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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area
(COM(2009)0477 – C7-0204/2009 – 2009/0129(COD))

Committee on Fisheries

Rapporteur: Crescenzo Rivellini

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 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (COM(2009)0477 – C7-0204/2009 – 2009/0129(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0477),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0204/2009),
 - 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 (A7-0023/2011),
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 and the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

Amendment

Proposal for a **Council** Regulation on

Proposal for a **Regulation of the European**

¹ OJ C 354, 28.12.2010, p. 71.

certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area development of the stock size.

Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area

Amendment 2

Proposal for a regulation Citation 1

Text proposed by the Commission

Having regard to the Treaty **establishing the European Community**, and in particular Article 37 thereof,

Amendment

Having regard to the Treaty **on the Functioning of the European Union** and in particular Article 43(2) thereof,

Amendment 3

Proposal for a regulation Citation 3

Text proposed by the Commission

Having regard to the opinion of the European Parliament,

Amendment

deleted

Amendment 4

Proposal for a regulation Citation 3 a (new)

Text proposed by the Commission

Amendment

Having regard to the opinion of the European Economic and Social Committee,

Amendment 5

Proposal for a regulation Citation 3b (new)

Text proposed by the Commission

Amendment

*Acting in accordance with the ordinary
legislative procedure,*

Amendment 6

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) The *European Community*, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the GFCM.

(3) The *EU*, as well as Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the GFCM.

Amendment 7

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) Recommendations adopted by GFCM are binding on its Contracting Parties. As the *Community* is a contracting party to the GFCM, these recommendations are binding on the *Community* and should therefore be transposed, where their content is not already covered by *Community* legislation, into *Community* law.

(4) Recommendations adopted by GFCM are binding on its Contracting Parties. As the *EU* is a contracting party to the GFCM, these recommendations are binding on the *EU* and should therefore be transposed, where their content is not already covered by *EU* legislation, into *EU* law.

Amendment 8

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) At its Annual Sessions in 2005, 2006, 2007 and 2008 the GFCM adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement Area which have been temporarily transposed into **Community** law by the annual regulations on fishing opportunities or, in the case of GFCM recommendations 2005/1 and 2005/2, by Articles 4(3) and 24 of Regulation 1967/2006.

Amendment

(5) At its Annual Sessions in 2005, 2006, 2007 and 2008 the GFCM adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement Area which have been temporarily transposed into **EU** law by the annual regulations on fishing opportunities or, in the case of GFCM recommendations 2005/1 and 2005/2, by Articles 4(3) and 24 of Regulation 1967/2006.

Amendment 9

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) For reasons of clarity, simplification and legal certainty, and since the permanent character of recommendations requires also a permanent legal instrument for their transposition into **Community** law, it is appropriate to transpose these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act.

Amendment

(6) For reasons of clarity, simplification and legal certainty, and since the permanent character of recommendations requires also a permanent legal instrument for their transposition into **EU** law, it is appropriate to transpose these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act.

Amendment 10

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) GFCM recommendations apply to the

Amendment

(7) GFCM recommendations apply to the

entire GFCM agreement area, notably the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II to Council Decision 1998/416/EC of 16 June 1998 and therefore, for reasons of clarity of **Community** legislation, should be transposed in a single separate regulation rather than through amendments to Regulation (EC) No 1967/2006 which only covers the Mediterranean Sea.

Amendment 11

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) At its Annual Session in 2008 the GFCM adopted a recommendation on a regional scheme of Port State measures to combat Illegal, Unreported and Unregulated (IUU) fishing in the GFCM Area. While the **Community** regulation on IUU fishing covers generally the content of this recommendation and **will enter** into force on 1 January 2010, there are nevertheless some aspects such as the frequency, coverage and procedure for port inspections which need to be referred to in this Regulation in order to adapt the measure to the specificities of the GFCM area.

Amendment 12

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) ***The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedure for the***

entire GFCM agreement area, notably the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II to Council Decision 1998/416/EC of 16 June 1998 and therefore, for reasons of clarity of **EU** legislation, should be transposed in a single separate regulation rather than through amendments to Regulation (EC) No 1967/2006 which only covers the Mediterranean Sea.

