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## **REPORT**

on the proposal for a Council regulation laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation  
(COM(2006)0609 – C6-0403/2006 – 2006/0200(CNS))

Committee on Fisheries

Rapporteur: Luis Manuel Capoulas Santos

### ***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 on laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation

(COM(2006)0609 – C6-0403/2006 – 2006/0200(CNS))

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2006)0609)<sup>1</sup>,
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0403/2006),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0162/2007),
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  
Article 4

**By-catch *requirements***

1. Fishing vessels ***may not conduct directed fisheries for species for which by catch limits apply. A directed fishery for a species is conducted when that species comprises the largest percentage by***

**By-catch *retained on board***

1. Fishing vessels ***shall limit their by-catch to a maximum of 2500 kg or 10 %, whichever is the greater, for each species listed in Annex I for which no quota has been allocated in that Division to the***

<sup>1</sup> Not yet published in the Official Journal.

*weight of the catch in any one haul.*

*2. By-catches of the species for which no quotas have been fixed by the Community for a part of the NAFO Regulatory Area and taken in that part when fishing directly for any species may not exceed for each species 2 500 kg or 10 % by weight of the total catch retained on board, whichever is the greater. However, in a part of the NAFO Regulatory Area where directed fishing of certain species is banned or an "others" quota has been fully utilised, by-catches of each of such species may not exceed 1 250 kg or 5 % respectively.*

*3. Whenever the total amounts of species subject to by-catch limits in any haul exceed the limits laid down in paragraph 2, whichever is applicable, vessels shall immediately move a minimum of five nautical miles away from the previous haul position. Whenever the total amounts of species subject to by-catch limits in any future haul exceed those limits, vessels shall again immediately move a minimum of five nautical miles away from the previous haul position and shall not return to the Area for at least 48 hours.*

*4. In the event that total by catches of all species in any haul exceed 5 % by weight in Division 3M and 2.5 % in Division 3L, vessels fishing for shrimp (*Pandalus borealis*), shall immediately move a minimum of 5 nautical miles from the position of the previous haul.*

*5. Catches of shrimp shall not be used in the calculation of by-catch level of groundfish species.*

*Community.*

*2. In cases where a ban on fishing is in force or an "Others" quota has been fully utilised, the by-catch of the species concerned may not exceed 1250 kg or 5 %, whichever is the greater.*

*3. The percentages in paragraphs 1 and 2 shall be calculated as the percentage, by weight, for each species of the total catch retained on board. Catches of shrimp shall not be included in the calculation of by-catch levels of groundfish species.*

*(Article 31 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 2  
Article 4 (a)

*Article 4(a)*

*By-catch in any one haul*

*1. If the percentages of by-catches in any one haul exceed the percentages laid down in Article 4(1) and (2) the vessel shall immediately move a minimum of 5 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.*

*2. Should total by-catches of all ground fish species subject to quota in any haul in the shrimp fishery exceed 5 % by weight in Division 3M or 2,5 % by weight in Division 3L, the vessel shall move a minimum of 10 nautical miles from any position of the previous tow and throughout the next tow keep a minimum distance of 10 nautical miles from any position of the previous tow. If after moving, the next haul exceeds these by-catch limits the vessel shall leave the Division and not return for at least 60 hours.*

*3. The percentage of by-catch authorised in any one haul shall be calculated as the percentage, by weight, for each species of the total catch in that haul.*

*(Article 32 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 3  
Article 4 (b)

*Article 4 (b)*

*Directed fishery and by-catch*

*1. Masters of Community vessels shall not conduct directed fisheries for species for which by-catch limits apply. A directed fishery for a species shall be considered to have been conducted when that species comprises the largest percentage by weight of the total catch in any one haul.*

*2. However, when a vessel is conducting a directed fishery for skate with a legal mesh size appropriate for that fishery, the first time that, in a haul, catches of species for which by-catch limits apply comprise the largest percentage by weight of the total catch, they shall be considered as incidental. In this event the vessel shall immediately change position in accordance with Article 4a(1) and (2).*

