

# EUROPEAN PARLIAMENT

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## **REPORT**

on the proposal for a Council regulation amending Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93  
(COM(2008)0162 – C6-0183/2008 – 2008/0063(CNS))

Committee on Fisheries

Rapporteur: Niels Busk

### ***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***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. 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). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation amending Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93 (COM(2008)0162 – C6-0183/2008 – 2008/0063(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2008)0162),
  - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0183/2008),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0340/2008),
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 the Commission.

### **Amendment 1**

#### **Proposal for a regulation – amending act Recital 1**

*Text proposed by the Commission*

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the reductions in cod catches arising from the collective effect of total allowable landings (TACs), technical measures and complementary effort management measures have been far from sufficient to

*Amendment*

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) has indicated that the reductions in cod catches arising from the collective effect of total allowable landings (TACs), technical measures and complementary effort management measures ***(including monitoring and***

reduce fishing mortalities to levels required to allow the cod stocks to rebuild and none of the four cod stocks covered by Regulation (EC) No 423/2004 show clear signs of recovery.

***control to prevent the catching and landing of cod caught by illegal, unreported or unregulated fishing)*** have been far from sufficient to reduce fishing mortalities to levels required to allow the cod stocks to rebuild and none of the four cod stocks covered by Regulation (EC) No 423/2004 show clear signs of recovery, ***although stocks in the North and Celtic Seas are showing some signs of improvement.***

## Amendment 2

### Proposal for a regulation – amending act Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) Effective fisheries management mechanisms should be developed in co-operation with the fishing industry. To this end, evaluation and decision-making should involve the relevant Regional Advisory Councils and Member States.***

#### *Justification*

*The current proposal should not be regarded as the final word in cod conservation. Cod conservation schemes have already been developed within Member States and the future development of schemes at Member State level should be encouraged. It should therefore be explicitly stated that the development and evolution of management mechanisms should involve the RACs and Member States involved.*

## Amendment 3

### Proposal for a regulation – amending act Recital 5

*Text proposed by the Commission*

*Amendment*

(5) New mechanisms must be introduced, to encourage fishermen to engage in cod-avoidance programmes.

(5) New mechanisms must be introduced, to encourage fishermen ***and Member States*** to engage in cod-avoidance programmes. ***All cod caught ought to be landed, rather than discarded, so as to***

*enable proper scientific evaluation of stocks.*

*Justification*

*Member States should also be encouraged to introduce measures to reduce fishing mortality and discards.*

**Amendment 4**

**Proposal for a regulation – amending act  
Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Any such cod-avoidance programmes are more likely to succeed if they are developed in co-operation with the fishing industry; accordingly, cod-avoidance programmes developed within Member States should be considered an effective means of promoting sustainability, and the development of such programmes should be encouraged alongside the operation of the relevant Community legislation.***

*Justification*

*The current situation as regards cod stocks has come into existence within the context of decisions being taken centrally within the CFP framework. Whilst attempts to improve that situation are also currently taking place within the context of the existing CFP, developments taking place within Member States and involving the fishing industry must be encouraged too.*

**Amendment 5**

**Proposal for a regulation – amending act  
Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5b) Member States should exercise their power to allocate access to fishing for cod stocks so as to encourage their fishermen to fish in ways that result in more selective fishing and are less harmful to the environment.***

### *Justification*

*The current proposal should not be regarded as the final word in cod conservation. Cod conservation schemes have already been developed within Member States and the future development of schemes at Member State level should be encouraged. It should therefore be explicitly stated that the development and evolution of management mechanisms should involve the RACs and Member States involved.*

### **Amendment 6**

#### **Proposal for a regulation – amending act**

##### **Article 1 — point 1**

Regulation (EC) No. 423/2004

Article 2b - point b a (new)

*Text proposed by the Commission*

*Amendment*

***ba) when cod stocks have substantially improved, the Commission should review the system of regulating the fishing effort.***

### **Amendment 7**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 3**

Regulation (EC) No 423/2004

Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Notwithstanding paragraph 1**(b) and (c)** and paragraph 2, the Council shall not set the TAC at a level that is more than 15% below or above the TAC established in the previous year.

4. Notwithstanding paragraph 1 and paragraph 2, the Council shall not set the TAC at a level that is more than 15% below or above the TAC established in the previous year.

