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A7-0242/ 001-018

AMENDMENTS 001-018

by the Committee on Fisheries

Report

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A7-0242/2013

Amendment of Council Regulation (EC) No 1100/2007 establishing measures for the recovery of European eel stocks

Proposal for a regulation (COM(2012)0413 – C7-0202/2012 – 2012/0201(COD))

Amendment 1

Proposal for a regulation

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) Based on information to be provided by Member States, the Commission should produce a report on the outcome of the implementation of the Eel Management Plans and, if necessary, propose, as a matter of urgency, appropriate measures to achieve, with a high probability, the recovery of the European eel.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) As a consequence of **that** entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No

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1100/2007 upon the Commission need to be aligned to **Articles 290 and 291** of the Treaty on the Functioning of the European Union.

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Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to apply certain provisions of Regulation (EC) No 1100/2007, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of taking measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes.

Amendment

(3) In order to apply certain provisions of Regulation (EC) No 1100/2007, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of taking measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, based on latest scientific advice and scientific recommendations, especially at expert level, so as to ensure that the information available to it will be impartial, accurate, complete, and up to date. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous and timely transmission of relevant documents to the European Parliament and to the Council.***

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate

Amendment

deleted

transmission of relevant documents to the European Parliament and Council.

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) In order to ensure uniform conditions for the implementation of the provisions of Regulation (EC) No 1100/2007 concerning the approval of Eel Management Plans by the Commission on the basis of technical and scientific *data*, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment

(6) In order to ensure uniform conditions for the implementation of the provisions of Regulation (EC) No 1100/2007 concerning the approval of Eel Management Plans by the Commission on the basis of *the best and most recent* technical and scientific *information available*, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment 6

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) ICES should provide new and more comprehensive advice on the status of eel stocks in 2013. In preparing such advice, ICES should look at all the causes of reduction in the eel stocks, including in relation to spawning grounds. In the event that ICES confirms that the status of the eel stock remains critical, the Commission should as soon as possible submit a proposal for a new regulation on the recovery of the stock of European eel.

That Regulation should also cover long-term solutions, such as ways to unblock migratory pathways.

Amendment 7

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It is important that the Commission penalise Member States which have not forwarded or analysed all the data available to them in order to enable an exhaustive and scientifically sound inventory of the situation regarding European eel to be drawn up.

Amendment 8

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) As long as migratory pathways remain closed, restocking is the only temporary measure available to assist eel recovery. When transfers of glass eels are conducted following available best practices, such as the Sustainable Eel standard, they are an efficient way to boost eel recovery. Another temporary measure to boost silver eel escapement is to transfer them, with human assistance, over obstacles such as dykes, hydro power stations and water pumps. At a time when fishermen are looking to find alternative occupations, their skills could be used to accelerate European eel recovery.

Amendment 9

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EC) No 1100/2007

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

(1a) In Article 2, paragraph 1 is replaced by the following:

“1. Member States shall identify and define the individual river basins lying within their national territory that constitute natural habitats for the European eel (eel river basins), which may include maritime waters. [...]”

Amendment 10

Proposal for a regulation

Article 1 – point 1b (new)

Regulation (EC) No 1100/2007

Article 2 – paragraph 10

Text proposed by the Commission

Amendment

(1b) In Article 2, paragraph 10 is replaced by the following:

“10. In the Eel Management Plan, each Member State shall implement as soon as possible appropriate measures to reduce the mortality of eel caused by factors outside the fishery, including hydroelectric turbines and pumps. Further measures shall be taken where necessary to reduce mortality caused by other factors in order to meet the targets of the Plan.”

Amendment 11

Proposal for a regulation

Article 1 – point 3 a (new)

Regulation (EC) No 1100/2007

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(3a) In Article 5, paragraph 4 is replaced by the following:

"4. A Member State which has submitted an Eel Management Plan to the Commission for approval not later than 31 December 2008, which cannot be approved by the Commission in accordance with paragraph 1 *or which does not comply with the reporting and evaluation conditions set out in Article 9*, shall either reduce fishing effort by at least 50 % relative to the average effort deployed from 2004 to 2006 or reduce fishing effort to ensure a reduction in eel catches by at least 50 % relative to the average catch from 2004 to 2006, either by shortening the fishing season for eel or by other means. This reduction shall be implemented within three months of the decision not to approve the plan *or within three months of failure to meet a reporting deadline.*"

Amendment 12

Proposal for a regulation

Article 1 – point 3b (new)

Regulation (EC) No 1100/2007

Article 5 – paragraph 7 (new)

Text proposed by the Commission

Amendment

(3b) In Article 5, the following paragraph is added:

"7. Starting on 1 January 2014, all Eel Management Plans shall be revised and updated every two years, taking into consideration the latest scientific advice."

Amendment 13

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1100/2007

Article 7 – paragraphs 6 and 7

Text proposed by the Commission

6. In the event of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission, by means of delegated acts adopted in accordance with Article 12a and in order to address the situation, may temporarily reduce the percentages of eels used for restocking as referred to in paragraph 2.