*3. Following an absence from a Division of at least 60 hours in accordance with the provisions of Article 4a(1) and (2), masters of Community vessels shall undertake a trial tow the duration of which shall not exceed 3 hours. By way of derogation from paragraph 1 of this Article, if in a haul from such a trial tow catches of species for which by-catch limits apply comprise the largest percentage by weight of the total catch, it shall not be considered as a directed fishery. In this event the vessel shall immediately change position in accordance with Article 4a(1) and (2).*

*(Article 33 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 4  
Article 5

The use of trawl net having in any section

*1. The use of trawl net having in any*



thereof net meshes of dimensions less than 130 mm shall be prohibited for directed fishing of the groundfish species referred to in Annex I. **This** mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skates (*Rajidae*) **this** mesh size shall be increased to minimum of 280 mm in the cod-end and 220 mm in all other parts of the trawl.

Vessels fishing for shrimp (*Pandalus borealis*) shall use nets with a minimum mesh size of 40 mm.

section thereof net meshes of dimensions less than 130 mm shall be prohibited for direct fishing of the groundfish species referred to in Annex I, **except for fishing for *Sebastes mentella* as referred to in paragraph 3.** **That** mesh size may be reduced to a minimum of 60 mm for direct fishing of short-finned squid (*Illex illecebrosus*). For direct fishing of skates (*Rajidae*) **that** mesh size shall be increased to a minimum of 280 mm in the cod-end and 220 mm in all other parts of the trawl.

2. Vessels fishing for shrimp (*Pandalus borealis*) shall use nets with a minimum mesh size of 40 mm.

**3. Vessels fishing for pelagic *Sebastes mentella* (Oceanic redfish) in Sub-Area 2 and Division 1F and 3K shall use nets with a minimum mesh size of 100 mm.**

(Article 29 of Council Regulation (EC) No 41/2007 of 21 December 2006)

#### Amendment 5 Article 6

1. When fishing directly for one or more of the species listed in Annex I, vessels may not carry nets with a mesh size smaller than that laid down in Article 5.

2. However, vessels fishing in the course of the same voyage in Areas other than the NAFO Regulatory Area may keep on board nets with a mesh size smaller than that laid down in Article 5 provided they are securely lashed and stowed and are not available for immediate use. Those nets must

(a) be unshackled from their boards and their hauling or trawling cables and ropes

1. When fishing directly for one or more of the species listed in Annex I, **Community** vessels shall not carry nets with a mesh size smaller than that laid down in Article 29.

2. However, **Community** vessels fishing in the course of the same voyage in areas other than the NAFO Regulatory Area may keep on board nets with a smaller mesh size than that laid down in Article 5 provided they are securely lashed and stowed and are not available for immediate use. Such nets must:

(a) be unshackled from their boards and their hauling or trawling cables and ropes;

and,  
(b) if they are carried on or above the deck,  
be lashed securely to a part of the  
superstructure.

and  
(b) if they are carried on or above the deck,  
be lashed securely to a part of the  
superstructure.

*(Article 38 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 6  
Article 10, title and paragraph 1, introduction

***Special requirements for data collection***

***1. Member States shall implement, where possible, special requirements for data collection for vessels fishing in the following Areas:***

***Fisheries restricted areas***

***The conduct of fishing activities involving demersal fishing gears shall be prohibited in the following areas***

*(Article 35 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 7  
Article 10, paragraphs 2 and 3

***2. Data to be collected in accordance with paragraph 1 should be collected on a set by set basis and should, to the extent possible, include:***

- a) Species composition in numbers and weight;***
- b) Length frequencies;***
- c) Otoliths;***
- d) Set location, latitudes and longitudes;***
- e) Fishing gear;***
- f) Depth fished;***
- g) Time of day;***

