

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0476/2006

21.12.2006

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REPORT

on the proposal for a Council regulation laying down technical measures for the conservation of certain stocks of highly migratory species (COM(2006)0100 – C6-0106/2006 – 2006/0030(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 laying down technical measures for the conservation of certain stocks of highly migratory species
(COM(2006)0100 – C6-0106/2006 – 2006/0030(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0100)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0106/2006),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0476/2006),
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 4 a (new)

(4a) According to the ICCAT scientific committee, current catch levels of bluefin tuna are not sustainable in the long term with the present exploitation patterns, and consequently the European Union should propose measures to rebuild the stock to ICCAT as a matter of urgency, including a recovery plan if necessary, together with control measures which will help to resolve

¹ Not yet published in OJ.

the problems of overfishing and the underreporting of catches.

Amendment 2
Recital 4 b (new)

(4b) The scientific analyses point to a risk of collapse in the bluefin tuna fishery, and the European Union and its Member States should therefore urgently introduce control measures which will help to resolve the problem of overfishing, accompanied by a recovery plan, as recommended by the scientific analyses.

Amendment 3
Recital 4 c (new)

(4c) If they are to be effective, these measures must enjoy general consensus, and it is therefore necessary for the Commission and the Member States to pursue an active policy to defend these measures in international fora as a matter of urgency, particularly vis-à-vis the regional fisheries organisations responsible for managing this resource and countries which are the main destination for this species, such as Japan.

Amendment 4
Recital 4 d (new)

(4d) The growing demand for this species has caused an increase in fishing pressure, both for direct sale and for supplying specimens to tuna farms, which requires, on the part of the European Union and the Member States, strict monitoring and improved information on both fishing and farming activity, since this is vital in order to be able to make a scientific assessment of

the state of the resource.

Amendment 5
Recital 4 e (new)

(4e) The excessive capacity reached by bluefin tuna fattening farms, designed to meet growing demand, has caused an increase in the pressure on this species, and it is therefore necessary for the Union and the Member States to monitor their activity strictly and improve the information they provide, which is vital in order to be able to make a scientific assessment of the state of the resource.

Amendment 6
Recital 6 a (new)

(6a) Given the current threat facing certain stocks of migratory species, the EU will need to promote and support the use of more selective and environmentally friendly fishing gear, in line with the commitments made under the common fisheries policy.

Amendment 7
Recital 13 a (new)

(13a) The high commercial value attained by some of these species in the world market for fish requires a stringent inspection policy with regard to illegal fishing practices, which are responsible for the current depleted state of some of these stocks.

Justification

The EU should promote more effective inspection methods that will make it possible to penalise illegal fishing practices.

EXPLANATORY STATEMENT

I.

The objective of this proposal is to update the Community rules transposing the technical conservation measures for certain stocks of highly migratory fish.

Community legislation cannot disregard the adoption of a number of resolutions within the framework of regional fisheries organisations (RFOs), which are responsible for the management and conservation of tunas and related species.

These regional organisations, created by international agreements, provide the framework within which government representatives can meet to agree on ways of managing offshore fishery resources and straddling stocks.

They also seek to strengthen regional cooperation in order to guarantee both the conservation and the sustainable exploitation of fishery resources.

These organisations issue recommendations for management and conservation measures on the basis of the best available scientific advice.

The recommendations must then be implemented by all the contracting parties of the RFO which has issued them.

II.

The EC is currently a contracting party in 12 regional fisheries organisations and has embarked on the process of acceding to two others.

The RFOs providing a framework for regional cooperation on the conservation and management of stocks of highly migratory species and thus concerned by the present Commission proposal are:

- the International Commission for the Conservation of Atlantic Tunas (ICCAT), of which the Community has been a member since 14 November 1997;
- the Indian Ocean Tuna Commission (IOTC), of which the Community has been a member since 18 September 1995;
- the Inter-American Tropical Tuna Commission (IATTC), which the Community has applied to join; it has also participated in the accession process for the adoption of the Convention strengthening it (not yet in force);
- the Western and Central Pacific Ocean Fisheries Commission (WCPFC), of which the Community has been a member since 25 January 2005.

