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REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock
(COM(2009)0399 – C7-0157/2009 – 2009/0112(COD))

Committee on Fisheries

Rapporteur: Izaskun Bilbao Barandica

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 Council establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock

(COM(2009)0399 – C7-0157/2009 – 2009/0112(COD))

(Ordinary Legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0399),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0157/2009),
 - 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(2) 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 (A7-0299/2010),
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.

¹ Not yet published in the Official Journal

Amendment 1

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The season for fishing anchovy in the Bay of Biscay runs from 1 July each year until 31 June of the following year. For the purposes of simplification, it is appropriate to provide for specific measures establishing the TAC for each fishing season and allocation of fishing opportunities between the Member States in a manner that complies with this management period and on the basis of the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF). ***This requires therefore following a procedure different from the procedure foreseen in Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.***

Amendment

(4) The season for fishing anchovy in the Bay of Biscay runs from 1 July each year until 31 June of the following year. For the purposes of simplification, it is appropriate to provide for specific measures establishing the TAC for each fishing season and allocation of fishing opportunities between the Member States in a manner that complies with this management period and on the basis of the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF). ***According to Article 43(3) TFEU, it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities. In view of the specificities of the anchovy fishery in the Bay of Biscay, it is appropriate that the Council establishes those measures in a way that allows the TACs and quotas to apply per fishing season.***

Amendment 2

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Where evaluation would show that the minimum spawning biomass level or the TAC levels established in the plan would no longer be appropriate, adaptation of the plan should be ensured. ***Considering that the establishment and allocation of fishing opportunities are measures of prime importance in the Common Fisheries Policy and have a direct impact on the socio-economic situation of the***

Amendment

(7) Where evaluation would show that the minimum spawning biomass level or the TAC levels established in the plan would no longer be appropriate, adaptation of the plan should be ensured. ***The Commission should therefore be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of modifications to the precautionary biomass level or the TAC levels indicated***

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.

in Annex I as corresponding to the respective biomass levels. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at experts' level.

Amendment 3

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The exploitation rule for setting the TAC proposed in the plan is based on estimates of spawning biomass for anchovy made in May and June of each year, immediately prior to the management period for the fishing season from 1 July to 30 June. If improvements are made to the scientific monitoring of the stock, enabling a sufficiently reliable prediction to be made of recruitment at the start of each year, it may be possible to improve the exploitation strategy for the fishery that would justify adapting this long-term plan for anchovy.

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) Control measures in addition to those provided for by in **Council Regulation (EEC) No 2847/93 Of 12 October 1993 establishing a control system applicable to the common fisheries policy** should be introduced to ensure compliance with the measures laid down in this Regulation. Having regard to the large number of vessels of less than 15 meters length that is involved in the anchovy fishery, it is

(8) Control measures 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No**

appropriate to extend the obligations laid down in Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems to all vessels fishing for anchovy.

509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 should be introduced to ensure compliance with the measures laid down in this Regulation. Having regard to the large number of vessels of less than 15 meters length that is involved in the anchovy fishery, it is appropriate to extend the obligations laid down in **Article 9 of that Regulation and in** Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems to all vessels fishing for anchovy.

Amendment 5

Proposal for a regulation Article 3 - point e

Text proposed by the Commission

(e) 'current biomass' means the median size of the biomass of the anchovy stock **in a** fishing season.

Amendment

(e) "current biomass" means the median size of the biomass of the anchovy stock **by reference to the May-June period immediately preceding the start of the** fishing season **for which the TAC is to be set.**

Amendment 6

Proposal for a regulation Article 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) "monitoring system for the anchovy stock" means the procedures for the direct assessment of the anchovy stock that will enable the STECF to establish the level of current biomass. Those procedures currently consist of the acoustic surveys in May and June and the

daily egg production method.

Amendment 7

Proposal for a regulation

Article 4 - point b

Text proposed by the Commission

(b) to guarantee, as far as possible, the stability of the fishery while maintaining a low risk of stock collapse.

Amendment

(b) to guarantee, as far as possible, the **long-term** stability of the fishery, **which is a prerequisite for ensuring the economic and ecological sustainability of the fisheries sector**, while maintaining a low risk of stock collapse.

