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A8-0377/ 001-076

AMENDMENTS 001-076

by the Committee on Fisheries

Report

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A8-0377/2016

Sustainable management of external fishing fleets

Proposal for a regulation (COM(2015)0636 – C8-0393/2015 – 2015/0289(COD))

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) The Union is a contracting party to the United Nations Conventions on the Law of the Sea of 10 December 1982 (UNCLOS)¹⁶ and has ratified the 1995 United Nations Agreement on the Implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks of 4 August 1995 (UN Fish Stock Agreement)¹⁷. These international provisions set out the principle that all states have to adopt appropriate measures to ensure the sustainable management of marine resources and to cooperate with each other to this end.

(2) The Union is a contracting party to the United Nations Conventions on the Law of the Sea of 10 December 1982 (UNCLOS)¹⁶ and has ratified the 1995 United Nations Agreement on the Implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks of 4 August 1995 (UN Fish Stock Agreement)¹⁷. These international provisions set out the principle that all states have to adopt appropriate measures to ensure the sustainable management **and conservation** of marine resources and to cooperate with each other to this end.

¹⁶ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United

¹⁶ Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United

Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

¹⁷ Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating the implementation of Part XI thereof (OJ L 179, 23.6.1998, p. 1).

¹⁷ Council Decision 98/414/EC of 8 June 1998 on the ratification by the European Community of the Agreement for the implementing of the provisions of the United Nations Convention of the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling stocks and highly migratory fish stocks (OJ L 189, 3.7.1998, p. 14).

Amendment 2

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The International Tribunal for the Law of the Sea delivered an advisory opinion on 2 April 2015 in response to a request submitted by the West Africa Sub-Regional Fisheries Commission. That advisory opinion confirmed that the Union bears responsibility for the activities of vessels flying the flag of the Member States and the due diligence that the Union must exercise in that regard.

Amendment 3

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In 2014, all members of the FAO, including the Union and its developing country partners, unanimously adopted the Voluntary Guidelines on Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication, including point 5.7 thereof,

which highlights that small-scale fisheries should be given due consideration before agreements on resource access are entered into with third countries and third parties.

Amendment 4

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication call for the adoption of measures for the long-term conservation and sustainable use of fisheries resources and for the securing of the ecological foundation for food production, underlining the importance of environmental standards for fishing activities outside Union waters that include an ecosystem-based approach to fisheries management together with the precautionary approach, so as to rebuild and maintain exploited stocks above levels that can produce the maximum yield by 2015 wherever possible, and by 2020 at the latest for all stocks.

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) The issue of the obligations and concomitant responsibilities and liabilities of the flag State and, where appropriate, the flag international organisation, for the conservation and management of the living resources of the high seas under UNCLOS has increasingly come into focus at international level. This has also been the

(5) The issue of the obligations and concomitant responsibilities and liabilities of the flag State and, where appropriate, the flag international organisation, for the conservation and management of the living resources of the high seas under UNCLOS has increasingly come into focus at international level. This has also been the

case, under the heading of a due diligence obligation flowing from UNCLOS, for concurrent coastal State jurisdiction and flag State jurisdiction and, as appropriate, flag international organisation jurisdiction, to secure sound conservation of marine biological resources within sea areas under national jurisdiction. A due diligence obligation is an obligation for a State to exercise best possible efforts and to do the utmost to prevent illegal fishing, which includes the obligation to adopt the necessary administrative and enforcement measures to ensure that fishing vessels flying its flag, its nationals, or fishing vessels engaged in its waters are not involved in activities which breach the applicable conservation and management measures. For these reasons, it is important to organise both the activities of Union fishing vessels outside Union waters as well as the governance system pertaining thereto in such a manner that the Union's international obligations can be efficiently and effectively discharged and that situations where the Union might be reproached for internationally wrongful acts are avoided.

case, under the heading of a due diligence obligation flowing from UNCLOS, for concurrent coastal State jurisdiction and flag State jurisdiction and, as appropriate, flag ***and coastal*** international organisation jurisdiction, to secure sound conservation of marine biological resources within sea areas under national jurisdiction. ***The Advisory Opinion of 2 April 2015 of the International Tribunal for the Law of the Sea (ITLOS), rendered in response to questions raised by the West Africa Subregional Fisheries Commission, confirmed that the Union bears international responsibility before third countries and international organisations for the activities of its fishing vessels, and that such responsibility requires it to act with due diligence.*** A due diligence obligation is an obligation for a State to exercise best possible efforts and to do the utmost to prevent illegal fishing, which includes the obligation to adopt the necessary administrative and enforcement measures to ensure that fishing vessels flying its flag, its nationals, or fishing vessels engaged in its waters are not involved in activities which breach the applicable conservation and management measures. For these reasons ***and, more generally, to strengthen the 'blue' economy***, it is important to organise both the activities of Union fishing vessels outside Union waters as well as the governance system pertaining thereto in such a manner that the Union's international obligations can be efficiently and effectively discharged and that situations where the Union might be reproached for internationally wrongful acts are avoided.

Amendment 6

Proposal for a regulation Recital 5 a (new)

(5a) The Union committed itself at the United Nations Summit on Sustainable Development on 25 September 2015 to implementing the resolution containing the outcome document entitled "Transforming our world: the 2030 Agenda for Sustainable Development", including Sustainable Development Goal 14 "Conserve and sustainably use the oceans, seas and marine resources for sustainable development", as well as Sustainable Development Goal 12 "Ensure sustainable consumption and production patterns" and their targets.

Amendment 7

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The outcomes of the 2012 United Nations Conference on Sustainable Development 'Rio +20'¹⁹ as well as the international developments regarding the fight against illegal wildlife trade should be reflected into the Union's external fisheries policy.

¹⁹ United Nations General Assembly Resolution A/Res/66/288 of 27 July 2012 on the outcome of the Rio +20 Conference, entitled "The Future We Want".

Amendment

(6) The outcomes of the 2012 United Nations Conference on Sustainable Development 'Rio +20'¹⁹ as well as the ***adoption of the EU Action Plan to tackle the illegal trade in wild flora and fauna, and*** international developments regarding the fight against illegal wildlife trade ***and the New Sustainable Development Goals (17 goals to transform our world, including Goal 14: Life below water) adopted in September 2015 by the United Nations*** should be reflected into the Union's external fisheries policy ***and its trade policy***.

¹⁹ United Nations General Assembly Resolution A/Res/66/288 of 27 July 2012 on the outcome of the Rio +20 Conference, entitled "The Future We Want".

Amendment 8

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council (the ‘Basic Regulation’)²⁰, is to ensure that fishing activities are environmentally, economically and socially sustainable and are managed consistently with the objectives of achieving economic, social and employment benefits, and that they are contributing to the availability of food supplies.

²⁰ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (OJ L 354, 28.12.2013, p. 22).

Amendment

(7) The objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council (the ‘Basic Regulation’)²⁰, is to ensure that fishing activities are environmentally, economically and socially sustainable and are managed consistently with the objectives of achieving economic, social and employment benefits, and ***of restoring and maintaining fish stocks above levels which can produce maximum sustainable yield, and*** that they are contributing to the availability of food supplies. ***It is also necessary, in implementing this policy, to take account of development cooperation objectives in accordance with the second subparagraph of Article 208(1) of the Treaty on the Functioning of the European Union.***

²⁰ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy (OJ L 354, 28.12.2013, p. 22).

Amendment 9

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Basic Regulation also requires that sustainable fisheries partnership agreements be limited to surplus catches as referred to in Article 62(2) and (3) of UNCLOS.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Regulation **(EU) No 1380/2013** stresses the need to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law, while promoting a level playing field for Union operators and third-country operators.

Amendment

(8) ***The Basic*** Regulation stresses the need to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law, while promoting a level playing field for Union operators and third-country operators. ***Social and environmental legislation adopted by third countries may differ from that of the Union, creating different standards for fishing fleets. That situation could lead to authorisation for fishing activities inconsistent with the sustainable management of marine resources. It is therefore necessary to ensure consistency with the environmental, fisheries, trade and development activities of the Union, especially when it affects fisheries in developing countries with low administrative capacity and where the risk of corruption is high.***

Amendment 11

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Council Regulation (EC) No 1006/2008 was intended to establish common ground for authorising fishing activities to be carried out by Union vessels outside Union waters with a view to supporting the fight against IUU fishing and better control and monitoring of the **EU** fleet across the globe.