These organisations adopt recommendations, particularly technical measures fixing minimum sizes for fish, closed areas and seasons, and restrictions on fishing effort.

These recommendations adopted by the corresponding RFOs and addressed to the contracting parties are mandatory. Accordingly, contracting parties, in this case the European Community, are obliged to apply recommendations to which they have raised no objections.

At present, the technical measures adopted by these RFOs have been transposed into Community law by Council Regulation (EC) No 973/2001 of 14 May 2001 laying down technical measures for the conservation of certain stocks of highly migratory species (OJ L 137, 19.5.2001), as last amended by Regulation (EC) No 831/2004 (OJ L 127, 29.4.2004).

The technical measures concern the minimum size of fish, the ban on the use of certain fishing gears, closed fishing areas and seasons, and capacity restrictions.

These measures have been modified at the annual meetings of the RFOs, and the law in force therefore needs to be adapted and updated.

III.

Adapting the legislation in force is the objective of the Commission proposal of 8 March 2006, transposing the technical measures for the conservation of certain stocks of highly migratory species adopted within the framework of the above RFOs.

The measures proposed by the Commission are therefore geared to the effective transposition into Community law of the technical measures adopted by the regional fisheries organisations responsible for the management of tuna species to which the European Community is a contracting party.

To this end, the Commission is proposing to repeal Regulation (EC) No 831/2004 and replace it with its proposal.

The proposal is in keeping with the general pattern of the sustainable exploitation of tuna stocks in compliance with the objectives of the common fisheries policy (CFP) and contributes to sustainable development.

The methodology used is based on scientific support, i.e. the assessment and analysis carried out by a committee of experts responsible for assessing stocks and recommending the adoption of management and conservation measures to ensure the sustainable exploitation of tuna stocks, in particular through the adoption of technical measures.

This proposal, which has Article 37 of the EC Treaty as its legal basis, will have no impact on the Community budget and will simplify the legislative framework.

The new regulation will thus make it possible to combine in a single regulation all the technical measures adopted by all the tuna RFOs to which the European Community is a contracting party, whilst maintaining consistency with other Union policies and objectives in the context of the common fisheries policy and sustainable development.

Through this report, your rapporteur wishes to add three new recitals referring to the risk of collapse facing bluefin tuna stocks, according to the most recent reports issued by the ICCAT scientific committee (SCRS), and to some of the circumstances which have created this risk

and possible solutions.

The gravity of the situation demands at least a reference, in the context of this report, to issues which will clearly need to be tackled within the obvious framework, i.e. the forthcoming ICCAT General Assembly at the end of November, but which will also require analysis and decisions within the Community framework in the near future.

PROCEDURE

Title	Proposal for a Council regulation laying down technical measures for the conservation of certain stocks of highly migratory species			
References	COM(2006)0100 – C6-0106/2006 – 2006/0030(CNS)			
Date of consulting Parliament	28.3.2006			
Committee responsible Date announced in plenary	PECH 3.4.2006			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 3.4.2006			
Not delivering opinion(s) Date of decision	ENVI 25.4.2006			
Enhanced cooperation Date announced in plenary				
Rapporteur(s) Date appointed	Rosa Miguélez Ramos 4.4.2006			
Previous rapporteur(s)				
Simplified procedure – date of decision				
Legal basis disputed Date of JURI opinion				
Financial endowment amended Date of BUDG opinion				
Parliament to consult European Economic and Social Committee – date decided in plenary				
Parliament to consult Committee of the Regions – date decided in plenary				
Discussed in committee	12.7.2006	12.9.2006	20.11.2006	21.12.2006
Date adopted	21.12.2006			
Result of final vote	+: 18 -: 0 0: 0			
Members present for the final vote	James Hugh Allister, Stavros Arnaoutakis, Elspeth Attwooll, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Ioannis Gklavakis, Alfred Gomolka, Ian Hudgton, Heinz Kindermann, Rosa Miguélez Ramos, Philippe Morillon, Dirk Sterckx, Struan Stevenson, Daniel Varela Suanzes-Carpegna			
Substitute(s) present for the final vote	James Nicholson			
Substitute(s) under Rule 178(2) present for the final vote				
Date tabled	21.12.2006			
Comments (available in one language only)	...			