Amendment

(13) At its Annual Session in 2008 the GFCM adopted a recommendation on a regional scheme of Port State measures to combat Illegal, Unreported and Unregulated (IUU) fishing in the GFCM Area. While the **EU** regulation on IUU fishing covers generally the content of this recommendation and **entered** into force on 1 January 2010, there are nevertheless some aspects such as the frequency, coverage and procedure for port inspections which need to be referred to in this Regulation in order to adapt the measure to the specificities of the GFCM area.

Amendment

(14) ***The measures necessary for the implementation of this Regulation should be adopted by means of implementing acts in accordance with Article 291 of the Treaty on the Functioning of the***

exercise of implementing powers conferred to the Commission⁸. In order to ensure that additional measures adopted by GFCM which become obligatory for the Community can be implemented within the timeframe set out in the GFCM Agreement, amendments to transpose conservation and control or enforcement recommendations may be adopted following the same procedure.

European Union (TFEU). According to that Article, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁸ continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.

Amendment 13

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the incorporation into EU law of future amendments to those GFCM measures for conservation, control or enforcement, as already transposed into EU law, which form the subject matter of certain explicitly defined non-essential elements of this Regulation and which become binding upon the European Union and its Member States in accordance with the terms of the General Fisheries Commission for the Mediterranean (GFCM). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment 14

Proposal for a regulation Article 1

Text proposed by the Commission

This Regulation lays down the rules for the application by the **Community** of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the **General Fisheries Commission for the Mediterranean** (hereinafter GFCM).

Amendment

This Regulation lays down the rules for the application by the **EU** of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the **General Fisheries Commission for the Mediterranean** (hereinafter GFCM).

Amendment 15

Proposal for a regulation Article 2 - paragraph 1 - subparagraph 1

Text proposed by the Commission

1. This Regulation applies to all commercial fishing and aquaculture activities conducted by **Community** fishing vessels and nationals of Member States in the GFCM Agreement Area.

Amendment

1. This Regulation applies to all commercial fishing and aquaculture activities conducted by **EU** fishing vessels and nationals of Member States in the GFCM Agreement Area.

Amendment 16

Proposal for a regulation Article 6

Text proposed by the Commission

The Member States shall submit to the Commission in electronic format, not later than **by 30 September 2009**, a list of vessels flying their flag that had a track record of fishing during the year 2008 in the area referred to in Article 4 and in GFCM Geographical subarea 7 as defined in Annex I. The list shall contain the name of the vessel, its **Community** Fleet Register number, the period for which the vessel

Amendment

The Member States shall submit to the Commission in electronic format, not later than **20 working days after the entry into force of this Regulation**, a list of vessels flying their flag that had a track record of fishing during the year 2008 in the area referred to in Article 4 and in GFCM Geographical subarea 7 as defined in Annex I. The list shall contain the name of the vessel, its **EU** Fleet Register number,

was authorised to fish in the area referred to in Article 4 and the number of days spent by each vessel in the year 2008 in Geographical subarea 7 and more specifically in the area referred to in Article 4.

the period for which the vessel was authorised to fish in the area referred to in Article 4 and the number of days spent by each vessel in the year 2008 in Geographical subarea 7 and more specifically in the area referred to in Article 4.

Amendment 17

Proposal for a regulation Article 7 – paragraph 3 - introductory part

Text proposed by the Commission

3. Member States shall communicate to the Commission, not later than **by 30 September 2009**, the national legislation in force at 31 December 2008 concerning

Amendment

3. Member States shall communicate to the Commission, not later than **20 working days after the entry into force of this Regulation**, the national legislation in force at 31 December 2008 concerning

Amendment 18

Proposal for a regulation Article 11

Text proposed by the Commission

Member States shall ensure ***the protection of the deep-sea sensitive habitats in the areas referred to in Article 10 and shall ensure in particular that those areas are protected*** from the impacts of any other ***activity than fishing*** activity jeopardising the conservation of the features that characterise those habitats.

Amendment

Member States shall ensure ***that their competent authorities are called upon to protect*** the deep-sea sensitive habitats in the areas referred to in Article 10 in particular from the impacts of any other activity jeopardising the conservation of the features that characterise those habitats.