***Deleted***

*h) Duration of set;*

*i) Tow opened (for mobile gear);*

*j) Other biological sampling such as maturity where possible.*

**3. The data collected in accordance with paragraph 1 shall be reported to the competent authorities of member States for onward transmission to NAFO Secretariat as soon as possible after the end of each fishing trip.**

Amendment 8  
Article 12, paragraph 2

2. Each Member State shall inform the Commission in computer readable form, at least 15 days before the vessel enters the NAFO Regulatory Area, of any amendment to its list of vessels flying its flag and registered in the Community that are authorised to fish in the NAFO Regulatory Area. The Commission shall forward **those amendments** promptly to the NAFO Secretariat.

2. Each Member State shall inform the Commission in computer-readable form, at least 15 days before the new vessel enters the NAFO Regulatory Area, of any amendment to its list of vessels flying its flag and registered in the Community that are authorised to fish in the NAFO Regulatory Area. The Commission shall forward **this information** promptly to the NAFO Secretariat.

*(Article 28 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 9  
Article 13, paragraph 1

1. Member States may *allow* that a fishing vessel flying their flag and authorised to fish in the NAFO Regulatory Area to be subject to a chartering arrangement for the

1. Member States may *allow* a fishing vessel flying their flag and authorised to fish in the NAFO Regulatory Area to be subject to a chartering arrangement for the

utilisation in part or in full of a quota and/or fishing days allocated to another Contracting Party of NAFO.

utilisation in part or in full of a quota and/or fishing days allocated to another Contracting Party of NAFO. ***Chartering arrangements involving vessels identified by NAFO or any other regional fisheries organisation as having been involved in illegal, unreported and unregulated (IUU) fishing activities shall, however, not be permitted.***

*(Article 40 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 10  
Article 14, paragraph 5

5. Member States shall, no later than **31 December** each year, report to the Commission on the implementation of their fishing plans. Those reports shall include the number of vessels actually engaged in fishing activities in the NAFO Regulatory Area, the catches of each vessel and the total number of days each vessel fished in that Area. Activities of vessels fishing for shrimp in Divisions 3M and 3L shall be reported separately for each Division.

5. Member States shall, no later than **15 January** each year, report to the Commission on the implementation of their fishing plans. Those reports shall include the number of vessels actually engaged in fishing activities in the NAFO Regulatory Area, the catches of each vessel and the total number of days each vessel fished in that Area. Activities of vessels fishing for shrimp in Divisions 3M and 3L shall be reported separately for each Division

*(Article 14 of Council Working Document 5449/07 of 2 February 2007)*

Amendment 11  
Article 16

Community vessels shall not engage in transshipment operations in the NAFO Regulatory Area unless they have received prior authorisation to do so from their competent authorities.

**I.** Community vessels shall not engage in transshipment operations in the NAFO Regulatory Area unless they have received prior authorisation to do so from their competent authorities.

**2. Community vessels shall not engage in operations involving the trans-shipment of fish from or to a non-contracting party vessel which has been identified through sighting or otherwise as having engaged in fishing activities in the NAFO Regulatory Area.**

**3. Community vessels shall report each trans-shipment in the NAFO Regulatory Area to their competent authorities. Donor vessels shall make that report at least 24 hours in advance and receiving vessels not later than one hour after the trans-shipment.**

**4. The report referred to in paragraph 3 shall include the time, the geographical position, the total round weight by species to be off-loaded or on-loaded in kilograms and the call sign of vessels involved in the trans-shipment.**

**5. The receiving vessel shall report, in addition to the total catch on board and the total weight to be landed, the name of the port and the expected time of landing at least twenty-four hours in advance of any landing.**

**6. Member States shall promptly transmit the reports referred to in paragraph 3 and 5 to the Commission, which shall promptly forward them to the NAFO Secretariat.**

*(Article 39 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

#### Amendement 12

#### Article 17, paragraphs 1 to 4

1. In addition to complying with Articles 6, 8, 11 and 12 of Regulation (EEC) No 2847/93, masters of vessels shall enter in the fishing logbook the information listed in Annex IV.

