



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0296/2010

28.10.2010

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock (COM(2009)0189 – C7-0010/2009 – 2009/0057(COD))

Committee on Fisheries

Rapporteur: Pat the Cope Gallagher

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock (COM(2009)0189 – C7-0010/2009 – 2009/0057(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Parliament and the Council (COM(2009)0189),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0010/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Article 43(2) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 March 2010¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0296/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) *The western stock is economically the*

Amendment

(2) The biological information on *the*

¹ Not yet published in the Official Journal.

most important stock of horse mackerel inhabiting the waters of the Community.
The biological information on ***this*** stock is not sufficient for a full stock assessment that would allow setting a fishing mortality target related to maximum sustainable yield and relate total allowable catches to scientific catch predictions. However, the index of egg abundance which is being calculated since 1977 in triennial international surveys can be used as a biological indicator for the development of the stock size.

Western stock is not sufficient for a full stock assessment that would allow setting a fishing mortality target related to maximum sustainable yield and relate total allowable catches to scientific catch predictions. However, the index of egg abundance which is being calculated since 1977 in triennial international surveys can be used as a biological indicator for the development of the stock size.

Justification

First sentence moved to Recital 7a (new).

Amendment 2

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The areas for which limitations in total catch of horse mackerel are fixed each year do not coincide with the stock boundaries of Atlantic horse mackerel. In the context of fixing the fishing opportunities for 2009, Council and Commission have undertaken to rearrange these TAC areas which would allow this plan to work properly.

deleted

Justification

Recital 6 is no longer relevant, as the TACs areas have been rearranged in the context of fixing the fishing opportunities for 2010 in order to coincide with the boundaries of the Western stock of horse mackerel (see Annex IA of Regulation 53/2010 and Annex I of Regulation 219/2010).

Amendment 3

Proposal for a regulation
Recital 7a (new)

Text proposed by the Commission

Amendment

(7a) The western stock is economically the most important stock of horse mackerel inhabiting Union waters. It is targeted by different fleets - industrial, for processing and external trade, and artisanal, for supplying high-quality fresh fish to the general public.

Justification

To specify the different characteristics and purposes of the fleets involved.

Amendment 4

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) With a view to ensuring compliance with the measures laid down in this Regulation, specific control and surveillance measures should be adopted in addition to those provided for in ***Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy*** and to those provided for in Commission Regulation (EC) No 1542/2007 of 20 December 2007 on landing and weighing procedures for herring, mackerel and horse mackerel. These measures should in particular counteract area and species misreporting.

(8) With a view to ensuring compliance with the measures laid down in this Regulation, specific control and surveillance measures should be adopted in addition to those provided for in ***Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy*** and to those provided for in Commission Regulation (EC) No 1542/2007 of 20 December 2007 on landing and weighing procedures for herring, mackerel and horse mackerel. These measures should in particular counteract area and species misreporting.

Justification

Technical adaptation following the adoption of the new Control regulation.

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) The establishment and allocation of fishing opportunities ***and the fixing of the biological references are measures of prime importance*** in the Common Fisheries Policy ***and have*** a direct impact on the socio-economic situation of the fishing fleets of the Member States. ***It is appropriate that the Council should reserve to itself the right to exercise directly implementing powers in relation to these specific matters.***

Amendment

(11) The establishment and allocation of fishing opportunities in the Common Fisheries Policy *has* a direct impact on the socio-economic situation of the fishing fleets of the Member States, ***and it is therefore necessary, in particular, to take account of sales of fresh fish for human consumption from the small-scale coastal fleets directly linked to coastal fishery areas that are highly fisheries-dependent.***

Justification

Adaptation to the entry into force of the TFEU. Furthermore, the new management plan needs to take proper account of the activities of the small-scale fleets which have traditionally specialised in this fishery for the purposes of consumption of fresh fish. It is therefore important not to establish zones too far out to sea.