Amendment

(9) Council Regulation (EC) No 1006/2008 was intended to establish common ground for authorising fishing activities to be carried out by Union vessels outside Union waters with a view to supporting the fight against IUU fishing and better control and monitoring of the **Union** fleet across the globe, ***as well as conditions for the authorising of third country vessels fishing in Union waters.***

Amendment 12

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) The core principle of the present regulation is that any Union vessel fishing outside Union waters should be authorised by its flag Member State and monitored accordingly, irrespective of where it operates and the framework under which it does so. The issuing of an authorisation should be dependent on a basic set of common eligibility criteria being fulfilled. The information gathered by the Member States and provided to the Commission should allow the latter to intervene in the monitoring of the fishing activities of all Union fishing vessels in any given area outside Union waters at any time.

Amendment

(12) The core principle of the present regulation is that any Union vessel fishing outside Union waters should be authorised by its flag Member State and monitored accordingly, irrespective of where it operates and the framework under which it does so. The issuing of an authorisation should be dependent on a basic set of common eligibility criteria being fulfilled. The information gathered by the Member States and provided to the Commission should allow the latter to intervene in the monitoring of the fishing activities of all Union fishing vessels in any given area outside Union waters at any time. ***This is necessary to enable the Commission to fulfil its obligations as Guardian of the Treaties.***

Amendment 13

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Recent years have seen considerable improvements in the Union's external fisheries policy, in terms of the conditions and terms of Sustainable Fisheries Partnership Agreements (SFPAs) and the diligence with which the provisions are enforced. Maintaining the fishing opportunities for the Union fleet within the framework of SFPAs should be a priority objective of the Union's external fisheries policy and similar conditions should be applied to Union activities outside the scope of SFPAs.

Amendment 14

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The Commission should play a mediating role when the possibility of withdrawing, suspending or modifying a fishing authorisation is raised on account of evidence of serious threats to the exploitation of fishing resources.

Amendment 15

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) Reflagging operations become an issue when their objective is to circumvent CFP rules or existing conservation and management measures. The Union should therefore be able to define, detect and hamper such operations. Traceability and proper follow-up of compliance history should be ensured throughout ***a vessel's lifespan***. The requirement that a unique vessel number be granted by the International Maritime Organisation (IMO) should also serve this purpose.

(14) Reflagging operations become an issue when their objective is to circumvent CFP rules or existing conservation and management measures. The Union should therefore be able to define, detect and hamper such operations. Traceability and proper follow-up of compliance history should be ensured throughout ***the lifespan of a vessel owned by a Union operator regardless of the flag or flags it operates under***. The requirement that a unique vessel number be granted by the International Maritime Organisation (IMO) should also serve this purpose.

Amendment 16

Proposal for a regulation Recital 15

Text proposed by the Commission

Amendment

(15) In third country waters, Union vessels may operate either under the provisions of sustainable fisheries partnership agreements concluded between the Union and third countries or by

(15) In third country waters, Union vessels may operate either under the provisions of sustainable fisheries partnership agreements concluded between the Union and third countries or by

obtaining direct fishing authorisations from third countries if no sustainable fisheries partnership agreement is in force. In both cases these activities should be carried out in a transparent and sustainable way. This is why the flag Member States should be empowered to authorise under a defined set of criteria and subject to monitoring, the vessels flying their flag to seek and obtain direct authorisations from third coastal states. The fishing activity should be authorised once the flag Member State is satisfied that it will not undermine sustainability. Unless the Commission has any further objection, the operator who has been given the authorisation from both the flag Member State and the coastal state should be allowed to start its fishing operation.

obtaining direct fishing authorisations from third countries if no sustainable fisheries partnership agreement is in force. In both cases these activities should be carried out in a transparent and sustainable way. This is why the flag Member States should be empowered to authorise under a defined set of criteria and subject to monitoring, the vessels flying their flag to seek and obtain direct authorisations from third coastal states. The fishing activity should be authorised once the flag Member State is satisfied that it will not undermine sustainability. Unless the Commission has any further **duly justified** objection, the operator who has been given the authorisation from both the flag Member State and the coastal state should be allowed to start its fishing operation.

Amendment 17

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) A specific issue pertaining to sustainable fisheries partnership agreements is the reallocation of under-utilised fishing opportunities that occur when fishing opportunities allocated to Member States by the relevant Council Regulations are not fully used. Since the access costs set out in the sustainable fisheries partnership agreements are financed for a large part by the Union budget, a reallocation system is important to preserve Union financial interests and ensure that no fishing opportunity which has been paid for is wasted. It is therefore necessary to clarify and improve the reallocation system, which should be a last resort mechanism. Its application should be temporary and it should not affect the initial allocation of fishing opportunities among Member States. Reallocation should only occur once the relevant Member

Amendment

(16) A specific issue pertaining to sustainable fisheries partnership agreements is the reallocation of under-utilised fishing opportunities that occur when fishing opportunities allocated to Member States by the relevant Council Regulations are not fully used. Since the access costs set out in the sustainable fisheries partnership agreements are financed for a large part by the Union budget, a **temporary** reallocation system is important to preserve Union financial interests and ensure that no fishing opportunity which has been paid for is wasted. It is therefore necessary to clarify and improve the reallocation system, which should be a last resort mechanism. Its application should be temporary and it should not affect the initial allocation of fishing opportunities among Member States, **which means that it will not**

States have given up on their rights to exchange fishing opportunities among themselves.

damage relative stability. As a system of last resort, reallocation should only occur once the relevant Member States have given up on their rights to exchange fishing opportunities among themselves.

Amendment 18

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) "Dormant agreements" is the term used where countries have adopted a fisheries partnership agreement without having a protocol in force, for structural or circumstantial reasons. The Union has several "dormant agreements" with third countries. Union vessels are therefore not allowed to fish in waters under the dormant agreements. The Commission should make an effort to "wake up" those agreements or to cease the partnership agreement concerned.

Amendment 19

Proposal for a regulation Recital 17

Text proposed by the Commission

Amendment

(17) Fishing activities under the auspices of regional fisheries management organisations and on the high seas should also be authorised by the flag Member State and comply with regional fisheries management organisation specific rules or Union legislation governing fishing activities on the high seas.

(17) Fishing activities under the auspices of regional fisheries management organisations and **unregulated fisheries** on the high seas should also be authorised by the flag Member State and comply with regional fisheries management organisation specific rules or Union legislation governing fishing activities on the high seas.

Amendment 20

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Chartering arrangements may undermine the effectiveness of conservation and management measures, as well as have a negative impact on the sustainable exploitation of living marine resources. It is therefore necessary to set out a legal framework that helps the Union to better monitor the activities of Union chartered **fishing vessels** on the basis of what has been adopted by the relevant regional fisheries management organisation.

Amendment

(18) Chartering arrangements may undermine the effectiveness of conservation and management measures, as well as have a negative impact on the sustainable exploitation of living marine resources. It is therefore necessary to set out a legal framework that helps the Union to better monitor the activities of **fishing vessels flying a Union flag and chartered by third country operators** on the basis of what has been adopted by the relevant regional fisheries management organisation.

Amendment 21

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Procedures should be transparent and predictable for Union and third country operators, as well as for their respective competent authorities.

Amendment

(19) Procedures should be transparent, **practicable** and predictable for Union and third country operators, as well as for their respective competent authorities.

Amendment 22

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The Union should seek an international level playing field where the Union fishing fleet can compete with other fishing nations, adapting market access rules accordingly whenever stringent rules are adopted for the Union fleet.

Amendment 23

Proposal for a regulation Article 1

Text proposed by the Commission

Article 1

Subject matter

This Regulation sets out rules for issuing and managing fishing authorisations for:

- (a) Union fishing vessels ***operating*** in waters under the sovereignty or jurisdiction of a third country, under the auspices of a regional fisheries management organisation, in or outside Union waters, or on the high seas; and
- (b) third country fishing vessels ***operating*** in Union waters.