1. In addition to complying with Articles 6, 8, 11 and 12 of Regulation (EEC) No 2847/93, masters of vessels shall enter in the fishing logbook the information listed in Annex IV.

***1 a. Before the 15th of each month, each Member State shall, in computer-readable form, notify the Commission of the quantities of stocks specified in Annex II landed during the preceding month and***

2. The masters of a Community vessel shall, in respect of catches of the species referred to in Article 15(1) of Regulation (EEC) N° 2847/93, keep:

- (a) a production logbook stating their cumulative production by species on board in product weight stated in kilograms;
- (b) a stowage plan that shows the location of the different species in the holds.

3. The production logbook and stowage plan referred to in paragraph 2 shall be updated on a daily basis for the preceding day reckoned from 00.00 hrs (UTC) until 24.00 hrs (UTC) and shall be kept onboard until the vessel has unloaded completely.

4. The master shall provide the necessary assistance to enable the quantities declared in the production logbook and the processed products stored on board to be verified.

***communicate any information received under Articles 11 and 12 of Regulation (EEC) No 2847/93.***

2. The masters of a Community vessel shall, in respect of catches of the species referred to in Article 15(1) of Regulation (EEC) N° 2847/93, keep:

- (a) a production logbook stating their cumulative production by species on board in product weight stated in kilograms;
- (b) a stowage plan that shows the location of the different species in the holds. ***In the case of shrimp, vessels shall keep a stowage plan that specifies the location of shrimp taken in Division 3L and in Division 3M as well as the quantities of shrimp by Division on board in product weight stated in kilograms.***

3. The production logbook and stowage plan referred to in paragraph 2 shall be updated on a daily basis for the preceding day reckoned from 00.00 hrs (UTC) until 24.00 hrs (UTC) and shall be kept onboard until the vessel has unloaded completely.

4. The master ***of a Community vessel*** shall provide the necessary assistance to enable the quantities declared in the production logbook and the processed products stored on board to be verified.

*(Article 37 of Council Regulation (EC) No 41/2007 of 21 December 2006 )*

#### Amendement 13 Article 18

1 All processed fish harvested in the NAFO Regulatory Area shall be labelled in such a way that each species and product category as referred to in Article 1 of Council Regulation (EC) No 104/2000 is identifiable. It shall also be marked as having been caught in the NAFO Regulatory Area.

2. All shrimp harvested in Division 3L and

1. All processed fish harvested in the NAFO Regulatory Area shall be labelled in such a way that each species and product category as referred to in Article 1 of Council Regulation (EC) No 104/2000 ***of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products<sup>1</sup> and in the case of shrimp the date of capture*** is identifiable. It shall also be marked as having been caught in the NAFO Regulatory Area.

2. All shrimp harvested in Division 3L and

all Greenland halibut harvested in Sub-Area 2 and Divisions 3KLMNO shall be marked as having been caught in these respective zones.

**3. Catches of the same species may be stowed in more than one part of the hold, but in each part of the hold where it is stowed it shall be kept clearly separate (for example by plastic, plywood, netting, etc.) from catches of other species.**

**Similarly all catches taken inside the NAFO Convention Area shall be stowed separately from all catches taken outside the Area.**

3M and all Greenland halibut harvested in Subarea 2 and Divisions 3KLMNO shall be marked as having been caught in these respective zones.

**3. Taking into account consideration for the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply:**

- a) all catches taken inside the NAFO Regulatory Area shall be stowed separately from all catches taken outside the area. They shall be kept clearly separate, for example with plastic, plywood or netting;**
- b) catches of the same species may be stowed in more than one part of the hold but the location where it is stowed shall be clearly represented in the stowage plan referred to in Article 17.**

<sup>1</sup> OJ L 17, 21.1.2000, p. 22. Regulation amended by Regulation (EC) No 1759/2006 (OJ L 335, 1.12.2006, p. 3).