Amendment 6

Proposal for a regulation Recital 11a (new)

Text proposed by the Commission

Amendment

(11a) The biological references and parameters forming part of the harvest rule should follow the most recent scientific advice. The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) in respect of modifications of certain biological references and parameters built into the harvest rule as set out in the Annex, in order to react quickly to changes in scientific advice resulting from improved knowledge or methods. It is of particular importance

that the Commission carries out appropriate consultations during its preparatory work, including at experts level.

Justification

Linked to amendments regarding Articles 10, 10a, 10b and 10c and in line with Article 290 of the TFEU (delegated acts).

Amendment 7

**Proposal for a regulation
Article 2 – paragraph 1a (new)**

Text proposed by the Commission

Amendment

With regard to the coastal fleet, the organisation of the management zones arising from this plan shall be implemented taking account of the historic rights of that fleet segment.

Justification

The new management plan needs to take proper account of the activities of the small-scale fleets which have traditionally specialised in this fishery for the purposes of consumption of fresh fish. It is therefore important not to establish zones too far out to sea.

Amendment 8

**Proposal for a regulation
Article 5 – paragraph 1**

Text proposed by the Commission

Amendment

1. In order to achieve the objective laid down in Article 4, each year the Council, acting in accordance with the procedure laid down in **Article 20 of Council Regulation (EC) No 2371/2002** and after consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year.

1. In order to achieve the objective laid down in Article 4, each year the Council, acting in accordance with the procedure laid down in **Article 43(3) TFEU** and after consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year.

Justification

Adaptation to the entry into force of the TFEU.

Amendment 9

Proposal for a regulation

Article 5 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. The TAC area for western horse mackerel defined in this regulation shall cover the entire geographical area identified by STECF as forming part of that area.

Justification

Setting the TACs is a matter for Council and is therefore inappropriate to be included in the management plan. Furthermore, the amendment related to Article 2 paragraph 1a (new) provides for taking account of historic rights.

Amendment 10

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the STECF is not able to estimate the level of discards including slipped fish for the year preceding the year in which the latest scientific assessment has been made, the deduction shall be equal to the ***highest*** relative amount of discards including slipped fish scientifically estimated as having occurred within the last 15 years, ***but not lower than 5 %***.

2. Where the STECF is not able to estimate the level of discards including slipped fish for the year preceding the year in which the latest scientific assessment has been made, the deduction shall be equal to the ***average*** relative amount of discards including slipped fish scientifically estimated as having occurred within the last 15 years.

Justification

The purpose of this amendment is to provide a fairer methodology for estimating the level of discards in the circumstances outlined in the article.

Amendment 11

Proposal for a regulation
Article 7 – paragraph 1 – point (d)

Text proposed by the Commission

(d) a minimal total removal amount, including estimates of discards, of **75 000** tonnes.

Amendment

(d) a minimal total removal amount, including estimates of discards, of **between 70 000 and 80.000 tonnes. The Council shall decide the minimal total removal amount when setting the TAC in accordance with this Chapter.**

Justification

In line with an informal proposal from the Belgian Presidency in order to introduce some flexibility in the mode of calculation of the total removal, by setting lower and upper limits for the minimal total removal amount.

Amendment 12

Proposal for a regulation
Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

$1.07 * (75\ 000\ tonnes + (\text{reference TAC} * \text{weighting factor}) / 2)$

Amendment

$1.07 * (\text{minimal total removal amount} + (\text{reference TAC} * \text{weighting factor}) / 2)$

Justification

Linked to the previous amendment and in line with an informal proposal from the Belgian Presidency in order to introduce some flexibility in the mode of calculation of the total removal, by setting lower and upper limits for the minimal total removal amount.

Amendment 13

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Where the reference TAC to be used for calculating the first TAC was set for areas differing from those mentioned in Article 2, the reference TAC shall be calculated taking into account recent scientific

Amendment

deleted

advice on appropriate catch levels, or recent catch levels in the absence of such advice, relating to the ICES Divisions mentioned in Article 2.