Amendment

Article 1

Subject matter

This Regulation sets out rules for issuing and managing fishing authorisations for:

- (a) Union fishing vessels ***conducting fishing activities*** in waters under the sovereignty or jurisdiction of a third country, under the auspices of a regional fisheries management organisation ***to which the Union is a contracting party***, in or outside Union waters, or on the high seas; and
- (b) third country fishing vessels ***conducting fishing activities*** in Union waters.

Amendment 24

Proposal for a regulation Article 3 – paragraph 1 – point a

Text proposed by the Commission

- (a) ‘support vessel’ means a vessel that is not equipped with operational fishing gear that facilitates, assists or prepares fishing activities;

Amendment

- (a) ‘support vessel’ means a vessel that is not equipped with operational fishing gear ***designed to catch or attract fish and*** that facilitates, assists or prepares fishing activities;

Amendment 25

Proposal for a regulation Article 3 – paragraph 1 – point b

Text proposed by the Commission

- (b) ‘fishing authorisation’ means ***an***

Amendment

- (b) ‘fishing authorisation’ means ***a***

authorisation issued in respect of a Union fishing vessel or third country fishing vessel, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;

fishing authorisation issued in respect of a Union fishing vessel or third country fishing vessel, ***in addition to its fishing licence***, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions;

Justification

This is to render the definition compatible with the one in the control regulation (Art 4.10)

Amendment 26

Proposal for a regulation

Article 3 – paragraph 1 – point f

Text proposed by the Commission

(f) ‘observer ***program***’ means a scheme under the auspices of a regional fisheries management organisation that provides observers ***onboard*** fishing vessels under certain conditions to verify the vessel's compliance with the rules adopted by that organisation.

Amendment

(f) ‘observer ***programme***’ means a scheme under the auspices of a regional fisheries management organisation, ***a Sustainable Fisheries Partnership Agreement (SFPA), a third country or a Member State*** that provides observers ***on-board*** fishing vessels under certain conditions ***to collect data and/or*** to verify the vessel's compliance with the rules adopted by that organisation, ***SFPA or country***.

Amendment 27

Proposal for a regulation

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ‘***contracting party***’ means a ***contracting party to the international convention or agreement establishing a regional fisheries management organisation, as well as States, fishing entities or any other entities that cooperate with such an organisation and have been granted cooperating non-contracting party status with respect to***

such an organisation.

Justification

This regulation should be brought into line with Regulation (EC) No 1005/2008.

Amendment 28

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) it has received complete and accurate information, in accordance with ***Annexes 1 and 2***, about the fishing vessel and the associated support vessel(s), including non-Union support vessels;

Amendment

(a) it has received complete and accurate information, in accordance with ***the Annex***, about the fishing vessel and the associated support vessel(s), including non-Union support vessels;

Justification

The authors of this amendment are proposing to simplify the annexes, which should be confined to a single text in order to reduce red tape.

Amendment 29

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) the fishing vessel and any associated support vessel have an IMO number;

Amendment

(c) the fishing vessel and any associated support vessel have an IMO number, ***where required by Union legislation***;

Justification

At present the EU requires an IMO number only for vessels less than 15 metres long. The identification of vessels by the International Maritime Organisation is proving to be a highly complex process because of the large number of vessels involved.

Amendment 30

Proposal for a regulation

Article 5 – paragraph 1 – point d

(d) the operator and the fishing vessel have not been subject to a sanction for a serious infringement according to the national law of the Member State pursuant to Article 42 of Council Regulation (EC) No 1005/2008 and Article 90 of Council Regulation (EC) No 1224/2009 during the 12 months prior to the application for the fishing authorisation;

deleted

Amendment 31

Proposal for a regulation Article 6

Article 6

Article 6

Reflagging operations

Reflagging operations

1. This **article** applies to vessels that **within five years of the date of** the application for a fishing authorisation have:

1. This **Article** applies to vessels that **during the two years preceding the** application for a fishing authorisation have:

- (a) left the Union fishing fleet register and been reflagged in a third country; and
- (b) subsequently returned to the Union fishing fleet register **within 24 months from the date of leaving it.**

- (a) left the Union fishing fleet register and been reflagged in a third country; and
- (b) subsequently returned to the Union fishing fleet register.

2. A flag Member State may only issue a fishing authorisation if it **is satisfied** that, during the period that the vessel referred to in paragraph 1 operated under a third country flag:

2. A flag Member State may only issue a fishing authorisation if it **has verified** that, during the period that the vessel referred to in paragraph 1 operated under a third country flag:

it did not engage in IUU fishing activities; and that

(a) it did not engage in IUU fishing activities; and that

(b) it did not operate in waters of a non-cooperating third country pursuant to Articles 31 and 33 of Council Regulation (EC) No 1005/2008.

(b) it did not operate in waters of **either** a non-cooperating third country pursuant to Articles 31 and 33 of Council Regulation (EC) No 1005/2008 **or a third country which became identified as a country allowing non-sustainable fishing pursuant to point (a) of Article 4(1) of**

3. To this end, an operator shall provide **any** information related to the **relevant** period required by a flag Member State, **including at least each of the following**:

- (a) a declaration of catches and fishing efforts during the relevant period;
- (b) a copy of the fishing authorisation issued by the flag State for the relevant period;
- (c) a copy of any fishing authorisation permitting fishing operations in third country waters during the relevant period;
- (d) an official statement by the third country where the vessel was reflagged listing the sanctions the vessel or the operator had been subject to during the relevant period.

4. A flag Member State shall not issue a fishing authorisation to a vessel that has been reflagged:

- (a) in a third country which became identified or listed as a non-cooperating country in combatting IUU fishing pursuant to Articles 31 and 33 of Council Regulation (EC) No 1005/2008; or
- (b) in a third country which became identified as a country allowing non-sustainable fishing pursuant to Article 4 paragraph 1(a) of Regulation (EU) No 1026/2012 .

5. Paragraph 4 shall not apply if the flag Member State is satisfied that, as soon as the country was identified as an IUU non-cooperating country or as allowing non-sustainable fishing, the operator:

- (a) ceased fishing operations; and
- (b) started the relevant administrative procedures to remove the vessel from the third country's fishing fleet register.

Regulation (EU) No 1026/2012.

3. To this end, an operator shall provide **the following** information related to the period **during which the vessel operated under a third country flag** required by a flag Member State:

- (a) a declaration of catches and fishing efforts during the relevant period;
- (b) a copy of the fishing authorisation issued by the flag State for the relevant period;
- (c) a copy of any fishing authorisation permitting fishing operations in third country waters during the relevant period;
- (d) an official statement by the third country where the vessel was reflagged listing the sanctions the vessel or the operator had been subject to during the relevant period;

(da) complete flag history during the period when the vessel has left the Union fleet register.

4. A flag Member State shall not issue a fishing authorisation to a vessel that has been reflagged:

- (a) in a third country which became identified or listed as a non-cooperating country in combatting IUU fishing pursuant to Articles 31 and 33 of Council Regulation (EC) No 1005/2008; or
- (b) in a third country which became identified as a country allowing non-sustainable fishing pursuant to Article 4 paragraph 1(a) of Regulation (EU) No 1026/2012 .

5. Paragraph 4 shall not apply if the flag Member State is satisfied that, as soon as the country was identified as an IUU non-cooperating country or as allowing non-sustainable fishing, the operator:

- (a) ceased fishing operations; and
- (b) ***immediately*** started the relevant administrative procedures to remove the vessel from the third country's fishing fleet

register.

