day***.

*Justification*

*In order to ensure that catches are satisfactorily monitored without the need for excessive obligations to be imposed, it seems reasonable that reports on Greenland halibut caught in the area should be submitted every third day rather than on a daily basis*

Amendment 7  
Article 7, paragraph 1

1. The daily quantities of Greenland halibut retained on board during the vessel's stay in NAFO Sub-area 2 and Divisions 3KLMNO shall be stored on board separately from the other catches and clearly labelled.

1. ***Taking into account the safety of the crew and the movements of the vessel, both of which fall under the powers and responsibilities of the captain***, the daily quantities of Greenland halibut retained on board during the vessel's stay in NAFO Sub-area 2 and Divisions 3KLMNO shall be stored on board separately from the other catches and clearly labelled.

*Justification*

*The NAFO rules make explicit reference to this point, which is most important in terms of safety.*



Amendment 8  
Article 8

**Article 8** *deleted*  
**Margin of tolerance in the estimation of quantities reported in the logbook**

*By way of derogation from Article 5 (2) of Commission Regulation (EEC) No 2807/83<sup>1</sup> and Article 9 (2) of Commission Regulation (EEC) No 2868/88<sup>2</sup>, the permitted margin of tolerance, in the estimation of the quantities in kilograms retained on board, shall be 5 % of the logbook figure.*

*Justification*

*A unilateral limit on margins of tolerance cannot be accepted, given that NAFO has not stipulated anything in this area.*

Amendment 9  
Article 9, paragraph 4 a (new)

***4a. The measures laid down in this Article shall apply exclusively to the vessels with a special fishing permit which are referred to in Article 4.***

*Justification*

*This paragraph is included for the purpose of identifying the vessels to which the specific rules will apply.*

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<sup>1</sup> OJ L 276, 10.10.1983, p. 1.

<sup>2</sup> OJ L 257, 17.9.1988, p. 20.

Amendment 10  
Article 10, paragraph 1 a (new)

***The measures laid down in this Article shall apply exclusively to the vessels with a special fishing permit which are referred to in Article 4.***

*Justification*

*This paragraph is included for the purpose of identifying the vessels to which the specific rules will apply.*

## EXPLANATORY STATEMENT

At its 25th Annual meeting of 15 - 19 September 2003, the Northwest Atlantic Fisheries organisation (NAFO) adopted a rebuilding plan for Greenland halibut in the NAFO Sub-area 2 and divisions 3KLMNO. The plan foresees a reduction of the TAC level until 2007 as well as additional control measures to ensure its application.

The Rebuilding Plan objective is to attain a level of exploitable biomass of five years and older of 140.000 tonnes on average thus assuring the stock over the long term.

The rebuilding plan was implemented on a provisional basis in Council Regulation 2287/2003 of 19 December 2003 which fixed the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks for 2004, and Council Regulation No 27/2005 of 22 December 2004 establishing the TACs for 2005 applicable in Community waters and, for Community vessels, in waters where catch limitations are required.

The Commission proposed to the Council and the Parliament a Council Regulation (COM(2004)0640) to implement the NAFO's recovery plan according to the rules provided for in Article 5 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, which is similar to other recovery plans such as hake, cod and sole resources.

The Council proposal is coherent with the basis set in the new fisheries policy. It is in line with other recovery plans and includes control measures which are already applied by the community fleet operating in the NAFO area.

## PROCEDURE

<b>Title</b>	Proposal for a Council regulation establishing a rebuilding plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation	
<b>References</b>	COM(2004)0640 – C6-0197/2004 – 2004/0229(CNS)	
<b>Legal basis</b>	Article 37 EC	
<b>Basis in Rules of Procedure</b>	Rule 51	
<b>Date of consulting Parliament</b>	16.11.2004	
<b>Committee responsible</b> Date announced in plenary	PECH 1.12.2004	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 1.12.2004	
<b>Not delivering opinion(s)</b> Date of decision	ENVI 30.11.2004	
<b>Enhanced cooperation</b> Date announced in plenary		
<b>Rapporteur(s)</b> Date appointed	Henrik Dam Kristensen 23.11.2004	
<b>Previous rapporteur(s)</b>		
<b>Simplified procedure</b> Date of decision		
<b>Legal basis disputed</b> Date of JURI opinion		
<b>Financial endowment amended</b> Date of BUDG opinion		
<b>European Economic and Social Committee consulted</b> Date of decision in plenary		
<b>Committee of the Regions consulted</b> Date of decision in plenary		
<b>Discussed in committee</b>	24.1.2005	14.3.2005
<b>Date adopted</b>	25.4.2005	
<b>Result of final vote</b>	for:	17
	against:	0
	abstentions:	0
<b>Members present for the final vote</b>	Elspeth Attwooll, 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, Philippe Morillon, Neil Parish, Dirk Sterckx, Catherine Stihler	
<b>Substitutes present for the final vote</b>	Duarte Freitas, James Nicholson, Carl Schlyter	
<b>Substitutes under Rule 178(2) present for the final vote</b>	Alejandro Cercas	
<b>Date tabled – A6</b>	27.4.2005	A6-0116/2005
<b>Comments</b>	...	