Justification

No longer relevant (see justification to deletion of Recital 6).

Amendment 14

Proposal for a regulation Article 10

Text proposed by the Commission

*In the event that STECF advises **that the egg survey indices as defined in Article 3(e) or their weighting as referred to in Article 7(1)(c), or the constant factor referred to in Article 7(1)(a) are no longer appropriate in order to maintain a very low risk of stock depletion and a high yield, the Council shall decide on new values for those elements.***

Amendment

*In the event that STECF advises, **due to improved stock knowledge or an improved stock assessment method, that the weighting factor or the slope reflecting egg abundance as laid down in the Annex should be fixed or calculated differently, the Commission may adopt, by means of delegated acts in accordance with Article 10a and subject to the conditions of Articles 10b and 10c, modifications to the Annex in order to adapt those parameters to the new scientific advice.***

Justification

In line with Article 290 of the TFEU.

Amendment 15

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Exercise of the delegation

1. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of three

years following the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegated power at the latest six months before the end of the three-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 10b.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 10b and 10c.

Justification

In line with Article 290 of the TFEU.

Amendment 16

Proposal for a regulation
Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Revocation of the delegation

1. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating possible reasons for a revocation of the delegation of power.

3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Justification

In line with Article 290 of the TFEU.

Amendment 17

Proposal for a regulation Article 10 c (new)

Text proposed by the Commission

Amendment

Article 10c

Objections to delegated acts

1. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.

At the initiative of the European Parliament or the Council this period shall be extended by two months.

2. If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date started therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If either the European Parliament or the Council objects to the delegated act, it

shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Justification

In line with Article 290 of the TFEU.

Amendment 18

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Special fishing permit

Amendment

Fishing authorisation

Justification

The modification adapts the terminology in this Article so as to be consistent with the new Control Regulation.

Amendment 19

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. In order to fish for western horse mackerel, vessels shall hold a ***special fishing permit*** issued in accordance with Council Regulation (EC) No ***1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits***.

Amendment

1. In order to fish for western horse mackerel, vessels shall hold a fishing ***authorisation*** issued in accordance with ***Article 7 of Council Regulation (EC) No 1224/2009 (the Control Regulation)***.

Justification

The modification adapts the terminology in this article so as to be consistent with the new Control Regulation adopted by the Council on 20 November 2009.

Amendment 20

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. It shall be prohibited for any fishing vessel not holding a fishing **permit** as referred to in paragraph 1 to fish for, or retain on board, any quantity of horse mackerel while the vessel is engaged on a fishing trip that has included the presence of that vessel in one of the ICES Divisions mentioned in Article 2.

Amendment

2. It shall be prohibited for any fishing vessel not holding a fishing **authorisation** as referred to in paragraph 1 to fish for, or retain on board, any quantity of horse mackerel while the vessel is engaged on a fishing trip that has included the presence of that vessel in one of the ICES Divisions mentioned in Article 2.

Justification

The modification adapts the terminology in this Article so as to be consistent with the new Control Regulation.

Amendment 21

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 2, the master of a fishing vessel not holding a fishing authorisation as referred to in paragraph 1 may retain on board horse mackerel and enter the area referred to in paragraph 2, provided that the gear is lashed and stowed in accordance with the requirements laid down in Article 47 of Regulation (EC) No 1224/2009 and under the conditions laid down in paragraph 2b.

Justification

Technical amendment to clarify the wording and make reference to the provision of the new Control regulation.

Amendment 22

Proposal for a regulation

Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. In addition to the requirements laid down in Article 14 of Regulation (EC) 1224/2009, prior to entering the area referred to in paragraph 2, the master of the vessel in paragraph 3 shall make an entry in his logbook, indicating the date and time that the last fishing operation ended and specifying the intended port of landing. Where the vessel is subject to the requirements of Article 15 of Regulation (EC) No 1224/2009, the information shall be transmitted in accordance with that article. Quantities of horse mackerel on board the vessel and not recorded in the logbook shall be deemed to have been taken within the area.

