

AMENDMENTS 001-008

by the Committee on Fisheries

Report**Rareș-Lucian Niculescu****A7-0256/2013**

Amendment of Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms

Proposal for a regulation (COM(2012)0432 – C7-0211/2012 – 2012/0208(COD))

Amendment 1**Proposal for a regulation****Recital 3***Text proposed by the Commission*

(3) In order to ***apply certain provisions of Regulation (EC) No 850/98***, 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 the following:

- the division of regions into geographical areas;
- ***to amend*** rules concerning the conditions for the use of certain mesh size combinations;
- ***to adopt*** detailed rules for obtaining the percentage of target species taken by more than one fishing vessel, in order to ensure that such percentages are respected by all the vessels involved in the fishing operation;

Amendment

(3) In order to ***enable certain provisions of this Regulation to be updated efficiently to reflect technical and scientific progress***, 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 the following:

- the division of regions into geographical areas;
- ***the amendment of*** rules concerning the conditions for the use of certain mesh size combinations;
- ***the adoption of*** detailed rules for obtaining the percentage of target species taken by more than one fishing vessel, in order to ensure that such percentages are respected by all the vessels involved in the fishing operation;

- ***to adopt*** rules concerning the technical descriptions and method of use of authorised devices that might be attached to the fishing net, and which do not obstruct or diminish the effective mesh opening of the net;
- conditions under which vessels exceeding eight meters length overall shall be permitted to use beam trawls within certain waters of the Union;
- measures designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of fish stocks, with immediate effect.

- ***the adoption of*** rules concerning the technical descriptions and method of use of authorised devices that might be attached to the fishing net, and which do not obstruct or diminish the effective mesh opening of the net;
- conditions under which vessels exceeding eight meters length overall shall be permitted to use beam trawls within certain waters of the Union;
- measures designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of fish stocks, with immediate effect;
- ***acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of certain provisions for gillnets, entangling nets and trammel nets, with a very low level of shark by-catches and of discards.***

Justification

More detailed precisions for the delegation of powers are needed.

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work ***for the adoption of delegated acts, including*** at expert level.

Amendment

(4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, ***especially*** at expert level, ***in order to obtain objective, rigorous, complete and up-to-date information.***

Amendment 3

Proposal for a regulation Article 1 – point 1 Regulation (EC) N° 850/98 Article 2 – paragraph 3

Text proposed by the Commission

3. The regions referred to in paragraph 1 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 48a concerning the division of regions **into geographical areas** for the purpose of identifying geographical areas where specific technical conservation measures apply.

Amendment

3. The regions referred to in paragraph 1 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 48a concerning the division of regions for the purpose of identifying geographical areas where specific technical conservation measures apply.

Justification

The proposed text is redundant.

Amendment 4

Proposal for a regulation
Article 1 – point 8 a (new)
Regulation (EC) N° 850/98
Article 34b – paragraph 11

Text proposed by the Commission

Amendment

(8a) In Article 34b, paragraph 11 is replaced by the following:

"11. After consulting STECF, the Commission shall be empowered to adopt delegated acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of paragraphs 1 to 9, where information provided by Member States shows that those fisheries result in a very low level of shark by-catches and of discards."

Justification

The matters concerned do not deal with uniform conditions for the application of the regulation as required by Article 291 TFEU. Actually, they are exceptions and thereby amendments in the meaning of Article 290 TFEU.

Amendment 5

Proposal for a regulation

Article 1 – point 9

Regulation (EC) No 850/98

Article 45 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to establish, by means of delegated acts adopted in accordance with Article 48a, technical conservation measures on the use of towed or fixed gear or on fishing activities in certain areas or during certain periods in addition to or by way of derogation to this Regulation. Those measures shall be designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of ***fish*** stocks, with immediate effect.

Amendment

1. The Commission shall be empowered to establish, by means of delegated acts adopted in accordance with Article 48a, technical conservation measures on the use of towed or fixed gear or on fishing activities in certain areas or during certain periods in addition to or by way of derogation to this Regulation. Those measures shall be designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of stocks ***of marine organisms***, with immediate effect.

Amendment 6

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 2

Text proposed by the Commission

2. The ***delegation of powers*** referred to in Articles 2(3), 4(4)c, 4(5)b, 16(2), 29(6) and 45(1) shall be conferred for ***an indeterminate*** period of ***time***.

Amendment

2. The ***power to adopt delegated acts*** referred to in ***Article 2(3), point (c) of Article 4(4), point (b) of Article 4(5), Article 16(2), Article 29(6), Article 29d(7), Article 34b(11) and Article 45(1)*** shall be conferred ***on the Commission*** for a period of ***three years*** 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 the entry into force of this Regulation.**

Justification

It seems more appropriate to limit the delegation in time and to oblige the Commission to report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

Amendment 7

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in **Articles** 2(3), 4(4)*c*, 4(5)*b*, 16(2), 29(6) and 45(1) may be revoked at any time by the European Parliament or by the Council. A decision **of revocation** shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of powers referred to in **Article** 2(3), **point (c) of Article** 4(4), **point (b) of Article** 4(5), **Article** 16(2), **Article** 29(6), **Article 34b(11)** and **Article** 45(1) may be revoked at any time by the European Parliament or by the Council. A decision **to revoke** shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 8

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to **Articles** 2(3), 4(4)*c*, 4(5)*b*, 16(2), 29(6) **and** 45(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Amendment

5. A delegated act adopted pursuant to **Article** 2(3), **point (c) of Article** 4(4), **point (b) of Article** 4(5), **Article** 16(2), **Article** 29(6), **Article 34b(11) or Article** 45(1) shall enter into force only if no objection

a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

has been expressed either by the European Parliament or the Council within a period of ***two*** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by ***two*** months at the initiative of the European Parliament or ***of*** the Council.