Amendment 32

Proposal for a regulation

Article 7

Text proposed by the Commission

Article 7

Monitoring fishing authorisations

1. When applying for a fishing authorisation, an operator shall provide the flag Member State with complete and accurate data.
2. An operator shall immediately inform the flag Member State of any change to the related data.
3. A flag Member State shall monitor whether the conditions on the basis of which a fishing authorisation has been issued continue to be met during the period of validity of that authorisation.
4. If a condition on the basis of which a fishing authorisation has been issued is no longer met, a flag Member State shall amend or withdraw the authorisation and notify the operator and the Commission accordingly.
5. Upon a request from the Commission, a flag Member State shall refuse, suspend or withdraw the authorisation in cases of ***overriding policy reasons pertaining*** to the sustainable exploitation, management and conservation of marine biological resources ***or the prevention or suppression of*** illegal, unreported or unregulated fishing, or ***in cases*** where the Union has decided to suspend or sever relations with the third country concerned.

Amendment

Article 7

Monitoring fishing authorisations

1. When applying for a fishing authorisation, an operator shall provide the flag Member State with complete and accurate data.
2. An operator shall immediately inform the flag Member State of any change to the related data.
3. A flag Member State shall monitor ***at least once a year*** whether the conditions on the basis of which a fishing authorisation has been issued continue to be met during the period of validity of that authorisation.
4. If a condition on the basis of which a fishing authorisation has been issued is no longer met, a flag Member State shall ***take appropriate action, including to*** amend or withdraw the authorisation and ***immediately*** notify the operator and the Commission ***and, if relevant, the secretariat of the RFMO or the third country concerned*** accordingly.
5. Upon a ***duly justified*** request from the Commission, a flag Member State shall refuse, suspend or withdraw the authorisation in cases:
 - (a) ***of imperative grounds of urgency***

related to a serious threat to the sustainable exploitation, management and conservation of marine biological resources;

(b) of serious infringements relating to Article 42 of Council Regulation (EC) No 1005/2008 or Article 90(1) of Council Regulation (EC) No 1224/2009, in the framework of illegal, unreported or unregulated (IUU) fishing, or in order to prevent them, in the case of high risk; or

(c) where the Union has decided to suspend or sever relations with the third country concerned.

The duly justified request referred to in the first subparagraph shall be supported by relevant and appropriate information. The Commission shall immediately inform the operator and the flag Member State when it makes such a duly justified request. Such a request by the Commission shall be followed by a 15-day period of consultation between the Commission and the flag Member State.

6. If *a* flag Member State fails to refuse, amend, suspend or withdraw the authorisation in accordance with paragraphs 4 and 5, the Commission may decide to withdraw the authorisation and notify the flag Member State and the operator *accordingly*.

6. If, *at the end of the 15-day period referred to in paragraph 5, the Commission confirms its request and the* flag Member State fails to refuse, amend, suspend or withdraw the authorisation in accordance with paragraphs 4 and 5, the Commission may decide, *after a further five days*, to withdraw the authorisation and *shall* notify the flag Member State and the operator *of its decision*.

Amendment 33

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

A Union fishing vessel may only carry out fishing activities in waters of a third country on stocks managed by an RFMO if this country is a contracting party or non-contracting cooperating party to that

Amendment

A Union fishing vessel may only carry out fishing activities in waters of a third country on stocks managed by an RFMO if this country is a contracting party or non-contracting cooperating party to that

RFMO.

RFMO. *Where SFPAs have been concluded before ... [the date of entry into force of this Regulation], this paragraph shall apply from ... [four years after the date of entry into force of this Regulation].*

Justification

Guinea-Bissau, with which the EU has a fisheries agreement, is not a contracting or cooperating party to any regional fisheries organisation. It needs to be given sufficient time to take the necessary steps and meet the cost entailed in joining a regional fisheries organisation.

Amendment 34

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Union may allocate a proportion of sectoral support funding to third countries with which it has SFPAs, in order to help those third countries join RFMOs.

Justification

Joining a regional fisheries organisation might be prohibitively expensive for some of the third countries with which the EU has fisheries agreements.

Amendment 35

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Union shall ensure that sustainable fisheries partnership agreements are consistent with this Regulation.

Justification

The EU should not be able to negotiate derogations to the rules of this regulation in new agreements or protocols. Similar language appears in the basic regulation, such as Art. 31.

Amendment 36

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

- (a) by ***its flag Member State***; and

Amendment

- (a) by ***the third country with sovereignty or jurisdiction over the waters where the fishing activities take place***; and

Justification

The Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around.

Amendment 37

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

- (b) by ***the third country with sovereignty or jurisdiction over the waters where the activities take place***.

Amendment

- (b) by ***its flag Member State***.

Justification

The Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around.

Amendment 38

Proposal for a regulation

Article 11 – paragraph 1 – point c

Text proposed by the Commission

- (c) the operator has paid all fees and financial penalties ***claimed*** by the third country competent authority ***over the past 12 months***.

Amendment

- (c) the operator has paid all fees; and

(ca) the operator has paid all applicable financial penalties imposed by the third country competent authority, after the conclusion of applicable legal procedures.

Amendment 39

Proposal for a regulation

Article 11 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the fishing vessel has an authorisation from the third country.

Justification

The Member State should not grant any authorisation until the third country has given its approval: this will make for greater legal certainty.

Amendment 40

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Article 12

Article 12

Management of fishing authorisations

Management of fishing authorisations

1. Once it has **issued a fishing authorisation**, a flag Member State shall send the Commission the corresponding application **for** the third country's authorisation.
2. The application referred to in paragraph 1 shall contain the information listed in **Annexes 1 and 2** together with any other data required under the sustainable fisheries partnership agreement.
3. The flag Member State shall send the application to the Commission at least **10** calendar days before the deadline for the transmission of applications laid down in the sustainable fisheries partnership agreement. The Commission may **ask** the flag Member State for any additional information that it deems necessary.

1. Once it has **verified that the conditions set out in points (a), (b) and (c) of Article 11 are met**, a flag Member State shall send the Commission the corresponding application **to obtain** the third country's authorisation.
2. The application referred to in paragraph 1 shall contain the information listed in **the Annex** together with any other data required under the sustainable fisheries partnership agreement.
3. The flag Member State shall send the application to the Commission at least **15** calendar days before the deadline for the transmission of applications laid down in the sustainable fisheries partnership agreement. The Commission may **send a duly justified request to** the flag Member State for any additional information that it deems necessary.

4. ***When it is satisfied that*** the conditions in Article 11 are met, ***the*** Commission shall send the application to the third country.

5. If a third country informs the Commission that it has decided to issue, refuse, suspend or withdraw a fishing authorisation for a Union fishing vessel, the Commission shall inform the flag Member State accordingly.

4. ***Within a period of 10 calendar days from receipt of the application, or, in the event that additional information was requested pursuant to paragraph 3, within 15 calendar days from receipt of the application, the Commission shall conduct a preliminary examination to determine whether the conditions set out in Article 11 are met. The Commission shall then either send the application to the third country or notify the Member State that the application is refused.***

5. If a third country informs the Commission that it has decided to issue, refuse, suspend or withdraw a fishing authorisation for a Union fishing vessel ***under the agreement***, the Commission shall ***immediately*** inform the flag Member State accordingly, ***if possible by electronic means. The flag Member State shall immediately transmit that information to the owner of the vessel.***

Amendment 41

Proposal for a regulation Article 13

Text proposed by the Commission

Article 13

Reallocation of unused fishing opportunities in the framework of sustainable fisheries partnership agreements

1. ***During a specific year or any other relevant*** period of the implementation of a protocol to a sustainable fisheries partnership agreement, the Commission may identify unused fishing opportunities and inform the Member States benefiting from the corresponding shares of the allocation accordingly.

2. Within **10** days of receipt of this information from the Commission, the Member States referred to in paragraph 1

Amendment

Article 13

Temporary reallocation of unused fishing opportunities in the framework of sustainable fisheries partnership agreements

1. ***At the end of the first half of the*** period of the implementation of a protocol to a sustainable fisheries partnership agreement, the Commission may identify unused fishing opportunities and inform the Member States benefiting from the corresponding shares of the allocation accordingly.

2. Within **20** days of receipt of this information from the Commission, the Member States referred to in paragraph 1

may:

(a) inform the Commission that they will use their fishing opportunities later in the **year or the relevant** period of implementation by providing a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, zone and period of fishing; or

(b) notify the Commission of exchanges of fishing opportunities, pursuant to article 16(8) of Regulation (EU) No 1380/2013.