*(Article 36 of Council Regulation (EC) No 41/2007 of 21 December 2006 )*

Amendement 14  
Article 42

**1. Where a Member State is notified of an infringement committed by a vessel flying its flag, it shall take prompt action in conformity with its national law to receive and examine the evidence and conduct any further investigations necessary for action to be taken as a result of the infringement and, where possible, inspect the vessel.**

**2. Member States shall co-operate with the authorities of the Contracting Party carrying out an inspection to ensure that**

**1. The competent authorities of a Member State notified of an infringement committed by one of its vessels shall investigate that infringement immediately and fully to obtain the evidence required which shall include, where appropriate, the physical inspection of the vessel concerned.**

**2. The competent authorities of the Member State shall take immediate judicial or administrative action in**

*evidence of the infringement is prepared and preserved in a form which facilitates judicial action.*

*3. Member States shall designate the authorities responsible for receiving evidence of infringements and inform the Commission of their address.*

*accordance with their national legislation against the nationals responsible for the vessel flying its flag where the measures adopted by NAFO have not been respected.*

*3. The competent authorities of the flag Member State shall ensure that the proceedings initiated pursuant to paragraph 2 are capable, in accordance with the relevant provisions of national law, of providing effective measures that are adequate in severity, secure compliance, deprive those responsible of the economic benefit of the infringement and effectively discourage future infringements.*

*(Article 44 of Council Regulation (EC) No 41/2007 of 21 December 2006 )*

Amendment 15  
Article 47 a (new)

#### *Article 47a*

##### *Enhanced follow-up with regard to certain serious infringements*

*1. In addition to the provisions of this Section, in particular Articles 46 and 47, the flag Member State shall take action under this Section where a vessel flying its flag has committed one of the following serious infringements:*

*(a) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;*

*(b) mis-recording of catches. To be considered for follow-up action under this Article the difference between the inspector's estimates of processed catch on board, by species or in total, and the figures recorded in the production logbook shall be 10 tons or 20%, whichever is the greater, calculated as a percentage of the production logbook figures. In order to calculate the estimate of the catch on board a stowage factor agreed between the inspectors of the*



*inspecting Contracting Party and the Contracting Party of the inspected vessel shall be used;*

*(c) the repetition of the same serious infringement mentioned in article 43, that has been confirmed in accordance with Article 44(4) during a 100-day period or within the fishing trip, whichever is shorter.*

*2. The flag Member State shall ensure that following the inspection referred to in paragraph 3 the vessel concerned ceases all fishing activities and an investigation into the serious infringement is initiated.*

*3. If no inspector or other person designated by the flag Member State of the vessel to carry out the investigation as outlined in paragraph 1 is present in the Regulatory area the flag Member State shall require the vessel to proceed immediately to a port where the investigation can be initiated.*

*4. When completing the investigation for any serious infringement of mis-recording of catch referred to in paragraph 1(b) the flag Member State shall ensure that the physical inspection and enumeration of total catch on board takes place under its authority in port. Such inspection may take place in the presence of an inspector from any another Contracting Party that wishes to participate, subject to the consent of the flag Member State.*

*5. When a vessel is required to proceed to port pursuant to paragraphs 2, 3 and 4, an inspector from another Contracting Party may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Member State of the inspected vessel does not require the inspector to leave the vessel.*

*(Article 46 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendement 16  
Article 47 b (new)

*Article 47b*

*Enforcement measures*

*1. Each flag Member State shall take enforcement measures with respect to a vessel, where it has been established, in accordance with its laws that this fishing vessel flying its flag committed a serious infringement as referred to in Article 47a.*