Justification

Technical amendment to clarify the wording and to make reference to the provisions of the new Control regulation.

Amendment 23

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Each Member State shall establish and maintain a list of vessels holding the ***special permit*** referred to in paragraph 1 and make it available, on its official website, to the Commission and other Member States.

3. Each Member State shall establish and maintain a list of vessels holding the ***fishing authorisation*** referred to in paragraph 1 and make it available, on its official website, to the Commission and other Member States. ***The Member State shall incorporate that list into the secure part of the official website established in accordance with Article 114 of Regulation (EC) No 1224/2009.***

Justification

Technical adaptation to the adoption of the new Control Regulation.

Amendment 24

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Without prejudice to Chapter III of Council Regulation (EC) No 1006/2008, paragraphs 1 to 4 shall also apply to third country fishing vessels intending to fish for western horse mackerel in Union waters.

Justification

To clarify the provision.

Amendment 25

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall carry out with regard to western horse mackerel the administrative cross-checks and data verifications provided for in Article 19 of Regulation (EEC) No 2847/93. Particular emphasis shall be placed on the possibility of small pelagic species other than horse mackerel being reported as horse mackerel, and vice versa.

1. When carrying out the validation of data with regard to western horse mackerel in accordance with Article 109 of Council Regulation (EC) No 1224/2009, particular emphasis shall be placed on the possibility of small pelagic species other than horse mackerel being reported as horse mackerel, and vice versa.

Justification

Technical adaptation to the new Control Regulation.

Amendment 26

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. For vessels fitted with a vessel monitoring system (VMS), Member States shall verify, based on a representative sampling, that the information received at the fisheries monitoring centres (FMC) corresponds to activities recorded in the logbook by using VMS data. Such cross-checks shall be recorded in computer-readable form for a period of three years.
Particular emphasis shall be placed on the coherence of area data concerning activities observed in areas where horse mackerel stock boundaries meet, namely ICES Divisions VIIIc and IXa, IVa and IVb, VIIe and VIId.

Amendment

2. Particular emphasis shall ***also*** be placed on the coherence of area data concerning activities observed in areas where horse mackerel stock boundaries meet, namely ICES Divisions VIIIc and IXa, IVa and IVb, VIIe and VIId.

Justification

Except for specific provisions designed to counteract area and species misreporting in the framework of this Regulation, control and surveillance measures should be dealt with in the context of the new Control Regulation.

Amendment 27

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. Each Member State shall maintain and make available to the public, in particular on its official website, the contact details for the submission of logbooks and landing declarations.

deleted

Amendment

Justification

Control and surveillance measures should be dealt with in the context of the new Control Regulation.

Amendment 28

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Article 11 shall apply from the date of application of Articles 7 and 14 of Council Regulation (EC) No 1224/2009.

Justification

Technical amendment clarifying the provision.

EXPLANATORY STATEMENT

The proposal establishes a long-term plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock. The Commission laid down a legal management instrument for the stock of horse mackerel, according to available conservation reference points and long-term sustainability considerations. The proposal aims at ensuring an exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.

I. Historical background

The proposal dates from April 2009 and is based on the Implementation Plan of the UN World Summit on Sustainable Development in 2002 in Johannesburg. The Commission is committed to maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015.

Multi-annual plans and recovery plans were, beyond that, agreed during the reform of the Common Fisheries Policy (CFP) in 2002.

The Commission's proposal mirrors a welcome initiative by stakeholders organised in the Pelagic RAC.

After the entry into force of the Treaty on the Functioning of the European Union (TFEU) on 1 December 2009, this proposal moved from the consultation procedure to the ordinary legislative procedure.