Amendment 19

Proposal for a regulation

Article 12 – paragraph 4 - point b

Text proposed by the Commission

(b) the name of the vessel and its *Community* Fleet Register number.

Amendment

(b) the name of the vessel and its *EU* Fleet Register number.

Amendment 20

Proposal for a regulation

Article 13 -paragraph 1

Text proposed by the Commission

Fishing vessels authorised to participate in the common dolphinfish fishery shall be granted a special fishing permit in accordance with Regulation (EC) No 1627/94 and shall be included in a list containing the name of the vessel and its *Community* Fleet Register number, to be provided to the Commission by the Member State concerned. Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 meters shall be required to have a special fishing permit.

Amendment

Fishing vessels authorised to participate in the common dolphinfish fishery shall be granted a special fishing permit in accordance with Regulation (EC) No 1627/94 and shall be included in a list containing the name of the vessel and its *EU* Fleet Register number, to be provided to the Commission by the Member State concerned. Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 meters shall be required to have a special fishing permit.

Amendment 21

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. The diamond mesh nets used in the in the Mediterranean Sea in accordance with point 2 of Article 9(3) of Regulation (EC) No 1967/2006 for trawling activities exploiting demersal stocks must have an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end.

Amendment

deleted

Amendment 22

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from Article 8(1)(h) and from point (2) of Article 9(3) of Regulation (EC) No 1967/2006, until 31 May 2010 Member States may continue to authorise fishing vessels flying their flag to use a codend mesh size smaller than 40 mm diamond in certain local and seasonal demersal trawl fisheries exploiting fish stocks that are not shared with third countries. *deleted*

Amendment 23

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Paragraph 2 shall apply only to fishing activities formally authorised by Member States in accordance with national law in force on 1 January 2007 and shall not involve any increase in fishing effort with respect to the year 2006. *deleted*

Amendment 24

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall submit to the Commission by 15 January 2010, through the accustomed data-processing support, the list of vessels authorised in accordance with paragraph 2, containing *deleted*

the following information:

*(a) the name of the vessel and its
Community Fleet Register number;*

*(b) the authorised fishery(ies) carried out
by each vessel defined in terms of target
stock(s), the fishing area as set out in
Annex I and the technical mesh size
characteristics of the fishing gear
deployed;*

(c) the authorised fishing period.

Amendment 25

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

Amendment

*5. The Commission shall forward the
information referred to in paragraph 4 to
the Executive Secretary of the GFCM.*

deleted

Amendment 26

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States whose fishing vessels conduct trawling activities exploiting demersal stocks in the Black Sea shall submit to the Commission, for the first time by 1 October **2009** and subsequently every 6 months, the list of fishing vessels, and their percentage out of the whole national demersal trawl fleet equipped with a square-meshed net of at least 40 mm at the cod-end or diamond meshed nets of at least 50mm.

3. Member States whose fishing vessels conduct trawling activities exploiting demersal stocks in the Black Sea shall submit to the Commission, for the first time by 1 October **2011** and subsequently every 6 months, the list of fishing vessels, and their percentage out of the whole national demersal trawl fleet equipped with a square-meshed net of at least 40 mm at the cod-end or diamond meshed nets of at least 50mm.

Amendment 27

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. Before 1 December **2009** each Member State shall send the Commission, through the accustomed data-processing support, an updated list of the vessels of more than 15 metres overall length flying its flag and registered in its territory that it authorises to fish in the GFCM area by issue of a fishing *permit*.

Amendment

1. Before 1 December *of each year* each Member State shall send the Commission, through the accustomed data-processing support, an updated list of the vessels of more than 15 metres overall length flying its flag and registered in its territory that it authorises to fish in the GFCM area by issue of a fishing *authorisation*.

Amendment 28

Proposal for a regulation Article 18 – paragraph 2 - point a

Text proposed by the Commission

(a) vessel's *Community* fleet register number (CFR), and external marking as defined in Annex I to Council Regulation (EC) No 26/2004;

Amendment

(a) vessel's *EU* fleet register number (CFR), and external marking as defined in Annex I to Council Regulation (EC) No 26/2004;

Amendment 29

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The Commission shall send the updated list to the GFCM Executive Secretariat before 1 January **2010** so that these vessels can be entered on the GFCM register of vessels of more than 15 metres in overall length authorised to fish in the GFCM Agreement area (hereinafter referred to as the GFCM register).