### *Justification*

*As is the case in other management plans, the margin of +/- 15% should be generally applicable.*

### **Amendment 8**



## Proposal for a regulation – amending act

### Article 1 — point 3

Regulation (EC) No 423/2004

Article 6 - paragraph 5 - point b

*Text proposed by the Commission*

(b) *as* appropriate *a* quantity ***corresponding to*** other relevant sources of cod mortality to be fixed on the basis of a proposal from the Commission.

*Amendment*

(b) *an* appropriate quantity ***suggested by*** other relevant sources of cod mortality, ***such as scientific analysis evaluating the amount of cod being killed by seals, together with an assessment of the impact of climate change on cod recovery,*** to be fixed on the basis of a proposal from the Commission.

## Amendment 9

## Proposal for a regulation – amending act

### Article 1 — point 3

Regulation (EC) No 423/2004

Article 7 - paragraph 1

*Text proposed by the Commission*

1. ***Each*** three years from the date of entry into force of this Regulation, the Commission shall request STECF to evaluate the progress of each ***of the*** depleted cod ***stocks towards recovery.***

*Amendment*

1. ***Every*** three years from the date of entry into force of this Regulation, the Commission shall request STECF to evaluate the progress ***towards recovery*** of each depleted cod ***stock. In addition, the Commission shall seek the views of the relevant Regional Advisory Councils and Member States as to the effective management of cod stocks.***

### *Justification*

*If fishermen are genuinely to be encouraged to engage in cod-avoidance programmes, the RACs must surely be fully involved in the evaluation of the Regulation. Furthermore, if Member States are to be encouraged to take a role in ensuring sustainable fishing practices, they should be explicitly recognised as key stakeholders in evaluations. The CFP is entering a review period with a view to substantial reform. Express reference to the RACs and Member States in this legislation would give a clear indication that the EU institutions are serious about involving those stakeholders in future development of fisheries management systems.*

## Amendment 10

**Proposal for a regulation – amending act**

**Article 1 — point 4**

Regulation (EC) No 423/2004

Chapter IV — title

*Text proposed by the Commission*

*Amendment*

Fishing effort **limitation**

Fishing effort **determination**

*Justification*

*The term 'determination' is more appropriate to the purpose of the regulation.*

**Amendment 11**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8a – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) for the first year of application of this Regulation the baseline shall be established as the average effort in kW-days spent during the years **2005, 2006** and **2007**, based on the advice of STECF.

(a) for the first year of application of this Regulation the baseline shall be established as the average effort in kW-days spent during the years **2004, 2005** and **2006**, based on the advice of STECF.

*Justification*

*To ensure that the data used are of high quality and reliability, 2004-2006 should be used as the reference years.*

**Amendment 12**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8a – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. For effort groups which on the basis of the annual evaluation of the fishing effort management data submitted in accordance with Articles 18, 19 and 20 of Regulation (EC) No xxx/2008 have contributed most

3. For effort groups which on the basis of the annual evaluation of the fishing effort management data submitted in accordance with Articles 18, 19 and 20 of Regulation (EC) No xxx/2008 have contributed most

to the total catch of cod and whose **total catch** on basis of that evaluation consists by at least 80% of cod, the maximum allowable fishing effort shall be calculated as follows:

to the total catch of cod **overall** and whose **accumulated catches** on basis of that evaluation consists by at least 80% of cod, the maximum allowable fishing effort shall be calculated as follows:

#### *Justification*

*It should be clarified that it is the categories of gear which contribute to 80% of the total cod catches which are to contribute to a reduction in fishing mortality.*

### **Amendment 13**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8a – paragraph 3 – point a

#### *Text proposed by the Commission*

(a) where Article 6 applies, by applying to the baseline the same percentage **reduction** as that set out in Article 6 for fishing mortality;

#### *Amendment*

(a) where Article 6 applies, by applying to the baseline the same percentage **change** as that set out in Article 6 for fishing mortality;

#### *Justification*

*Account should be taken of the fact that the fishing effort can also be increased provided fishing mortality is less than the target  $F = 0.4$ . This may be the case this year, for example, with a high level of recruitment, where the maximum margin for the TAC of 15% means that fishing mortality will fall below  $F = 0.4$ .*