3. If certain Member States have not informed the Commission of one of the actions referred to in paragraph 2 and, if as a result fishing opportunities remain unused, the Commission may launch a call for interest for the available unused fishing opportunities among the other Member States benefiting from a share of the allocation.

4. Within 10 days of receipt of this call for interest, those Member States may communicate their interest in the unused fishing opportunities to the Commission. In support for their request, they shall provide a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, zone and period of fishing.

5. If deemed necessary for the assessment of the request, the Commission may ask the Member States concerned for additional information.

6. In the absence of any interest in the unused fishing opportunities by the Member States benefiting from a share of the allocation, the Commission may launch a call for interest to all Member States. A Member State may communicate its interest in the unused fishing opportunities under the conditions referred to in

may:

(a) inform the Commission that they will use their fishing opportunities later in the **second half of the** period of implementation by providing a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, zone and period of fishing; or

(b) notify the Commission of exchanges of fishing opportunities, pursuant to article 16(8) of Regulation (EU) No 1380/2013.

3. If certain Member States have not informed the Commission of one of the actions referred to in paragraph 2 and, if as a result fishing opportunities remain unused, the Commission may **during a period of ten days following the period referred to in paragraph 2**, launch a call for interest for the available unused fishing opportunities among the other Member States benefiting from a share of the allocation.

4. Within 10 days of receipt of this call for interest, those Member States may communicate their interest in the unused fishing opportunities to the Commission. In support for their request, they shall provide a fishing plan with detailed information on the number of fishing authorisations requested, the estimated catches, zone and period of fishing.

5. If deemed necessary for the assessment of the request, the Commission may ask the Member States concerned for additional information **about the number of fishing authorisations applied for, catch estimates, the zone and the fishing period**.

6. In the absence of any interest in the unused fishing opportunities by the Member States benefiting from a share of the allocation **at the end of the ten-day period**, the Commission may launch a call for interest to all Member States. A Member State may communicate its interest in the unused fishing opportunities

paragraph 4.

7. On the basis of the information provided by Member States in accordance with paragraphs 4 or 5, the Commission shall reallocate the unused fishing opportunities on a temporary basis by applying the methodology set out in Article 14.

under the conditions referred to in paragraph 4.

7. On the basis of the information provided by Member States in accordance with paragraphs 4 or 5 **and in close cooperation with them**, the Commission shall reallocate, **solely** on a temporary basis, the unused fishing opportunities by applying the methodology set out in Article 14.

7a. The reallocation referred to in paragraph 7 shall apply only during the second half of the period of implementation referred to in paragraph 1 and shall occur only once during that period.

7b. The Commission shall inform the Member States of:

- (a) the Member States to which the reallocation has been made;**
- (b) the quantities allocated to the Member States to which the reallocation has been made; and**
- (c) the allocation criteria used for the reallocation.**

Amendment 42

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Simplification of procedures for the annual renewal of existing fishing authorisations during the period in which the protocol to a sustainable fisheries partnership agreement in force applies

Faster, simpler and more flexible procedures for renewing the licences of those vessels whose status (characteristics, flag, ownership or compliance) has not changed from one year to another should be permitted during the period in force of

Amendment 43

Proposal for a regulation

Article 14

Text proposed by the Commission

Article 14

Reallocation methodology

1. The Commission may lay down, by means of implementing acts, a methodology for the reallocation of unused fishing opportunities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(2).

2. On duly justified imperative grounds of urgency relating to the limited time left to exploit unused fishing opportunities, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 45(3). Those acts shall remain in force for a period not exceeding 6 months.

3. When laying down the reallocation methodology, the Commission shall apply the following criteria:

- (a) fishing opportunities available for reallocation;
- (b) number of requesting Member States;
- (c) share assigned to each requesting Member State in the initial allocation of fishing opportunities;
- (d) historic catch and effort levels of each requesting Member State;
- (e) number, type and characteristics of vessels and gear used;
- (f) consistency of the fishing plan

Amendment

Article 14

Temporary reallocation methodology

1. The Commission may lay down, by means of implementing acts, a methodology for the **temporary** reallocation of unused fishing opportunities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(2).

2. On duly justified imperative grounds of urgency relating to the limited time left to exploit unused fishing opportunities, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 45(3). Those acts shall remain in force for a period not exceeding 6 months.

3. When laying down the reallocation methodology, the Commission shall apply the following **transparent and objective** criteria, **taking into account environmental, social and economic factors**:

- (a) fishing opportunities available for reallocation;
- (b) number of requesting Member States;
- (c) share assigned to each requesting Member State in the initial allocation of fishing opportunities;
- (d) historic catch and effort levels of each requesting Member State;
- (e) number, type and characteristics of vessels and gear used;
- (f) consistency of the fishing plan

provided by the requesting Member States with the elements listed in points (a) to (e).

provided by the requesting Member States with the elements listed in points (a) to (e).

The Commission shall publish its justification for the reallocation.

Amendment 44

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Where the Protocol to ***a sustainable fisheries partnership agreement*** sets monthly or quarterly catch limits or other subdivisions of a yearly quota, ***the Commission may adopt an implementing act establishing a methodology for allocating, monthly, quarterly or other period, the corresponding fishing opportunities between Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(2).***

Amendment

1. ***The allocation of fishing opportunities in a situation*** where the Protocol to ***an SFPA*** sets monthly or quarterly catch limits or other subdivisions of a yearly quota, the corresponding fishing opportunities between Member States ***shall be consistent with the annual fishing opportunities allocated to Member States under the relevant Union legal act. That principle shall not apply only when the Member States concerned agree on joint fishing plans that take account of the monthly or quarterly catch limits or other subdivisions of a yearly quota.***

Justification

The amendment offers a better system whereby Member States are guaranteed to keep their percentage share of the monthly catch limits.

Amendment 45

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. ***The allocation of fishing opportunities referred to in paragraph 1 shall be consistent with the annual fishing opportunities allocated to Member States under the relevant Council Regulation.***

Amendment

deleted

Amendment 46

Proposal for a regulation

Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) by ***its flag Member State***; and

Amendment

(a) by ***the third country with sovereignty or jurisdiction over the waters where the activities take place***; and

Justification

The Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around.

Amendment 47

Proposal for a regulation

Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) by ***the third country with sovereignty or jurisdiction over the waters where the activities take place***.

Amendment

(b) by ***its flag Member State***.

Justification

The Member State should only grant fishing licences once the third country has authorised fishing by vessels in its waters and not the other way around.

Amendment 48

Proposal for a regulation

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

A flag Member State may issue a fishing authorisation for fishing activities carried out in third country waters whenever the Protocol of a given sustainable fisheries partnership agreement covering those waters has not been in force with the relevant third country for at least the three preceding years.

In the event of renewal of the Protocol, the fishing authorisation shall be automatically withdrawn as of the date of entry into force of that Protocol.

Justification

"Dormant agreements" refer to countries who adopted a fisheries partnership agreement without having a protocol into force, for structural or circumstantial reasons. Given that the issue of some dormant SFPAs with unimplemented Protocols has not been solved, the EU should offer a solution to allow for direct fishing authorisations in these cases under certain conditions.