*2. The measures referred to in paragraph 1 may include in particular, depending on the gravity of the offence and in accordance with the pertinent provisions of national law:*

*a) fines;*

*b) seizure of illegal fishing gear and catches;*

*c) sequestration of the vessel;*

*d) suspension or withdrawal of fishing authorisation;*

*e) reduction or withdrawal of the fishing quota.*

*3. The flag Member State of the vessel concerned shall notify to the Commission without delay the appropriate measures taken in accordance with this Article. Based on this notification, the Commission shall notify the NAFO Secretariat of those measures.*

*(Article 47 of Council Regulation (EC) No 41/2007 of 21 December 2006 )*

Amendement 17  
Article 47 c (new)

*Article 47c*

*Report on infringements*

*1. In the case of a serious infringement as referred to in Article 47a, the Member State concerned shall provide the Commission with a report on the progress of the investigation, including details of any action taken or proposed to be taken*

*in relation to the serious infringement as soon as practicable and in any case within three months following the notification of the infringement and a report on the outcome of the investigation when the investigation is completed.*

*2. The Commission shall compile a Community report on the basis of the reports of the Member States. It shall send the Community report on the progress of the investigation to the NAFO Secretariat within four months following the notification of the infringement and as soon as possible the report on the outcome of the investigation when the investigation is completed.*

*(Article 48 of Council Regulation (EC) No 41/2007 of 21 December 2006)*

Amendment 18  
Article 48

*1. Member States shall treat reports drawn up by the inspectors of other Contracting Parties and other Member States on the same basis as reports from its own inspectors.*

*2. Member States shall cooperate with the relevant Contracting Parties in order to facilitate judicial or other proceedings in accordance with their national law, arising from a report submitted by an inspector under the NAFO Scheme.*

*1. Inspection and surveillance reports drawn up by NAFO inspectors shall constitute admissible evidence for judicial or administrative proceedings of any Member State. For the purpose of establishing facts, those reports shall be treated on the same basis as inspection and surveillance reports of their own inspectors.*

*2. Member States shall collaborate in order to facilitate judicial or other proceedings arising from a report submitted by an inspector under this scheme, subject to the rules governing the admissibility of evidence in domestic judicial and other systems.*

*(Article 48 of Working document of the Council number 5449/07, 2 February 2007)*

Amendment 19  
Article 51, paragraph 2

*2. To facilitate the inspections, the Member States shall require masters of fishing*

*2. To facilitate the inspections, the Member States shall require masters of fishing*

vessels or their representatives to provide the competent authorities of the Member States whose ports or landing facilities they wish to use, at least 48 hours before the estimated time of arrival at the port, of the following:

- (a) their time of arrival at the port of landing,
- (b) a copy of the authorisation to fish,
- (c) the quantities in KG live weight retained onboard,
- (d) the *zone* or zones in the NAFO Regulatory Area where the catch was made.

vessels or their representatives to provide the competent authorities of the Member States whose ports or landing facilities they wish to use, at least 48 hours before the estimated time of arrival at the port, of the following:

- (a) their time of arrival at the port of landing,
- (b) a copy of the authorisation to fish,
- (c) the quantities in KG live weight retained onboard,
- (d) the *division or divisions* or zones in the NAFO Regulatory Area where the catch was made.

*(Article 51 of Working document of the Council number 5449/07, 2 February 2007)*

Amendment 20  
Article 58

Measures in respect of *Non-Contracting party* vessels

**1 Member States shall take all necessary measures in accordance with national and Community law, in order that**

**(a) no license or special fishing permit is issued to vessels appearing in the IUU list to fish in waters under their sovereignty or jurisdiction;**

**(b) their flag is not granted to vessels appearing on the IUU list;**

**(c) vessels appearing on the IUU list are not authorised to land, tranship, refuel or re-supply, except for reasons of force majeure, or engage in fishing operations or in any other activity in preparation for or related to fishing in their ports or waters under their sovereignty or jurisdiction;**