II. Context of the proposal

The principal parts of the sector affected by this multi-annual plan are the owners, operators and crew of pelagic fishing vessels operating in the distribution area of the Western stock of Atlantic horse mackerel, i.e. in the North Sea, areas West of the British Isles, the Western English Channel, waters West of Brittany, the Bay of Biscay and North and Northwest of Spain.

The western stock is economically the most important stock of horse mackerel within EU waters.

The spawning stock biomass is not measurable as the scientific advice for the stock is based on inadequate data. As the most important fishery-independent source of information, international egg surveys for horse mackerel have been conducted every three years since 1977. Unfortunately, the resulting data has so far not allowed fisheries scientists to conclude a full stock assessment. However, using the information from the egg survey and knowledge about how many eggs a female produces during spawning time, scientists are in a position to estimate the relative abundance of spawning biomass of the stock. The proposed management plan addresses these difficulties and formulates with a new way of deciding on a total allowable catch that has a high probability of ensuring the long-term sustainability of the

stock.

A research project on the identification of the horse mackerel stock funded by the European Community in 2004 confirmed previous assumptions, that the stock distribution covers also waters off the Northern coast of Spain. As a result of this evidence and in view of the management of the stock, the management areas for the fixing of TACs were re-defined in the 2010 TACs & Quota Regulations, in order to coincide with the stock boundaries of the Western stock of horse mackerel (see Annex IA of Council Regulation 53/2010 and Annex I of Council Regulation 219/2010).

The present proposal tries to tackle the lack of stock information by establishing a formula for vessels involved in the horse mackerel fishery, regarding an annual ceiling of maximum allowable landings of horse mackerel harvested from defined areas. This formula is based on the best currently available scientific and biological indicators on the development of the stock.

Moreover, the Commission has laid down specific control and surveillance measures designed to counteract area and species misreporting in addition to the provisions of Council Regulation (EEC) No 2847/93 and of Commission Regulation (EC) No 1542/2007. The Council Regulation (EEC) No 2847/93 is now superseded by Council Regulation (EC) No 1224/2009 of 20 November 2009.

Finally, the Commission aims to carry out periodic evaluation and where appropriate, adaptations of this plan.

III. Assessment of the rapporteur

Overall, the rapporteur supports the Commission's proposal and in particular, he would like to stress the good cooperation between sector and scientists that provided the basis on which the plan was drafted. Given the limits to our knowledge of the horse mackerel spawning stock biomass, the plan tackles data and assessment difficulties in a rational manner. Moreover, the plan offers a degree of stability to the industry which is all the more important in these times of financial uncertainty.

With the present text the Commission is pursuing a way forward concerning multi-annual plans in general and the long-term plan on horse mackerel can be used as a model for future multi-annual plans dealing with the regulation of fishing opportunities within EU waters.

However, the rapporteur proposes the following amendments to the draft regulation.

Firstly, there are amendments that are necessary to adapt the proposal to the new legal basis under the TFEU and the ordinary legislative procedure (Article 43 (2) TFEU), as this proposal was submitted by the Commission before the entry into force of the TFEU and under the consultation procedure. Multi-annual plans are a cornerstone of the CFP and a fundamental conservation tool. Consequently, they include general provisions necessary for the pursuit of the objectives of the CFP (i.e. to ensure an exploitation of living resources that provides sustainable economic, environmental and social conditions) and must be adopted under the ordinary legislative procedure. Therefore, Article 43 (2) is the appropriate and sufficient legal basis for this Commission's proposal and the Council cannot reserve for itself the power to

adapt unilaterally the parameters defined in the proposal for setting the TAC.

As the science develops, the values used for the fixing of biological references could be subject to new and different scientific advice. In these circumstances, it is obvious that the plan should provide for the possibility of adapting the reference factors. The rapporteur proposes to delegate to the Commission, under Article 290 TFEU, the power to adapt one of the components of the formula laid down in Article 7, paragraph 1 (c) and in the Annex - the weighting factor or the slope reflecting egg abundance, in order to adapt that parameter to new scientific advice.