Amendment 49

Proposal for a regulation Article 18

Text proposed by the Commission

Article 18

Conditions for fishing authorisations by the flag Member States

A flag Member State may only issue a fishing authorisation for fishing activities carried out in third country waters outside the framework of a sustainable fisheries partnership agreement if:

(a) there is no sustainable fisheries partnership agreement in force with the relevant third country, ***or the sustainable fisheries partnership agreement in force provides expressly for the possibility of direct authorisations;***

(b) the eligibility criteria set out in Article 5 are fulfilled;

(c) the operator has provided each of the following:

– a ***written confirmation from*** the third

Amendment

Article 18

Conditions for fishing authorisations by the flag Member States

A flag Member State may only issue a fishing authorisation for fishing activities carried out in third country waters outside the framework of a sustainable fisheries partnership agreement if:

(a) there is no sustainable fisheries partnership agreement in force with the relevant third country;

(b) the eligibility criteria set out in Article 5 are fulfilled;

(ba) there is a surplus of allowable catch as required under Article 62(2) of UNCLOS;

(c) the operator has provided each of the following:

– a ***copy of the applicable fisheries legislation as provided to the operator by the coastal State;***

– a ***valid fishing authorisation***

country, *following the discussions between the operator and the latter, of the terms of the intended direct authorisation to give the operator* access to *its* fishing resources, including the duration, conditions, and fishing opportunities expressed as effort or catch limits;

– evidence of the sustainability of the planned fishing activities, on the basis of:

- a scientific evaluation provided by the third country and/or by a regional fisheries management organisation; and

- an examination of the latter by the flag Member State on the basis of the assessment of its national scientific institute;

– *a copy of the third country's fisheries legislation;*

– a designated official, public bank account number for the payment of all the fees; and

(d) in the case that the fishing activities are to be carried out on species managed by a regional fisheries management organisation, the third country is a contracting party or a non-contracting cooperating party to that organisation.

provided by the third country for the proposed fishing activities which contains the terms of access to *the* fishing resources including the duration, conditions and fishing opportunities expressed as effort or catch limits;

– evidence of the sustainability of the planned fishing activities, on the basis of:

- a scientific evaluation provided by the third country and/or by a regional fisheries management organisation *and/or by a regional fisheries body with scientific competence recognised by the Commission*; and

- *in the case of an evaluation by the third country*, an examination of the latter by the flag Member State on the basis of the assessment of its national scientific institute *or, as appropriate, the scientific institute of a Member State with competence in the relevant fishery*;

– a designated official, public bank account number for the payment of all the fees; and

(d) in the case that the fishing activities are to be carried out on species managed by a regional fisheries management organisation, the third country is a contracting party or a *cooperating* non-contracting cooperating party to that organisation.

Amendment 50

Proposal for a regulation Article 19

Text proposed by the Commission

Article 19

Management of direct authorisations

1. Once it has *issued a fishing*

Amendment

Article 19

Management of direct authorisations

1. Once it has *established compliance*

authorisation, a flag Member State shall send the Commission the relevant information listed in *Annexes 1 and 2*, and in Article 18.

2. ***If the Commission has not requested*** further information or justification within 15 ***calendar days of the transmission of*** the information referred to in paragraph 1, ***the flag Member State shall inform the operator that it may start the fishing activities in question, provided it has been granted the direct authorisation by third country as well.***

3. If, following the request for further information or justification referred to in paragraph 2, the Commission finds that the conditions in Article 18 are not met, it may object to the granting of the fishing authorisation within ***two months*** of receipt of ***all*** the required information or justification.

4. If a third country informs the Commission that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a Union fishing vessel, the Commission shall inform the flag Member State accordingly.

5. If a third country informs the flag Member State that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a Union fishing vessel, the flag Member State shall inform the

with the requirement laid down in Article 18, a flag Member State shall send the Commission the relevant information listed in ***the Annex*** and in Article 18.

2. ***The Commission shall conduct a preliminary examination of the information referred to in paragraph 1. It may request*** further information or justification ***regarding*** the information referred to in paragraph 1 within ***a period of 15 days.***

3. If, following the request for further information or justification referred to in paragraph 2, the Commission finds that the conditions in Article 18 are not met, it may object to the granting of the fishing authorisation within ***one month of the initial*** receipt of the required information or justification.

3a. Notwithstanding paragraphs 1 to 3 of this Article, if a fishing authorisation is to be renewed within a period of no more than two years from the issuance of the initial authorisation on the same terms and conditions as agreed in the initial authorisation, the Member State may issue the authorisation directly once it has established compliance with the conditions laid down in Article 18 and shall inform the Commission thereof without delay. The Commission shall have 15 days to object following the procedure laid down in Article 7.

4. If a third country informs the Commission that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a Union fishing vessel, the Commission shall ***immediately*** inform the flag Member State accordingly, ***which shall inform the owner of the vessel.***

5. If a third country informs the flag Member State that it has decided to issue, refuse, suspend or withdraw a direct authorisation to a Union fishing vessel, the flag Member State shall ***immediately***

Commission accordingly.

6. An operator shall provide the flag Member State with a copy of the agreed final conditions between him and the third country, including a copy of the direct authorisation.

inform the Commission *and the owner of the vessel* accordingly.

6. An operator shall provide the flag Member State with a copy of the agreed final conditions between him and the third country, including a copy of the direct authorisation.

Amendment 51

Proposal for a regulation Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Application of the Union's international commitments in RFMOs

In order to apply the Union's international commitments in RFMOs and in accordance with the objectives referred to in Article 28 of Regulation (EU) No 1380/2013, the Union shall encourage periodic assessments of performance by independent bodies, and shall play an active role in setting up and reinforcing implementation committees in all RFMOs to which it is a contracting party. It shall in particular ensure that those implementation committees perform general supervision of the implementation of the external fisheries policy and of the measures decided within the RFMO.

Justification

The purpose is to recall the European Union's international commitments in RFMOs.

Amendment 52

Proposal for a regulation Article 21 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) the Union is a contracting party to

the regional fisheries management organisation;

Justification

The EU should be a Contracting Party if its vessels are to operate.

Amendment 53

Proposal for a regulation

Article 21 – paragraph 1 – point b

Text proposed by the Commission

(b) it has been included in the relevant register or list of the regional fisheries management organisation; and

Amendment

(b) it has been included in the relevant register or list of ***authorised vessels of*** the regional fisheries management organisation; and

Amendment 54

Proposal for a regulation

Article 23

Text proposed by the Commission

Article 23

Registration by regional fisheries management organisations

1. A flag Member State shall send the Commission the list(s) of vessels it has authorised for fishing activities under the auspices of a regional fisheries management organisation.

2. The list(s) referred to in paragraph 1 shall be drawn up in accordance with the regional fisheries management organisation requirements and accompanied by the information in ***Annexes 1 and 2***.

3. The Commission may request any additional information that it deems

Amendment

Article 23

Registration by regional fisheries management organisations

1. A flag Member State shall send the Commission the list(s) of ***fishing*** vessels ***as defined in Regulation (EU) No 1380/2013 which are active and that, wherever applicable, have an associated record of catches***, it has authorised for fishing activities under the auspices of a regional fisheries management organisation.

2. The list(s) referred to in paragraph 1 shall be drawn up in accordance with the regional fisheries management organisation requirements and accompanied by the information in ***the Annex***.

3. The Commission may request any additional information that it deems necessary from the flag Member State

necessary from the flag Member State.

4. When it is satisfied that the conditions in Article 22 are met, the Commission shall send the list(s) of authorised vessels to the regional fisheries management organisation.

5. If the regional fisheries management organisation register or list is not public, the Commission shall ***notify the flag Member State of the vessels included on it.***

within a period of 10 days after receiving the list referred to in paragraph 1. It shall provide a justification for any such request.

4. When it is satisfied that the conditions in Article 22 are met, ***and within a period of 15 days after receiving the list referred to in paragraph 1,*** the Commission shall send the list(s) of authorised vessels to the regional fisheries management organisation.

5. If the regional fisheries management organisation register or list is not public, the Commission shall ***circulate the list of authorised vessels to the Member States involved in the relevant fishery.***

Amendment 55

Proposal for a regulation Article 24

Text proposed by the Commission

Article 24

Scope

This Chapter shall apply to fishing activities carried out on the high seas ***by Union fishing vessels exceeding 24 meters in overall length.***

Amendment

Article 24

Scope

This Chapter shall apply to fishing activities carried out on the high seas.

Amendment 56

Proposal for a regulation Article 25 – paragraph 1 – point a

Text proposed by the Commission

(a) it has been issued with a fishing authorisation by ***its*** flag Member State; and

Amendment

(a) it has been issued with a fishing authorisation by ***the*** flag Member State ***of that vessel based on a scientific evaluation assessing the sustainability of the proposed fishing activities which has been validated by its national scientific institute or, as appropriate, the scientific institute of a Member State with competence in the***

relevant fishery; and

Amendment 57

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

A flag Member State may only issue a fishing authorisation for fishing activities on the high seas if the eligibility criteria in Article 5 are fulfilled.