Amendment 8

Proposal for a regulation

Article 5 - paragraph 2 - introductory part

Text proposed by the Commission

2. Where, due to **lack of sufficiently accurate and representative information**, the STECF is not able to give an **advice on** the current biomass, the TAC and quotas shall be as follows:

Amendment

2. Where, due to **either a shortcoming in the monitoring system or insufficiently precise or inconsistent estimates of the current biomass level**, the STECF is not able to give an **assessment of** the current biomass, the TAC and quotas shall be as follows:

Amendment 9

Proposal for a regulation

Article 5 - paragraph 3

Text proposed by the Commission

3. Each year, the Commission shall inform the Member States concerned of the STECF advice and shall confirm the TAC and quotas corresponding thereto in accordance with Annex I and applicable for the fishing season starting as of 1 July

Amendment

3. Each year, the Commission shall inform the Member States concerned of the STECF advice and shall confirm the TAC and quotas corresponding thereto in accordance with Annex I and applicable for the fishing season starting as of 1 July

of that year and publish it in the C-edition of the Official Journal of the European Union and on the Commission's website.

of that year and publish it in the C-edition of the Official Journal of the European Union and on the Commission's website.

Where necessary, the Commission shall announce an indicative TAC by 1 July, pending the setting of a definitive TAC within 15 days following the start of the season.

Amendment 10

Proposal for a regulation Article 6

Text proposed by the Commission

Adaptation of measures

In the event that STECF advises that the precautionary biomass level in Article 3 or the TAC levels indicated in Annex I as corresponding to the respective biomass levels are no longer appropriate to allow the sustainable exploitation of the anchovy stock, ***the Council shall decide on new values for those levels acting in accordance with the procedure laid down in article 20 of Regulation (EC) No 2371/2002.***

Amendment

Delegation of powers

In the event that STECF advises that the precautionary biomass level in Article 3 or the TAC levels indicated in Annex I as corresponding to the respective biomass levels are no longer appropriate to allow the sustainable exploitation of the anchovy stock, ***the Commission may adopt, by means of delegated acts in accordance with Articles 6a and subject to the conditions of Articles 6b and 6c, new values for those levels.***

Amendment 11

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Exercise of the delegation

1. The powers to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for a period of 3 years following the entry into force of this Regulation. The Commission shall make a report in respect of the delegated powers at the latest 6 months before the end of

the 3 year period. The delegation of powers shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 6b.

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 powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 6b and 6c.

Amendment 12

Proposal for a regulation Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6b

Revocation of the delegation

1. The delegation of powers referred to in Article 6 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 powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation .

3. The decision of revocation shall put an end to the delegation of the powers 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

Amendment 13

**Proposal for a regulation
Article 6 c (new)**

Text proposed by the Commission

Amendment

Article 6c

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, that period shall be extended by two months.

2. If, on expiry of that period, 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 at the date stated 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 the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment 14

**Proposal for a regulation
Article 7**

Text proposed by the Commission

Amendment

Article 7

deleted

Relationship with Regulation (EC) No 847/96

Article 5(2) of Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas shall apply to the TAC and quotas applicable to each fishing season in accordance with this Chapter.

Amendment 15

**Proposal for a regulation
Article 8**

Text proposed by the Commission

Article 8

Relationship with Regulation *(EEC)*
No 2847/93

The control measures provided for in this Chapter shall apply in addition to those prescribed in Regulation *(EEC) No 2847/93 and Chapter V of Council Regulation (EC) No 2371/2002 and their* implementing rules.

Amendment

Article 8

Relationship with Regulation *(EC)*
No 1224/2009

The control measures provided for in this chapter shall apply in addition to those prescribed in Regulation *(EC) No 1224/2009 and its* implementing rules.

Amendment 16

**Proposal for a regulation
Article 10**

Text proposed by the Commission

In addition to **Article 22(1)(b) of Regulation (EC) No 2371/2002**, the obligations laid down in Commission Regulation (EC) No 2244/2003 shall apply **as from 1 July 2010** to those vessels referred to in **Article 9** not exceeding 15 meters length overall.