Amendment

3. The Commission shall send the updated list to the GFCM Executive Secretariat before 1 January *of each year* so that these vessels can be entered on the GFCM register of vessels of more than 15 metres in overall length authorised to fish in the GFCM Agreement area (hereinafter referred to as the GFCM register).

Amendment 30

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

5. **Community** fishing vessels of more than 15 metres in overall length that are not entered on the list indicated in paragraph 1 shall not fish, retain on board, tranship or land any type of fish or shellfish within the GFCM area.

Amendment

5. **EU** fishing vessels of more than 15 metres in overall length that are not entered on the list indicated in paragraph 1 shall not fish, retain on board, tranship or land any type of fish or shellfish within the GFCM area.

Amendment 31

Proposal for a regulation Article 18 – paragraph 6 - point a

Text proposed by the Commission

(a) only vessels flying their flag that are included in the list indicated in paragraph 1 and hold on board a fishing **permit** issued by them are authorised, under the terms of the **permit**, to carry out fishing activities in the GFCM area;

Amendment

(a) only vessels flying their flag that are included in the list indicated in paragraph 1 and hold on board a fishing **authorisation** issued by them are authorised, under the terms of the **authorisation**, to carry out fishing activities in the GFCM area;

Amendment 32

Proposal for a regulation Article 18 – paragraph 6 - point b

Text proposed by the Commission

(b) no fishing **permit** is issued to vessels that have carried out illegal, unregulated and unreported fishing in the GFCM area or elsewhere (IUU fishing), unless the new owners provide adequate documentary evidence that the previous owners and operators have no longer any legal, beneficial or financial interest in, or exercise any control over, their vessels, or that their vessels neither take part in nor are associated with IUU fishing;

Amendment

(b) no fishing **authorisation** is issued to vessels that have carried out illegal, unregulated and unreported fishing in the GFCM area or elsewhere (IUU fishing), unless the new owners provide adequate documentary evidence that the previous owners and operators have no longer any legal, beneficial or financial interest in, or exercise any control over, their vessels, or that their vessels neither take part in nor are associated with IUU fishing;

Amendment 33

Proposal for a regulation Article 20

Text proposed by the Commission

By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008 *[and Article 1 of Regulation EC No XX/XXXX [the IUU implementing Regulation]]* the period for prior notification shall be at least 72 hours before the estimated time of arrival at the port.

Amendment

By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008 the period for prior notification shall be at least 72 hours before the estimated time of arrival at the port.

Amendment 34

Proposal for a regulation Article 23 – paragraph 1 - introductory part

Text proposed by the Commission

1. Member States shall not allow a third-country vessel to use their ports for landing, transshipping or processing of fisheries products caught in the GFCM area and deny it access to port services, including, *inter alia*, refuelling and resupplying services, except in cases of *force majeure* or distress within the meaning of Article 18 of the UNCLOS for services strictly necessary to remedy those situations, if:

Amendment

1. Member States shall not allow a third-country vessel to use their ports for landing, transshipping or processing of fisheries products caught in the GFCM area and **shall** deny it access to port services, including, *inter alia*, refuelling and resupplying services, except in cases of *force majeure* or distress within the meaning of Article 18 of the UNCLOS for services strictly necessary to remedy those situations, if:

Amendment 35

Proposal for a regulation Article 23 – paragraph 1 - point a

Text proposed by the Commission

(a) the vessel *is not flying the flag of a*

Amendment

(a) the vessel *does not comply with the*

GFCM Contracting Party; or

requirements of this Regulation; or

Amendment 36

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. Member States shall take measures to share by electronic means information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the measures under *this Section*.

Amendment

3. Member States shall take measures to share by electronic means information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the measures under *Chapter II of Title III*.

Amendment 37

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. The first submission of the data of Task 1.1, 1.2, and 1.4 shall be made before 1 February 2010.