7. The Commission shall, not later than 31 **December 2012**, report to the European Parliament and the Council and evaluate the measures concerning restocking **including** the evolution of market prices.

Amendment

6. In the event of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission, by means of delegated acts adopted in accordance with Article 12a and in order to address the situation, may temporarily reduce the percentages of eels used for restocking as referred to in paragraph 2 **where the Eel Management Plan complies with Article 2(4)**.

7. The Commission shall, not later than 31 **October 2013**, report to the European Parliament and the Council and evaluate the measures concerning restocking, **taking into account the latest scientific advice on the conditions in which restocking is likely to contribute to an increase of the spawning stock biomass. In such report, the Commission shall review** the evolution of market prices.

Amendment 14

Proposal for a regulation

Article 1 – point 4a (new)

Regulation (EC) No 1100/2007

Article 7 – paragraph 8

Text proposed by the Commission

Amendment

(4a) In Article 7, paragraph 8 is replaced by the following:

"8. Restocking shall be deemed to be a conservation measure for the purposes of Article 38(2) of Regulation (EU) XX/XXXX [EMFF], provided that:

- it is part of an Eel Management Plan established in accordance with Article 2,
- it concerns eels [...] *caught and managed using methods and equipment that guarantee the lowest possible mortality during catch, storage, transport and breeding,*
- *it takes place in areas affording a high probability of survival and migration,*
- it contributes to the achievement of the 40 % target level of escapement as referred to in Article 2(4), and
- *the eels are quarantined in order to prevent the spread of any diseases or parasites."*

Amendment 15

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 1100/2007

Article 9

Text proposed by the Commission

(5) *In Article 9, paragraph 3 is deleted.*

Amendment

(5) Article 9 is *replaced by the following:*

"Article 9

Reporting and evaluation

1. Member States shall collect research data in order to quantify the impact of measures taken on the eel stock, find mitigation measures and recommend management targets. Member States shall report to the Commission initially every third year, with the first report to be presented by 30 June 2012 and shall make the information available to designated scientific bodies. Thereafter, the frequency of reporting shall increase to once every two years, after the first tri-annual report has been submitted. Reports shall outline monitoring, implementation, effectiveness and outcome, and in particular shall provide

the best available estimates of:

(a) for each Member State, the proportion of the silver eel biomass that escapes to the sea to spawn, or the proportion of the silver eel biomass leaving the territory of that Member State as part of a seaward migration to spawn, relative to the target level of escapement set out in Article 2(4);

(b) the level of fishing effort that catches eel each year, and the reduction effected in accordance with Articles 4(2) and 5(4);

(c) the level of mortality factors outside the fishery, and the reduction effected in accordance with Article 2(10);

(d) the amount of eel of less than 12 cm in length caught and the proportions of this utilised for different purposes;

(e) the survival rate of restocked eels, whether during fishing, transport, restocking or escapement to the Sargasso sea to spawn;

(f) the identification, on a voluntary basis, of the spawning grounds of the eels caught.

2. The Commission shall *present to the Parliament and the Council, by 31 October 2013, a report consisting of a statistical and scientific evaluation of the results of the implementation of the eel management plans, along with an opinion from the STECF. Based on the findings of that report, the Commission may submit proposals to broaden the scope of the Regulation to include eel mortality factors other than fishery.*

3. The Commission shall, *no later than 31 December 2013, present an evaluation of Union and international trade in European eels, that focuses, in particular, on compliance with the obligations of the Union under CITES, and an estimation of illegal trade in European eels in Member States. Such report shall identify inconsistencies in the different data sets*

available and suggest measures to improve monitoring of trade, including a modification of the existing custom codes to allow for more effective monitoring."

Amendment 16

Proposal for a regulation

Article 1 – point 5 a (new)

Regulation (EC) No 1100/2007

Article 9 a (new)

Text proposed by the Commission

Amendment

(5a) The following article is inserted:

"Article 9a

Follow-up measures

Taking into consideration the findings in the reports referred to in Article 7(7) and Article 9(2) and (3), as well as any new and more comprehensive advice provided by ICES on the status of the European eel stock in 2013, the Commission shall, no later than 31 March 2014, present a new legislative proposal to the Parliament and to the Council aimed at achieving, with high probability, the recovery of the stock of European eel. In doing so, the Commission may consider ways of broadening the scope of this Regulation to include mortality caused by factors outside the fisheries."

Amendment 17

Proposal for a regulation

Article 1 – point 6

Regulation (EC) No 1100/2007

Article 12 a – paragraph 2

Text proposed by the Commission

Amendment

2. The *delegation of powers* referred to in Article 7 (6) shall be conferred for *an indeterminate* period of *time*.

2. The *power to adopt delegated acts* referred to in Article 7(6) shall be conferred *on the Commission* for a period

of three years starting from.... The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

**OJ: please insert the date of entry into force of this Regulation.*

Justification

A fixed period of time should always be set for delegated acts.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the 20th day following that of its **publications** in the *Official Journal of the European Union*.

Amendment

This Regulation shall enter into force on the 20th day following that of its **publication** in the *Official Journal of the European Union*. **It shall be consolidated with the regulation it is amending within one month of entering into force.**