Amendment

In addition to **Article 9 of Regulation (EC) No 1224/2009**, the obligations laid down in Commission Regulation (EC) No 2244/2003 shall apply to those vessels referred to in **Article 10 of this Regulation** not exceeding 15 meters length overall. **Paragraph 5 of Article 9 of Regulation (EC) No 1224/2009 shall not apply.**

Amendment 17

Proposal for a regulation Article 11 - paragraph 1

Text proposed by the Commission

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

Amendment

1. *When carrying out the validation of data in accordance with Article 109(2) of Regulation (EC) No 1224/2009 with regard to anchovy, the authorities of the Member States responsible for fisheries monitoring, shall place particular emphasis on the possibility of species other than anchovy being reported as anchovy, and vice versa.*

Amendment 18

Proposal for a regulation Article 11 - paragraph 2

Text proposed by the Commission

2. *Member States shall verify 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.*

Amendment

deleted

Amendment 19

Proposal for a regulation Article 11 - paragraph 3

Text proposed by the Commission

3. *Each Member State shall maintain and make available on its official website the contact details for the submission of logbooks and landing declarations.*

Amendment

deleted

Amendment 20

Proposal for a regulation Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Weighing of anchovy

The master of a fishing vessel shall ensure that any quantity of anchovy caught in the area set out in Article 2 kept on board or landed in a Community port shall be weighed on board or in the port of landing before sale or before being transported elsewhere. The scales used for the weighing shall be approved by the competent national authorities. The figure resulting from the weighing shall be used for the declaration referred to in Article 8 of Regulation (EEC) No 2847/93.

Amendment 21

Proposal for a regulation Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Prohibition of transshipping

The transshipment of anchovy at sea shall be prohibited in the area referred to in Article 2.

Amendment 22

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. The master of a Community fishing vessel, or his or her representative, prior to any entry into port or any landing location of a Member State carrying more

1. By way of derogation from Articles 17, paragraph 1, and 18, paragraph 1, of Regulation (EC) No 1224/2009, the time limit for prior notification to the

than one tonne of anchovy on board shall inform the competent authorities of that Member State, at least four hours in advance of such entry, of:

(a) the name of the port or landing location;

(b) the estimated time of arrival at that port or landing location;

(c) the quantities in kg live weight of all species of which more than 50 kg is retained on board.

competent authorities of the flag Member State shall be set at one hour before the estimated time of arrival at port.:

Amendment 23

Proposal for a regulation Article 14 - paragraph 2

Text proposed by the Commission

2. The competent authorities of a Member State in which a landing of more than one tonne of anchovy is to be made may require that the discharge of catch retained on board shall not commence until authorized by those authorities.

Amendment

2. The competent authorities of a Member State in which a landing of more than one tonne of anchovy is to be made may require that the discharge of catch retained on board shall not commence until authorized by those authorities. ***However, the landings should not in any event be postponed or delayed beyond the time at which the fish quality or sale value is reduced.***

Amendment 24

Proposal for a regulation Article 14 - paragraph 3

Text proposed by the Commission

3. The master of a Community fishing vessel, or his or her representative, wishing to transship or discharge at sea any quantity retained on board or to land in a port or landing location of a third country shall inform the competent authorities of the flag Member State, at least 24 hours prior to transshipping or

Amendment

deleted

discharging at sea or to landing in a third country, of the information referred to in paragraph 1.

Amendment 25

Proposal for a regulation Article 15 - paragraph 1

Text proposed by the Commission

Amendment

1. Where more than one tonne of anchovy is to be landed in the Community from a Community fishing vessel, the master of the vessel shall ensure that such landings are made only at designated ports. *deleted*

Amendment 26

Proposal for a regulation Article 15 - paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall designate ports into which any landing of anchovy in excess of one tonne shall take place.

2. *The State and regional authorities of* each Member State shall designate ports into which any landing of anchovy in excess of one tonne shall take place.

Justification

Need to support the competent regional administrations in their monitoring, inspection and surveillance work, since this is what actually occurs.

Amendment 27

Proposal for a regulation Article 15 - paragraph 3

Text proposed by the Commission

Amendment

3. Each Member State shall make publicly available on their official website within 15 days of the entry into force of this Regulation the list of designated ports *deleted*

and, within 30 days thereafter, the associated inspection and surveillance procedures for those ports, including the terms and conditions for recording and reporting the quantities of anchovy within each landing.

Amendment 28

Proposal for a regulation Article 16

Text proposed by the Commission

By way of derogation from *Article 5(2) of Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States catches of fish*, the permitted margin of tolerance, in the estimation of quantities, in kg retained on board, shall be **5 %** of the logbook figure.

Amendment

By way of derogation from *Article 14(3) of Regulation No 1224/2009*, the permitted margin of tolerance, in the estimation of quantities, in kg retained on board, shall be **10 %** of the logbook figure.

