REPORT

(COM(2020)0215 – C9-0157/2020 – 2020/0095(COD))

Committee on Fisheries

Rapporteur: Isabel Carvalhais
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns. New text is indicated in bold italics in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in bold italics. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced. By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
<table>
<thead>
<tr>
<th>CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</td>
<td>5</td>
</tr>
<tr>
<td>EXPLANATORY STATEMENT</td>
<td>16</td>
</tr>
<tr>
<td>PROCEDURE – COMMITTEE RESPONSIBLE</td>
<td>18</td>
</tr>
<tr>
<td>FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE</td>
<td>19</td>
</tr>
</tbody>
</table>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2020)0215),
– having regard to Article 294(2) and to Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0157/2020),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Fisheries (A9-0220/2020),

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Since the adoption of Regulation (EU) 2019/833 of the European Parliament and of the Council², the Northwest Atlantic Fisheries Organisation (NAFO) adopted at its 41st Annual Meeting a</td>
<td>(1) Since the adoption of Regulation (EU) 2019/833 of the European Parliament and of the Council², the Northwest Atlantic Fisheries Organisation (NAFO) adopted at its 41st and 42nd Annual</td>
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</tbody>
</table>
number of legally binding decisions for the conservation of fishery resources under its purview.

Meetings, in 2019 and 2020, a number of legally binding decisions for the conservation of fishery resources under its purview.


Justification

It is necessary to include the reference of the 2020 meeting since some of the decisions taken are introduced by the rapporteur as amendments.

Amendment 2

Proposal for a regulation
Recital 2

Text proposed by the Commission
(2) Those decisions are addressed to the NAFO Contracting Parties, but also contain obligations for the operators. Following their entry into force on 2 December 2019, NAFO Conservation and Enforcement Measures (CEM) are binding on all NAFO Contracting Parties. As regards the Union, they are to be incorporated into Union law to the extent they are not already provided for by Union law.

Amendment
(2) Those decisions are addressed to the NAFO Contracting Parties, but also contain obligations for the operators. New NAFO Conservation and Enforcement Measures (CEM) that are binding on all NAFO Contracting Parties have entered into force. As regards the Union, they are to be incorporated into Union law to the extent they are not already provided for by Union law.

Justification

It is necessary to change the reference to the entering in force of two different CEM, the 2019 and 2020 CEM that made changes that are binding to all NAFO Contracting Parties and that are now incorporated into Union law.
Amendment 3

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point b
Regulation (EU) 2019/833
Article 3 – point 31

Text proposed by the Commission
(31) “MCS Website” means the NAFO Monitoring, Control and Surveillance Website that contains information relevant for at-sea and in-port inspections. The procedure for granting access to this website to individuals within Contracting Parties is outlined in Annex II.XX to the CEM referred to in point 45 of the Annex to this Regulation.

Amendment
(31) “MCS Website” means the NAFO Monitoring, Control and Surveillance Website that contains information relevant for at-sea and in-port inspections. The procedure for granting access to this website to individuals within Contracting Parties is outlined in Annex II.H to the CEM referred to in point 45 of the Annex to this Regulation.

Justification
The reference to the CEM Annex is incorrect.

Amendment 4

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b a (new)
Regulation (EU) 2019/833
Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission
(ba) In Article 6(1), the following point is inserted:

"(fa) close its directed fishery for cod in Division 3M between 24:00 Coordinated Universal Time (UTC) on 31 December 2020 and 24:00 UTC on 31 March 2021;"

 Amendment

Justification
Decision taken in 2020 NAFO meeting that must be incorporated into Union law.
Amendment 5

Proposal for a regulation
Article 1 – paragraph 1 – point 4 a (new)
Regulation (EU) 2019/833
Article 9 a (new)

Text proposed by the Commission

(4a) The following Article is inserted:

"Article 9a

Cod in Division 3M

1. The following control measures shall apply to vessels with more than 1 250 kg of cod catches from Division 3M on board:

(a) vessels shall land or tranship their cod catches from Division 3M only in ports designated in accordance with Article 39;

(b) at least 48 hours before its estimated time of arrival in port, a vessel or its representative on its behalf shall advise the competent port authority of its estimated time of arrival, the estimated quantity of cod catches from Division 3M retained on board, and information on the Division or Divisions where any other cod catches retained on board were taken;

(c) each Member State shall inspect each landing or transhipment of cod catches from Division 3M in its ports and prepare an inspection report in the format prescribed in Annex IV C to the CEM referred to in point 9 of the Annex to this Regulation, and send it to the Commission, with EFCA in copy, within 12 working days from the date on which the inspection was completed. That report shall identify and provide details of any infringement of this Regulation detected during the port inspection. It shall include all relevant information available in reference to infringements detected at sea during the current trip of the inspected fishing vessel."
2. Each Member State shall inspect vessels with less than 1 250 kg of cod catches from Division 3M on board on a risk management basis.