Furthermore, where the STECF is not able to estimate the level of discards including slipped fish (fish released in the water without being taken on board the vessel), the rapporteur suggests a fairer methodology than that proposed by the Commission. This would involve taking historic data on discards from the last 15 years into account. As the Pelagic RAC has pointed out, the setting of 5% as a minimum rate seems exorbitantly high in view of the average rate of the last 15 years, even taking into account an exceptionally high discard rate of 4% in 1996. Indeed, the rapporteur questions whether the Commission's proposal here has not more to do with penalising the industry for the failure of Member States to provide sufficient discard data rather than with the application of the precautionary principle in biological terms.

Regarding the area access for vessels fishing horse mackerel the rapporteur believes that it is necessary to create a more flexible rule than suggested by the Commission. It must be possible for vessels fishing in one area to be able to land the catch in a port in another area. The rapporteur would, for example like to highlight the issue of crossing the areas VIIId, IVbc and IIIa in order to reach area IVa (Norway). Otherwise, a vessel, fishing in the Northern area would be restricted to land its catch in a port in the new Northern area even though it might be far more convenient to land to a port in the new Western area. Therefore, the rapporteur suggests a system whereby the master of a fishing vessel has to keep record of catch and location by ensuring at the same time that his gear is lashed and stowed in accordance with the rules concerning the conservation of fisheries resources through technical measures.

Furthermore, the rapporteur also proposes several amendments to ensure that general control and surveillance measures be dealt with in the context of the Council Regulation (EC) No 1224/2009 of 20 November 2009, establishing a Community control system for ensuring compliance with the rules of the common fisheries policy. However, specific provisions designed to counteract area and species misreporting could be included in the framework of this multi-annual plan.

Most of the amendments mentioned above are included in the draft Council position agreed by the Council Working Party on 19 March 2010 during the Spanish Presidency and sent to the EP Committee on Fisheries. However, in the meantime, the Council suspended negotiations with the EP due to internal discussions on several legal and political issues raised by some Member States.

Finally, in line with a recent informal proposal of the Belgian Presidency, the rapporteur supports two amendments related to Article 7 and introducing some flexibility for the Council in the mode of calculation of the total removal, by setting lower and upper limits for the minimal total removal amount. These amendments aim to facilitate a compromise solution and to contribute to a constructive and positive approach regarding this legislative proposal.

The rapporteur sincerely hopes that this plan can be adopted and put in place as soon as possible and is confident that an agreement can be reached in the near future to ensure that measures arising out of the pursuit of the objectives of the CFP will be kept in the joint powers of the co-legislators.

PROCEDURE

Title	Multiannual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock			
References	COM(2009)0189 – C7-0010/2009 – 2009/0057(COD)			
Date submitted to Parliament	21.4.2009			
Committee responsible Date announced in plenary	PECH 14.7.2009			
Rapporteur(s) Date appointed	Pat the Cope Gallagher 1.9.2009			
Discussed in committee	21.7.2009	2.9.2009	1.10.2009	3.11.2009
	1.12.2009	14.7.2010	30.8.2010	
Date adopted	26.10.2010			
Result of final vote	+: -: 0:	22 0 1		
Members present for the final vote	Josefa Andrés Barea, Antonello Antinoro, Kriton Arsenis, Alain Cadec, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Marek Józef Gróbarczyk, Carl Haglund, Iliana Malinova Iotova, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Britta Reimers, Crescenzo Rivellini, Ulrike Rodust, Struan Stevenson, Catherine Trautmann, Jarosław Leszek Wałęsa			
Substitute(s) present for the final vote	Jean-Paul Basset, Ole Christensen, Diane Dodds, Raül Romeva i Rueda			
Date tabled	28.10.2010			