### **Amendment 14**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8b – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. For the vessels flying its flag, each Member State shall decide on a method for allocating the maximum allowable fishing effort to individual vessels, **based on the following** criteria:

#### *Amendment*

1. For the vessels flying its flag, each Member State shall decide on a method for allocating the maximum allowable fishing effort to individual vessels, **in the light of a number of** criteria, **including, for example:**

*Justification*

*One of the key points in the kW-days scheme is to ensure that Member States have the flexibility themselves to define which criteria to use to distribute the number of kW-days allocated to vessels.*

**Amendment 15**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8b – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. For each effort group, the total capacity expressed both in GT and kW of the vessels having special fishing permits issued in accordance with paragraph 2 shall not be greater than the capacity of the vessels that have been active in 2007 using the gear and fishing in the geographical area concerned.**      **deleted**

*Justification*

*The provision impedes restructuring of the fleet in relation to 2007. For example, it would not be possible to replace beam trawl vessels with gill net vessels, which consume less fuel compared with the fleet structure in 2007.*

**Amendment 16**

**Proposal for a regulation – amending act**

**Article 1 – point 4**

Regulation (EC) No 423/2004

Article 8d – introductory part

*Text proposed by the Commission*

*Amendment*

The maximum allowable fishing effort established in accordance with Article 8a **shall** be adapted by the Member States concerned in view of:

The maximum allowable fishing effort established in accordance with Article 8a **may** be adapted by the Member States concerned in view of:

*Justification*

*In changing minor quotas, there is no need to change the fishing effort and this should*

therefore not be a requirement but a possibility.

## Amendment 17

### Proposal for a regulation – amending act

#### Article 1 – point 4

Regulation (EC) No 423/2004

Article 8e – paragraph 3

#### *Text proposed by the Commission*

3. The transfer shall only be allowed from a donor gear grouping having shown, for cod, a catch per unit effort (cpue) larger than the cpue of the receiving gear grouping. The Member State requesting the transfer shall provide the necessary cpue information.

#### *Amendment*

3. The transfer shall only be allowed ***in principle*** from a donor gear grouping having shown, for cod, a catch per unit effort (cpue) larger than the cpue of the receiving gear grouping. ***Where a transfer is from one donor gear grouping to another donor gear grouping with a higher cpue, the effort transferred shall be subject to a reduction in the form of a more specifically defined correction factor.*** The Member State requesting the transfer shall provide the necessary cpue information.

#### *Justification*

*It is essential to have sufficient flexibility to be able to respond to external circumstances. For example, rising fuel prices may encourage fishermen to switch to less fuel-consuming gill net fishing but if such gill net fisheries have a higher cpue than beam trawl fisheries, for example, there can be no transfer of fishing effort under the proposed Article 8e, paragraph 3.*

## Amendment 18

### Proposal for a regulation – amending act

#### Article 1 – point 6

Regulation (EC) No 423/2004

Article 17

#### *Text proposed by the Commission*

#### ***Decision-making procedure***

***Where this Regulation provides for decisions to be taken by the Council, the Council shall act by qualified majority on the basis of a proposal from the Commission.***

#### *Amendment*

***deleted***

*Justification*

*No special decision-making procedure should be introduced which excludes Parliament from the decision-making process, unless there is an entirely exceptional justification therefor.*

## EXPLANATORY STATEMENT

### INTRODUCTION

Since November 2000, the International Council for the Exploration of the Sea (ICES) has drawn attention to the fact that there is a serious risk of a collapse in cod stocks in the North Sea and off west Scotland, and at the Council meeting held in December the same year, Fisheries Ministers and the Commission expressed concern at the critical state of stocks.

It was noted on that occasion that fishing pressure is too high and that too many small juvenile fish were being caught, resulting in a large volume of discards. Both of these factors have eroded the quantity of adult fish (biomass) to such a degree that it is highly probable that stocks can no longer regenerate themselves through reproduction. If fishing pressure remains unchanged and such large quantities of juvenile fish continue to be caught, stocks will not be sustainable. Stocks are in a critical state and there is therefore an urgent need for recovery plans, as the Commission noted in its Communication on rebuilding stocks of cod and hake in Community and adjacent waters (COM(2001)326).

In 2004, the Council adopted the ‘cod recovery plan’, the overall objective of which is to ensure the safe recovery of cod stocks to the precautionary stock sizes advised by scientists within a timeframe of five to 10 years.