**(d) importers, transporters and other sectors concerned are encouraged to**

Measures in respect of *IUU* vessels

**1 The following measures shall apply to vessels that have been placed by NAFO on the list of IUU vessels in Annex XIII:**

**(a) fishing vessels, support vessels, refuel vessels, mother-ship and cargo vessels flying the flag of a Member State shall not in any way assist IUU vessels, engage in fish processing operations or participate in any transhipment or joint fishing operations with vessels on the IUU vessels list;**

**(b) IUU vessels shall not be supplied in ports with provisions, fuel or other services;**

**(c) IUU vessels shall not be authorised to entry into port of a Member State, except in case of force majeure;**

**(d) IUU vessels shall not be authorised to change the crew, except as required in**

*refrain from negotiating with and from transshipping fish caught by vessels appearing on the IUU list;*

*(e) all information regarding the vessels appearing on the IUU list is collected and exchanged with other Contracting Parties, Non-Contracting Parties and other Regional fisheries Organisations for the purpose of detecting, and preventing the use of false import/export certificates regarding fish from such vessels.*

*2. Fishing vessels, including support vessels, refuel vessels, mother ships and cargo vessels flying the flag of Member States are prohibited from assisting in any way, or participating in transshipment or any other activity in preparation for or related to fishing or joint fishing activities with, vessels appearing on the IUU list.*

*3. The chartering of a vessel appearing on the IUU list is prohibited.*

*(Annex XVII, section 2, of Council Regulation (EC) No 41/2007 of 21 December 2006 and Article 58 of Council Working Document 5449/07 of 2 February 2007)*

*relation to force majeure;*

*(e) IUU vessels shall not be authorised to fish in Community waters and it shall be prohibited to charter them;*

*(f) Member states shall refuse the granting of their flag to IUU vessels and encourage importers, transporters and other sectors concerned to refrain from negotiating and from transshipping of fish caught by such vessels;*

*(g) imports of fish coming from IUU vessels shall be prohibited.*

*2. The Commission shall amend the IUU vessels list to be in accordance with the NAFO list as soon as NAFO adopts a new list.*

## EXPLANATORY STATEMENT

### **Purpose of the Commission proposal**

*The purpose of this proposal is to incorporate into the Community acquis (by updating and bringing together in a single legislative document) the technical conservation and enforcement measures adopted by the Northwest Atlantic Fisheries Organisation (NAFO)\*. Those measures are automatically binding on the EU in its capacity as a contracting party to the NAFO Convention.*

Most of the provisions contained in the NAFO rules have already been incorporated into Community law by means of successive regulations<sup>1</sup> relating to technical and control measures designed to ensure that NAFO conservation measures are complied with. It should be pointed out that the most recent of those regulations dates from the year 2000, although certain measures subsequently adopted by the NAFO have also been incorporated into Community law by means of the annual regulation relating to TACs and quotas.

At the 25th meeting (which was held in September 2003 for the purpose of simplifying and consolidating the existing provisions) the NAFO governing bodies reviewed and adopted conservation and enforcement measures applicable to fishing vessels operating outside the areas which are under the contracting parties' national jurisdiction.

The purpose of this proposal is to ensure that the above conservation and enforcement measures (which came into force in January 2004 and which are binding on the Community) are effectively implemented and to update the provisions which came into force when earlier regulations were adopted. For this purpose those earlier regulations will be revoked and will be replaced by a single regulation in the form of the current proposal, which brings together and supplements all the provisions applicable to fishing activities that stem from the Community's obligations as a NAFO contracting party.

The technical measures include provisions relating to minimum fish and mesh sizes, requirements relating to the collection of data and special provisions applicable to shrimp fishing.

The control measures include the establishment of a vessel-tracking satellite system and the requirement for vessels to carry impartial observers.

The supervision and inspection measures include the requirement for the contracting parties to accept a joint scheme for inspection at sea, including infringement procedures which they are required to implement.