Amendment 29

Proposal for a regulation Article 18

Text proposed by the Commission

Article 18

Transport of anchovy

1. The competent authorities of a Member State may require that any quantity of anchovy caught in any of the area referred to in Article 2 and first landed in that Member State is weighed in the presence of controllers before being transported elsewhere from the port of first landing. For anchovy first landed in a port designated pursuant to Article 15, representative samples, amounting to at least 20 % of the landings in number shall be weighed in the presence of controllers

Amendment

deleted

authorized by the Member States before they are offered for first sale and sold. To this end, the Member States shall submit to the Commission, within one month of the date of entry into force of this Regulation, details of the sampling regime to be employed.

2. By way of derogation from Article 13 of Regulation (EEC) No 2847/93, all quantities of anchovy greater than 50 kg which are transported to a place other than that of first landing or import shall be accompanied by a copy of one of the declarations provided for in Article 8(1) of that Regulation pertaining to the quantities of anchovy transported. The exemption provided for in Article 13(4)(b) of that Regulation shall not apply.

Amendment 30

Proposal for a regulation Article 19 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States with vessels concerned by this Regulation shall define a national control action programme in accordance with Annex II and shall ensure that the sampling plans referred to in Article 6(6) of Regulation (EC) No 2847/93 put particular emphasis on the monitoring of the activities of those vessels.

deleted

Amendment 31

Proposal for a regulation Article 19 - paragraph 2

Text proposed by the Commission

Amendment

2. Before 30 September each year, Member States with vessels concerned by this Regulation shall make available to

Deleted

the Commission and other Member States concerned by this Regulation on its official website their national control action programmes together with an implementation schedule as well as the sampling plans referred to in paragraph 1.

Amendment 32

Proposal for a regulation Article 19 - paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall provide information to the South Western Waters Regional Advisory Council (SWWRAC) on the implementation of national control action programmes and the results obtained.

Justification

The sector in the South RAC is affected, and this will improve the management of the new plan.

Amendment 33

Proposal for a regulation Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Inspection benchmarks

The national control action programmes referred to in Article 21 shall set specific inspection benchmarks. Such benchmarks shall be revised periodically after an analysis has been made of the results achieved. Inspection benchmarks shall evolve progressively until the target benchmarks defined in Annex III are reached.

Amendment 34

Proposal for a regulation Article 21

Text proposed by the Commission

Amendment

Article 21
**Specific control and inspection
programmes**

deleted

*By way of derogation from Article 34c(1)
of Regulation (EEC) No 2847/93, the
specific control and inspection
programme for the anchovy stock may
last more than three years from their date
of entry into force.*

Amendment 35

Proposal for a regulation Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21 a

**Specific control and inspection
programme**

*The Commission may decide on a Specific
Control and Inspection programme in
accordance with Article 95 of Regulation
(EC) 1224/2009.*

Amendment 36

Proposal for a regulation Annex I - paragraph 1 - equation - line 3

Text proposed by the Commission

Amendment

$\left\{ \gamma \hat{S}S\hat{B}_\gamma, TAC \max \right\}$ if $\hat{S}S\hat{B}_\gamma \geq B_{pa}$

MIN $\left\{ \gamma \hat{S}S\hat{B}_\gamma, TAC \max \right\}$ if $\hat{S}S\hat{B}_\gamma \geq B_{pa}$

Justification

The term MIN is necessary to reflect the fact that this is the minimum of the two values, $\hat{S}S\hat{B}$ or TAC max.

EXPLANATORY STATEMENT

1. Context

The anchovy fishery in the Bay of Biscay, zone VIII, is of great socio-economic importance. This fishery has been closed since 2005, and the fleet has declined from 391 vessels in 2005 to 239 vessels in 2009 (198 seiners with an average of 12 crew members and 41 trawlers with an average of six crew members), directly affecting more than 2500 families. This closure has caused serious damage to the groups concerned (fishermen, net menders, canning industry, etc.). The loss of income has not been covered by the compensatory aid granted by the Member States.

It should also be mentioned that the closure of the fishery has resulted in fishing effort being transferred to other species, chiefly pelagic species (57%) and tuna (29%).

2. Drafting of the proposal and report

The people working in the sector affected, fishermen's associations, the corresponding federations and the South RAC have been closely involved in drafting the proposal, which has also drawn on the rigorous work undertaken by scientists from the AZTI, IEO and IFREMER.