Amendment

deleted

Amendment 38

Proposal for a regulation Article 26

Text proposed by the Commission

The measures necessary for implementing the provisions of this Regulation shall be adopted in accordance with the procedure established in Article 27 (2).

Amendment

Where uniform conditions for implementing this Regulation are needed, the Commission shall adopt the necessary measures in accordance with the procedure established in Article 27(2).

Amendment 39

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

2. Where reference is made to this paragraph, Article 4 and 7 of Decision 1999/468/EC shall apply. The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at **one month**.

Amendment

2. Where reference is made to this paragraph, Article 4 and 7 of Decision 1999/468/EC shall apply. The period referred to in Article 4(3) of Decision 1999/468/EC shall be set at **three months**.

Amendment 40

Proposal for a regulation Article 27 – paragraph 3

Text proposed by the Commission

3. This Committee shall adopt its rules of procedure.

Amendment

deleted

Amendment 41

Proposal for a regulation Article 28

Text proposed by the Commission

The provisions of this Regulation may be amended in accordance with the procedure referred to in Article 27(2) in order to transpose into Community law GFCM recommendations on conservation or control, or technical adaptations to previous GFCM recommendations, which become obligatory for the Community.

The Annexes may be amended in order to transpose GFCM recommendations in accordance with the same procedure.

Amendment

As far as necessary, in order to transpose into EU law amendments to the existing provisions of the Scheme which become obligatory for the Union, the Commission may amend the provisions of this Regulation, by means of delegated acts in accordance with Article 28a and subject to the conditions set out in Articles 28b and 28c concerning:

- the fisheries restricted area in the Gulf of Lions as set out in Articles 4, 5, 6, 7, 8 and 9;

- the fisheries restricted areas in order to protect deep-sea sensitive habitats as set out in Title II, Chapter I, Section II,

Articles 10 and 11;

- the establishment of a closed season for the dolphinfish fisheries using fish aggregating devices (FADs) as set out in Title II, Chapter II, Articles 12, 13 and 14;

- the provision of information to the Executive Secretary of GFCM as set out in Article 16(4);

- the register of authorised vessels as set out in Article 18;

- cooperation, information and reporting as set out in Articles 24, 25;

- table, map and geographical coordinates of GFCM Geographical Sub-Areas (GSAs) as set out in Annex I;

- GFCM statistical matrixes as set out in Annex III.

When adopting such delegated acts, the Commission shall act in accordance with this Regulation.

Amendment 42

Proposal for a regulation Article 28 a (new)

Text proposed by the Commission

Amendment

Article 28 a

Exercise of the delegation

1. The power to adopt delegated acts referred to in Article 28 shall be conferred on the Commission for a period of five years from 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 five-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 28b.

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 28b and 28c.

Amendment 43

**Proposal for a regulation
Article 28 b (new)**

Text proposed by the Commission

Amendment

Article 28 b

Revocation of the delegation

1. The delegation of power referred to in Article 28 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 the delegated power 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 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.

Amendment 44

Proposal for a regulation Article 28 c (new)

Text proposed by the Commission

Amendment

Article 28 c

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 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 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 the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Amendment 45

Proposal for a regulation

Article 29 – paragraph 1 - point a a (new)

Text proposed by the Commission

Amendment

(aa) in Article 9, paragraph 3 shall be replaced by the following:

"For towed nets other than those referred to in paragraph 4, the minimum mesh size shall be at least:

(a) a square-meshed net of 40 mm at the cod-end, or

(b) at the duly justified request of the ship owner, a diamond-meshed net of 50mm of an acknowledged size selectivity that is equivalent to or higher than that of nets referred to under (a).

Fishing vessels shall be authorised to use and keep on board only one of the two types of nets.

The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which, as well as on the basis of the information supplied by Member States before 31 December 2011, it shall propose suitable amendments where appropriate".

Amendment 46

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Amendments to Regulation No 43/2009

In Regulation (EC) No 43/2009, Articles 28 to 31 and Annexes VII and VIII are deleted.