The proposal also includes measures intended to ensure that vessels belonging to non-

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<sup>1</sup> Regulations concerning in particular control measures such as the establishment of a joint international inspection scheme, conservation and management measures, and control measures in respect of vessels flying the flag of non-contracting parties to the NAFO: Regulation (EEC) No 1956/88, Regulation (EEC) No 2868/88, Regulation (EC) No 189/92, Regulation (EC) No 3680/93, Regulation (EC) No 3069/95 and Regulation (EC) No 1262/2000.

contracting parties which operate in NAFO waters and whose fishing activities are regarded as INN activities abide by the NAFO rules.

### **Rapporteur's proposals**

It is the rapporteur's job to incorporate (in the form of amendments) any developments subsequent to the drawing up of the Commission text which for reasons of timing do not appear in the proposal - in particular the provisions contained in the most recent regulation on TACs and quotas, i.e. *Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions applicable in Community waters and, for Community vessels, in waters where catch limitations are required*. This regulation incorporates the prescriptive measures adopted at the last NAFO annual meeting, which was held in September 2006. Those measures are designed to provide greater protection for deep-sea habitats, coral areas and seamounts and to bolster infringement proceedings, and they include in particular:

- measures to monitor infringements and to ensure that penalties are applied;
- special provisions relating to redfish;
- a ban on fishing with deep-fishing gear in certain areas.

### **Rapporteur's remarks**

The current process for the transposition into Community law of decisions adopted within regional fisheries organisations (RFOs) is slow and complex and it requires a huge amount of effort from a Community administration which does not always have adequate human resources at its disposal.

The fact of the matter is that, in the course of the procedure, frequent RFO meetings are held at which new provisions requiring a new procedure to be opened are adopted.

Hence the rapporteur considers that a discussion on how best to overcome this problem should be initiated as a matter of urgency.

\* Founded in 1978, NAFO is an intergovernmental organisation which provides a framework for regional cooperation intended to promote rational management and the conservation of fisheries resources in the waters of the North-West Atlantic.

It has 12 members, including the EU, France (representing St Pierre et Miquelon), the Russian Federation, Japan, the Republic of Korea, Canada, Cuba, Denmark (for the Faroe Islands and Greenland), Norway, Iceland, Ukraine and the USA. The Community has been a NAFO contracting party since 1 January 1979.

NAFO holds an annual General Assembly attended by the contracting parties. The EU is represented by the Commission, which negotiates on behalf of the EU Member States.

EU Member States which operate fishing vessels in the sector concerned:

Member States	Spain	France	Germany	Denmark	Portugal	Estonia	Latvia	Lithuania	Poland	United Kingdom
No of vessels	36	-	1-5	1-2	12	9	3	3	1	-

## PROCEDURE

<b>Title</b>	Conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation
<b>References</b>	COM(2006)0609 - C6-0403/2006 - 2006/0200(CNS)
<b>Date of consulting Parliament</b>	9.11.2006
<b>Committee responsible</b> Date announced in plenary	PECH 29.11.2006
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 29.11.2006
<b>Not delivering opinions</b> Date of decision	ENVI 28.11.2006
<b>Rapporteur(s)</b> Date appointed	Luis Manuel Capoulas Santos 21.11.2006
<b>Discussed in committee</b>	22.3.2007
<b>Date adopted</b>	3.5.2007
<b>Result of final vote</b>	+: 16 -: 0 0: 2
<b>Members present for the final vote</b>	Stavros Arnautakis, Marie-Hélène Aubert, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Hélène Goudin, Heinz Kindermann, Philippe Morillon, Seán Ó Neachtain, Struan Stevenson, Daniel Varela Suanzes-Carpegna
<b>Substitute(s) present for the final vote</b>	Thomas Wise
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Iratxe García Pérez
<b>Date tabled</b>	7.5.2007