The process of drawing up the LTMP, the Long-Term Management Plan, was launched by the Commission in 2007, two years after the collapse of the fishery and the stock (which has still not recovered). It responds to the overriding need to rationalise the exploitation of the resource, since previously there had been only a TAC set with little reference to the state of the stock.

The introduction of this plan will make it possible to remove the management of anchovy from the political negotiation in December of each year, placing it on course to achieve the objectives for the management of European resources in the long term, thereby guaranteeing sustainability and maximum yield as laid down in Regulation 2371/2002.

The process of drawing up the proposed management plan was a positive one: it was transparent and participative, allowing for interaction between fishermen and stakeholders (through the South Western Waters Regional Advisory Council (South RAC)), scientists and Commission representatives in discussing the best way of exploiting the resource. Everyone was heard and the various ideas and standpoints were clearly expressed. This interactive process enriched the definition of the rules on exploitation under review in various ways.

3. Content of the proposal and report

The proposal is based on wide-ranging studies by the Scientific, Technical and Economic Committee for Fisheries (STEF) on ways of exploiting the resource in relation to the management objectives and in line with current scientific monitoring of the resource. Two meetings were held in 2008 to evaluate various options for the exploitation of the resource, culminating in additional studies in 2009.

The exploitation rule defines the TAC (or allowable catch level) in the fishery for each year (from July to June of the following year), immediately after the assessment of the stock in line with the fishing seasons in May of each year, thus immediately making maximum use of this information.

It incorporates elements of the TAC restrictions in a maximum (33 000 t) or a minimum (7 000 t) quota, some of which were proposed by fishermen themselves and which have been shown to offer benefits for economic conditions in the fishery.

The draft report introduces an exploitation rule that will maximise catches, based on precautionary principles, in line with the proposal supported by the South RAC, with a risk level slightly over 10% (in contrast to the Commission proposal, which envisages a 25% reduction by comparison with the TAC and quotas applicable in the previous fishing season). The economic efficiency of the exploitation rule proposed in the report is close to the maximum economic levels which can be expected for this fishery.

4. Participation of the sector

The fishermen's federations affected by the anchovy fishery in the Bay of Biscay, zone VIII, the RAC and representatives of the oceanographical institutes that played a part in drawing up the proposal were invited to the meeting of the Committee on Fisheries on 1 October 2009. This gave the various parliamentary groups an opportunity to hear their points of view and comments on the Commission proposal.

The draft report reflects the sector's positions.

5. Articles relating to Chapter IV, Monitoring, Inspection and Surveillance (Articles 8 to 22)

The Council approved the regulation on the long-term plan for anchovy at the end of July. In accordance with parliamentary rules, the document will be dealt with in plenary at the December part-session. The document contains 25 articles. The chapter on monitoring, inspection and surveillance comprises Articles 8 to 22.

While examining the plan, your rapporteur became aware that the Council was working on the new control regulation (on which Parliament delivered an opinion in the previous parliamentary term), which it intends to approve in mid-October and which will have a direct impact on Articles 8 to 22 of the plan for the anchovy fishery. At the November part-session the Committee on Fisheries will be debating an anchovy plan whose articles will probably have already been modified by the new Council regulation.

In order to clarify the situation, avoid contradictions, provide full information to Members and integrate the sector's perspective as far as possible, your rapporteur held a meeting with those responsible in the Commission. Following this contact, your rapporteur can state only that Articles 9, 10, 11, 12, 13, 14, 16, 17 and 18 will be affected. Some will be upheld, others will be transferred to the general control regulation that the Council intends to adopt this month, and others will be modified. Your rapporteur would draw attention to this strange situation, which she has sought to clarify. In the absence of any kind of document from the Council, it is

impossible to provide more information. This does not appear to be the most appropriate way of proceeding, but this is the situation with which we are faced. In spite of this situation, your rapporteur has proposed a number of amendments to these articles in the draft report. However, it is possible that fresh amendments will have to be tabled at the appropriate time in order to harmonise the two texts.

PROCEDURE

Title	Long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock			
References	COM(2009)0399 – C7-0157/2009 – 2009/0112(COD)			
Date submitted to Parliament	29.7.2009			
Committee responsible Date announced in plenary	PECH 17.9.2009			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 17.9.2009			
Not delivering opinions Date of decision	ENVI 2.9.2009			
Rapporteur(s) Date appointed	Izaskun Bilbao Barandica 1.9.2009			
Discussed in committee	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	+: 13			
	–: 9			
	0: 0			
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	29.10.2010			