EXPLANATORY STATEMENT

The General Fisheries Commission for the Mediterranean (GFCM) was set up by an international agreement in 1949. The area covered by the agreement comprises the Mediterranean, the Black Sea and connecting waters. The main tasks of the GFCM are to promote the development, conservation, and rational management of living aquatic resources, to formulate and recommend conservation measures and to promote cooperative projects in the area of training. The GFCM's contracting parties are: the European Community, Albania, Algeria, Bulgaria, Cyprus, Croatia, Egypt, France, Japan, Greece, Israel, Italy, Lebanon, Libya, Malta, Morocco, Monaco, Romania, Syria, Slovenia, Spain, Tunisia and Turkey.

The present proposal for a regulation is simply intended to transpose various recommendations adopted by the GFCM, and already in effect in the GFCM's contracting States, in a single Community legislative act into which future recommendations can be incorporated by way of amendments to that act. This would mark an important step towards simplification, given that up to now the European Community has just adopted annual regulations for the purpose of adapting and updating the existing rules.

If we look at the substance of the recommendations adopted by the GFCM, Title II of the proposal for a regulation ('technical measures') imposes various restrictions on fishing in the Gulf of Lions (between the Spanish frontier and the French city of Toulon) relating to the nets which may be used (Article 5), the issuing of authorisation to engage in fishing and the protection of natural habitats.

Also, vessels authorised to participate in the common dolphinfish fishery are to be granted a special fishing permit and included in a list of named vessels to be provided to the Commission by the Member State concerned (Article 13).

With regard to fishing gear, the proposal for a regulation specifies in detail the minimum mesh size to be used in the Mediterranean Sea (Article 15) and the Black Sea (Article 16) and prohibits the use of towed dredgers and trawl nets at depths beyond 1000 metres (Article 17).

Title III consists of 'control measures'. These include a requirement for every Member State to send the Commission, through 'the accustomed data-processing support', an updated list of the vessels of more than 15 metres overall length flying its flag and registered in its territory that it authorises to fish in the GFCM area (Article 18). Chapter 2 of Title II covers port state measures. These apply to third-country fishing vessels, which may be subject to inspections of their landings and trans-shipment operations (Article 21). Furthermore, Member States may not allow a third-country vessel to use their ports if the vessel is not flying the flag of a GFCM contracting party, if it has been engaged in illegal, unregulated and unreported (IUU) fishing, or if it does not have a valid authorisation to engage in fishing (Article 23).

Title IV of the proposal for a regulation (Cooperation, information and reporting) requires the Commission and the Member States to cooperate and exchange information with the Executive Secretary of the GFCM (Article 24), and requires Member States to submit statistical matrices (including vessels' registration numbers, capacity, gross tonnage, horsepower, etc.) to the Executive Secretary of the GFCM by the specified deadlines.

In Title V (Final provisions), Article 28 allows the Commission to amend, by means of delegated acts, provisions which concern non-essential elements of the legislative act, in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU). This approach is in line with:

- the de Brún report on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals;
- the Romeva report on the proposal for a regulation of the European Parliament and of the Council establishing a catch documentation programme for bluefin tuna *Thunnus thynnus* and amending Regulation (EC) No 1984/2003.

PROCEDURE

Title	Fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area		
References	COM(2009)0477 – C7-0204/2009 – 2009/0129(COD)		
Date submitted to Parliament	16.9.2009		
Committee responsible Date announced in plenary	PECH 7.10.2009		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 7.10.2009		
Not delivering opinions Date of decision	ENVI 30.9.2009		
Rapporteur(s) Date appointed	Crescenzo Rivellini 30.9.2009		
Discussed in committee	4.11.2009	30.11.2009	27.1.2010
Date adopted	25.1.2011		
Result of final vote	+: 20	–: 1	0: 0
Members present for the final vote	Josefa Andrés Barea, Antonello Antinoro, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Marek Józef Gróbarczyk, Iliana Malinova Iotova, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Britta Reimers, Crescenzo Rivellini, Ulrike Rodust, Struan Stevenson, Jarosław Leszek Wałęsa		
Substitute(s) present for the final vote	Jean-Paul Basset, Izaskun Bilbao Barandica, Luis Manuel Capoulas Santos, Ioannis A. Tsoukalas		
Substitute(s) under Rule 187(2) present for the final vote	Maurice Ponga, Jutta Steinruck		