Amendment

A flag Member State may only issue a fishing authorisation for fishing activities on the high seas if:

(a) the eligibility criteria in Article 5 are fulfilled;

(b) *the planned fishing activities are:*

- *based on an ecosystem-based approach to fisheries management as defined in point 9 of Article 4 of Regulation (EU) No 1380/2013; and*
- *in accordance with a scientific evaluation, taking into account the conservation of living marine resources and marine ecosystems, provided by the national scientific institute of the flag Member State.*

Amendment 58

Proposal for a regulation

Article 27

Text proposed by the Commission

Article 27

Notification to the Commission

A flag Member State shall notify the fishing authorisation to the Commission at least **15** calendar days before the start of the planned fishing activities on the high seas, providing the information in *Annexes 1 and 2*.

Amendment

Article 27

Notification to the Commission

A flag Member State shall notify the fishing authorisation to the Commission at least **8,5** calendar days before the start of the planned fishing activities on the high seas, providing the information *set out in the Annex*.

Amendment 59

Proposal for a regulation Article 28

Text proposed by the Commission

Article 28

Principles

1. A Union fishing vessel may not carry out fishing activities under chartering arrangements where a sustainable fisheries partnership agreement is in force, ***unless otherwise provided for in that agreement.***

2. A Union vessel may not carry out fishing activities under more than one chartering arrangement at a time or engage in sub-chartering.

3. A chartered Union vessel may not use the fishing opportunities of its flag Member State. The catches of a chartered vessel shall be counted against the fishing opportunities of the chartering State.

Amendment

Article 28

Principles

1. A Union fishing vessel may not carry out fishing activities under chartering arrangements where a sustainable fisheries partnership agreement is in force.

2. A Union vessel may not carry out fishing activities under more than one chartering arrangement at a time or engage in sub-chartering.

2a. Union vessels shall operate under chartering agreements in waters under the auspices of a regional fisheries management organisation only if the State to which the vessel is chartered is a contracting party to that organisation.

3. A chartered Union vessel may not use the fishing opportunities of its flag Member State ***during the period of the charter.*** The catches of a chartered vessel shall be counted against the fishing opportunities of the chartering State.

3a. Nothing in this Regulation shall diminish the responsibilities of the flag Member State with respect to its obligations under international law, Regulation (EC) No 1224/2009, Regulation (EC) No 1005/2008 or other provisions of the Common Fisheries Policy, including reporting requirements.

Amendment 60

Proposal for a regulation Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) the chartering arrangement **is** specified in the fishing authorisation.

Amendment

(b) **the details of** the chartering arrangement **are** specified in the fishing authorisation **including time period, fishing opportunities and fishing zone.**

Amendment 61

**Proposal for a regulation
Article 30 – paragraph 1**

Text proposed by the Commission

If data are collected on board a Union fishing vessel under an observer programme, the operator of that vessel shall send these data to its flag Member State.

Amendment

If data are collected on board a Union fishing vessel under an observer programme **in accordance with the legislation of the Union or of the RFMO**, the operator of that vessel shall send these data to its flag Member State.

Amendment 62

**Proposal for a regulation
Article 31**

Text proposed by the Commission

Article 31

Information to third countries

1. When carrying out fishing activities under this Title, **and if the sustainable fisheries partnership agreement with the third country so provides**, an operator of a Union fishing vessel shall send the relevant catch declarations and landing declarations to **the third country, and send** its flag Member State **a copy of that communication.**

2. A flag Member State shall assess the consistency of the data sent to the third country, as referred to in paragraph 1, with the data it has received in accordance with Regulation (EC) No 1224/2009.

Amendment

Article 31

Information to third countries

1. When carrying out fishing activities under this Title, an operator of a Union fishing vessel shall send the relevant catch declarations and landing declarations to **both** its flag Member State **and to the third country.**

2. A flag Member State shall assess the consistency of the data sent to the third country, as referred to in paragraph 1, with the data it has received in accordance with Regulation (EC) No 1224/2009. **In the event of inconsistency of data, the**

Member State shall investigate whether such inconsistency constitutes IUU fishing within the meaning of point (b) of Article 3(1) of Regulation (EC) No 1005/2008 and take appropriate action, pursuant to Articles 43 to 47 of that Regulation.

3. The non-transmission of catch declarations and landing declarations to the third country referred to in paragraph 1 shall be considered a serious infringement for the purposes of applying the sanctions and other measures provided for by the common fisheries policy. The gravity of the infringement shall be determined by the competent authority of the Member State, taking into account criteria such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition.

3. The non-transmission of catch declarations and landing declarations to the third country referred to in paragraph 1 shall be considered a serious infringement for the purposes of applying the sanctions and other measures provided for by the common fisheries policy. The gravity of the infringement shall be determined by the competent authority of the Member State, taking into account criteria such as the nature of the damage, its value, the economic situation of the offender and the extent of the infringement or its repetition.

Amendment 63

Proposal for a regulation Title III – Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

RFMO membership requirements

A third country fishing vessel may only carry out fishing activities in Union waters on stocks managed by an RFMO if the third country is a contracting party to that RFMO.

Amendment 64

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. A third country fishing vessel may not engage in fishing activities in Union waters unless it has been issued with a

1. A third country fishing vessel may not engage in fishing activities in Union waters unless it has been issued with a

fishing authorisation by the Commission.

fishing authorisation by the Commission. ***It shall only be issued with such an authorisation if it fulfils the eligibility criteria set out in Article 5.***

Justification

If EU vessels fishing abroad need to fulfil certain criteria, then those criteria should also apply to third country vessels fishing in the EU.

Amendment 65

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. A third country fishing vessel authorised to fish in Union waters shall comply with the rules governing the fishing activities of Union vessels in the fishing zone in which it operates, **and** the provisions laid down in the relevant fisheries agreement.

Amendment

2. A third country vessel authorised to fish in Union waters shall comply with the rules governing the fishing activities of Union vessels in the fishing zone in which it operates. ***Should*** the provisions laid down in the relevant fisheries agreement ***be different, the provisions shall be stated explicitly either in that agreement or by means of rules agreed with the third country implementing the agreement.***

Amendment 66

Proposal for a regulation Article 33

Text proposed by the Commission

Article 33

Conditions for fishing authorisations

The Commission may only issue an authorisation to a third country fishing vessel for fishing activities in Union waters if:

- (a) the information in ***Annexes 1 and 2***

Amendment

Article 33

Conditions for fishing authorisations

The Commission may only issue an authorisation to a third country fishing vessel for fishing activities in Union waters if:

(-a) there is a surplus of allowable catch that would cover the proposed fishing opportunities as required under Article 62(2) and (3) of UNCLOS;

- (a) the information in ***the Annex*** about

about the fishing vessel and the associated support vessel(s) is complete and accurate; the vessel and any associated support vessel(s) have an IMO number;

(b) the *operator and* the fishing vessel have not been subject to any sanction for a serious infringement *according to the national law of the Member State pursuant to Article 42 of Council Regulation (EC) No 1005/2008 and Article 90 of Council Regulation (EC) No 1224/2009* during the 12 months before the application for the fishing authorisation;

(c) the fishing vessel is not on any IUU list and/or the third country is not identified or listed as non-cooperating pursuant to Council Regulation (EC) 1005/2008 or as allowing non-sustainable fishing pursuant to Regulation (EU) No 1026/2012;

(d) the fishing vessel is eligible under the fisheries agreement with the third country concerned and, where appropriate, is on the list of vessels under that agreement.

the fishing vessel and the associated support vessel(s) is complete and accurate; the vessel and any associated support vessel(s) have an IMO number *when so required under Union legislation*;

(b) the *master of* the fishing vessel, *as well as the fishing vessel concerned*, have not been subject to a sanction for a serious infringement during the 12 months prior to the application for the fishing authorisation;

(c) the fishing vessel is not on any IUU vessel list *adopted by a third country, a regional fisheries management organisation or by the Union pursuant to Council Regulation (EC) No 1005/2008* and/or the third country is not identified or listed as non-cooperating pursuant to Council Regulation (EC) No 1005/2008 or as allowing non-sustainable fishing pursuant to Regulation (EU) No 1026/2012;

(d) the fishing vessel is eligible under the fisheries agreement with the third country concerned and, where appropriate, is on the list of vessels under that agreement.