### COMMISSION’S PROPOSED AMENDMENTS

Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) has indicated that the reductions arising from the collective effort of total allowable catches (TACs), technical measures and complementary effort management regulations have been far from sufficient to reduce fishing mortality to the level required to allow cod stocks to rebuild. In the light of that assessment and the experience gained, the Commission submitted proposals for the following amendments in April 2008:

*The objectives are to be revised* in order to obtain the highest sustainable yield even if oceanic conditions change as a result of global warming.

*The effort management system is to be simplified* since it has become so complex that a new system is needed, based on effort ceilings to be managed by Member States, which will have more flexibility and therefore achieve more efficient implementation.

*The plan is to be adapted to different levels of recovery* and it therefore incorporates a modular strategy where the adjustment of fishing mortality is a function of the level of recovery achieved.

*Clear rules are to be introduced and applied* when and where scientists cannot provide precise estimates of stock status.

*The need to reduce discards* by introducing new mechanisms to encourage fishermen to engage in cod-avoidance programmes.

*The recovery plan is to be extended* to include the Celtic Sea as this stock has also proved to be equally overexploited as the other cod stocks in Community waters.

Overall, the Commission wishes to amend the existing cod recovery plan in order to make it more complete, updated to recent developments, simpler, more efficient and easier to implement, monitor and control.

## **RAPPORTEUR'S REMARKS**

The success of the recovery plan is also dependent on not landing fish caught through illegal, unreported and unregulated fishing. Monitoring and control are, therefore, important instruments to ensure the enforcement of fishing regulations.

Owing to the importance of cod fisheries, its impact on fishing for other species and the major economic and social interests at stake, the recovery plan for cod stocks must be successfully implemented.

The cod recovery plan has serious implications for the fishing industry and its related local communities but if the plan does not succeed, the implications are, everything else being equal, even greater and more serious and a successful recovery plan must therefore have utmost priority.

From a purely biological viewpoint, the best method of promoting a swift recovery of cod stocks is to completely prohibit all fisheries where there is a risk of catching cod. Such an approach would have enormous social and economic implications as cod is caught in mixed fisheries, which would also mean banning fishing for other species, including haddock, whiting, Norway lobster, plaice, sole, angler, megrim, etc. To avoid ending up in such a situation, the recovery plan must produce visible positive results.

It is a general problem when Member States do not adhere to the Commission's proposals for TACs and instead, make compromises and set higher TACs than those recommended by scientific experts. At the abovementioned Council meeting in December 2000, the Fisheries Ministers adopted markedly reduced TACs for cod and hake and moderately reduced TACs for related species. With the exception of North Sea cod, which is covered by a TAC agreed with Norway, higher TACs were set than those proposed by the Commission. Even in a crisis situation, the Member States are unable to agree on measures which are more consistent with the scientific advice.

The depletion of cod stocks in the Atlantic Ocean off the east coast of Canada, to which cod has never returned despite a ban on fishing since 1992, should serve as a deterrent and a warning not to delay in adopting the measures required.



## PROCEDURE

<b>Title</b>	Recovery of cod stocks
<b>References</b>	COM(2008)0162 – C6-0183/2008 – 2008/0063(CNS)
<b>Date of consulting Parliament</b>	25.4.2008
<b>Committee responsible</b> Date announced in plenary	PECH 8.5.2008
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 8.5.2008
<b>Not delivering opinions</b> Date of decision	ENVI 6.5.2008
<b>Rapporteur(s)</b> Date appointed	Niels Busk 5.5.2008
<b>Date adopted</b>	8.9.2008
<b>Result of final vote</b>	+ : 18 - : 2 0 : 2
<b>Members present for the final vote</b>	Stavros Arnautakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Emanuel Jardim Fernandes, Carmen Fraga Estévez, Pedro Guerreiro, Heinz Kindermann, Rosa Miguélez Ramos, Struan Stevenson, Margie Sudre, Cornelis Visser
<b>Substitute(s) present for the final vote</b>	Colm Burke, Ole Christensen, Eleonora Lo Curto, Jan Mulder, Teresa Riera Madurell, Kathy Sinnott, Thomas Wise
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Salvador Domingo Sanz Palacio