Amendment 67

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. The Commission may refuse, suspend or withdraw the authorisation in cases *where a fundamental change of circumstances has occurred or in cases where overriding policy reasons* pertaining inter alia to international standards of human rights *or to the fight against* illegal, unreported or unregulated fishing *warrant such action* or *in cases* where, for such or any other reason of overriding policy the

Amendment

2. The Commission may refuse, suspend or withdraw the authorisation in cases:

Union has decided to suspend or sever relations with the third country concerned.

(a) pertaining inter alia to international standards of human rights;

(b) *of imperative grounds of urgency related to a serious threat to the sustainable exploitation, management and conservation of marine biological resources;*

(c) *where action is needed to prevent a serious infringement pursuant to Article 42 of Council Regulation (EC) No 1005/2008 or Article 90(1) of Council Regulation (EC) No 1224/2009, related to illegal, unreported or unregulated fishing;*
or

(d) where, for such or any other reason of overriding policy the Union has decided to suspend or sever relations with the third country concerned.

The Commission shall immediately inform the third country in the event that it refuses, suspends or withdraws the authorisation in accordance with the first subparagraph.

Amendment 68

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

1. When the Commission establishes that a third country has exceeded the quotas it has been allocated for a stock or group of stocks, the Commission shall make deductions from the quotas allocated to that country for that stock or group of stocks in subsequent years.

Amendment

1. When the Commission establishes that a third country has exceeded the quotas it has been allocated for a stock or group of stocks, the Commission shall make deductions from the quotas allocated to that country for that stock or group of stocks in subsequent years. ***The amount of the reduction shall be consistent with Article 105 of Regulation (EC) No 1224/2009.***

Amendment 69

Proposal for a regulation Article 39

Text proposed by the Commission

Article 39

Union fishing authorisation register

1. The Commission shall set up and maintain an electronic Union fishing authorisation register, made of a public part and a secure part. That register shall:

(a) record all information in *Annexes 1 and 2* and display the status of each authorisation in real time;

(b) be used for data and information exchange between the Commission and a Member State; and

(c) be used for the purposes of sustainable management of fishing fleets only.

2. The list of fishing authorisations in the register shall be publicly accessible and contain each of the following information:

(a) name and flag of the vessel;

(b) type of authorisation; and

(c) authorised time and zone of fishing activity (start and end dates; fishing zone).

3. A Member State shall use the register to submit fishing authorisations to the Commission and to keep its details updated, as required under Articles 12, 19, 23 and 27.

Amendment

Article 39

Union fishing authorisation register

1. The Commission shall set up and maintain an electronic Union fishing authorisation register ***containing all fishing authorisations granted in accordance with Titles II and Title III,*** made of a public part and a secure part. That register shall:

(a) record all information ***set out in the Annex*** and display the status of each authorisation in real time;

(b) be used for data and information exchange between the Commission and a Member State; and

(c) be used for the purposes of sustainable management of fishing fleets only.

2. The list of fishing authorisations in the register shall be publicly accessible and contain each of the following information:

(a) name and flag of the vessel ***and its CFR and IMO numbers where required under Union legislation;***

(aa) name, city and country of residence of the company owner and of the beneficial owner;

(b) type of authorisation ***including fishing opportunities;*** and

(c) authorised time and zone of fishing activity (start and end dates; fishing zone).

3. A Member State shall use the register to submit fishing authorisations to the Commission and to keep its details updated, as required under Articles 12, 19, 23 and 27

Amendment 70

Proposal for a regulation

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

To make a Union fishing authorisation register operational and to enable Member States to meet the technical transmission requirements, the Commission shall provide technical assistance to the Member States concerned. In order to do so, it shall help national authorities to forward the information that operators are required to supply for each type of authorisation and, by ... [six months after the date of entry into force of this Regulation], develop an IT application for the Member States to enable them to transfer to the Union fishing authorisation register automatically and in real time data concerning applications for authorisations and the characteristics of vessels.

Amendment 71

Proposal for a regulation

Article 40 – paragraph 1 b (new)

Texte proposé par la Commission

Amendment

For the technical and financial support for the transfer of information, Member States may draw on financial aid from the European Maritime and Fisheries Fund pursuant to point (a) of Article 76(2) of Regulation (EU) No 508/2014 of the European Parliament and of the Council^{27a}.

^{27a} Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011

Amendment 72

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. The Commission or the body designated by it may, in the framework of fisheries agreements concluded between the Union and third countries, under the auspices of regional fisheries management organisations or similar fisheries organisations to which the Union is a contracting party or a **non-contracting** cooperating party, communicate relevant information concerning non-compliance with the rules of this Regulation, or serious infringements referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 and in Article 90(1) of Regulation (EC) No 1224/2009, to other parties to those agreements or organisations subject to the consent of the Member State that supplied the information and in accordance with Regulation (EC) No 45/2001.

Amendment

2. The Commission or the body designated by it may, in the framework of fisheries agreements concluded between the Union and third countries, under the auspices of regional fisheries management organisations or similar fisheries organisations to which the Union is a contracting party or a cooperating **non-contracting** party, communicate relevant information concerning non-compliance with the rules of this Regulation, or serious infringements referred to in Article 42(1)(a) of Regulation (EC) No 1005/2008 and in Article 90(1) of Regulation (EC) No 1224/2009, to other parties to those agreements or organisations subject to the consent of the Member State that supplied the information and in accordance with Regulation (EC) No 45/2001.

Justification

The correct term.

Amendment 73

Proposal for a regulation Article 44 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(2) shall be conferred on the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 5(2) shall be conferred on the Commission **for a period of five years from ... [the date of entry into force of this Regulation]. The Commission shall draw up a report in**

respect of the delegation of power not later than nine months before the end of the five-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.

Amendment 74

Proposal for a regulation Annex I

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 75

Proposal for a regulation Annex II

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 76

Proposal for a regulation Annex II a (new)

Text proposed by the Commission

Amendment

Annex IIa

***List of information to be provided for
issuing a fishing authorisation***

**** mandatory fields (for items 22 to 25 and
28 to 48, may not be filled in if the
information can be automatically
retrieved from the Union fleet register
thanks to the CFR or IMO number)***

I

APPLICANT

- 1** *Vessel Identifier (IMO number, CFR number, etc.)*
 - 2** *Vessel name*
 - 3** *Name of the economic operator**
 - 4** *Email**
 - 5** *Address*
 - 6** *Fax*
 - 7** *Tax number (SIRET, NIF...)**
 - 8** *Telephone*
 - 9** *Name of the owner*
 - 10** *Email**
 - 11** *Address*
 - 12** *Fax*
 - 13** *Telephone*
 - 14** *Name of association or agent representing the economic operator**
 - 15** *Email**
 - 16** *Address*
 - 17** *Fax*
 - 18** *Telephone*
 - 19** *Name(s) of master(s) **
 - 20** *Email**
 - 21** *Nationality**
 - 22** *Fax*
 - 23** *Telephone*
 - II** ***FISHING CATEGORY FOR WHICH FISHING AUTHORISATION IS REQUESTED***
- Type of authorisation (fisheries agreement, direct authorisation, RFMO, high seas, charter, support vessel)*
- 24** *Vessel type FAO code**
 - 25** *Gear type FAO code**
 - 26** *Fishing Areas FAO code**

- 27 *Target Species FAO code or Fishing category (SFPA)**
- 28 *Authorisation period requested (start and end dates)*
- 29 *RFMOs register number* (when known)*
- 30 *List of support vessels: name / IMO number / CFR number*
- III CHARTERING**
- 31 *Vessel operating under chartering arrangement*: Yes / No*
- 32 *Type of chartering arrangement*
- 33 *Period of chartering (start and end dates)**
- 34 *Fishing opportunities (tons) allocated to the vessel under chartering**
- 35 *Third country allocating fishing opportunities to the vessel under chartering**