3. The Commission or a body designated by it shall ensure that the information referred to in paragraph 1, point (c) is transmitted to the NAFO Executive Secretary without delay, for posting on the NAFO MCS website."

Justification

Decision taken in 2020 NAFO meeting that must be incorporated into Union law.

Amendment 6
Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a – point i
Regulation (EU) 2019/833
Article 10 – point 1 – point c

Text proposed by the Commission

(c) each Member State shall send to the Commission the name of every port it has so designated, which shall transmit it to the NEAFC Executive Secretary. Any subsequent changes to the list shall be sent in replacement of the previous one not less than 20 days before the change comes into effect.;

Amendment

(c) each Member State shall send to the Commission the name of every port it has so designated, which shall transmit it to the NAFO Executive Secretary. Any subsequent changes to the list shall be sent in replacement of the previous one not less than 20 days before the change comes into effect.;

Justification

The reference to NEAFC is incorrect should be NAFO.

Amendment 7
Proposal for a regulation
Article 1 – paragraph 1 – point 7 a (new)
Regulation (EU) 2019/833
Article 14 – paragraph 3 a (new)
Text proposed by the Commission

Amendment

(7a) In Article 14, the following paragraph is inserted:

“3a. Trawler vessels conducting a directed fishery for cod in Division 3M shall use a sorting grid for the purpose of reducing the catches of smaller individuals of cod with a minimum bar spacing of 55 mm. The sorting grid shall be placed in the top side panel of the trawl preceding the codend.”

Justification

Decision taken in 2020 NAFO meeting that must be incorporated into Union law.

Amendment 8

Proposal for a regulation

Article 1 – paragraph 1 – point 7 b (new)

Regulation (EU) 2019/833

Article 18 – paragraph 1

Present text

Amendment

(7b) In Article 18, paragraph 1 is replaced by the following:

"1. Until 31 December 2021, no vessel shall engage in bottom fishing activities in any of the areas illustrated in Figure 3 of the CEM referred to in point 14 of the Annex to this Regulation, and defined by connecting the coordinates specified in Table 5 of the CEM referred to in point 15 of the Annex to this Regulation, in their numerical order and back to coordinate 1.”

Justification

Decision taken in 2020 NAFO meeting that must be incorporated into Union law.
Amendment 9

Proposal for a regulation
Article 1 – paragraph 1 – point 7 c (new)
Regulation (EU) 2019/833
Article 18 – paragraph 2

2. Until 31 December 2020, no vessel shall engage in bottom fishing activities in the area of Division 3O illustrated in Figure 4 of the CEM referred to in point 16 of the Annex to this Regulation, and defined by connecting the coordinates specified in Table 6 of the CEM referred to in point 17 of the Annex to this Regulation, in their numerical order and back to coordinate 1.


Justification

Decision taken in 2020 NAFO meeting that must be incorporated into Union law.

Amendment 10

Proposal for a regulation
Article 1 – paragraph 1 – point 7 d (new)
Regulation (EU) 2019/833
Article 18 – paragraph 3

3. Until 31 December 2020, no vessel shall engage in bottom fishing activities in areas 1-13 illustrated in Figure 5 of the CEM referred to in point 18 of the Annex to this Regulation, and defined by

(7d) In Article 18, paragraph 3 is replaced by the following:

"3. Until 31 December 2021, no vessel shall engage in bottom fishing activities in areas 1-13 illustrated in Figure 5 of the CEM referred to in point 18 of the Annex to this Regulation, and defined by
connecting the coordinates specified in Table 7 of the CEM referred to in point 19 of the Annex to this Regulation, in numerical order and back to coordinate 1. Connecting the coordinates specified in Table 7 of the CEM referred to in point 19 of the Annex to this Regulation, in numerical order and back to coordinate 1.”


**Justification**

*Decision taken in 2020 NAFO meeting that must be incorporated into Union law.*

**Amendment 11**

**Proposal for a regulation**

Article 1 – paragraph 1 – point 10 – point c – point ii
Regulation (EU) 2019/833
Article 25 – paragraph 6 – subparagraph 2

**Text proposed by the Commission**

Catch shall be reported at the species level under their corresponding 3-alpha code presented in Annex I.C of the CEM referred to in point 11 of the Annex to this Regulation or if not contained in Annex I.C the FAO Aquatic Sciences and Fisheries Information System List of Species for Fishery Statistics. The estimated weight of sharks caught per haul or set shall also be recorded.;

**Amendment**

Catch shall be reported at the species level under their corresponding 3-alpha code presented in Annex I.C of the CEM referred to in point 11 of the Annex to this Regulation or if not contained in Annex I.C to the CEM the FAO Aquatic Sciences and Fisheries Information System List of Species for Fishery Statistics shall be used. The estimated weight of sharks caught per haul or set shall also be recorded.;

**Justification**

*For coherence to the references to CEM Annexes.*

**Amendment 12**

**Proposal for a regulation**

Article 1 – paragraph 1 – point 16 – point b
Regulation (EU) 2019/833
Article 35 – paragraph 1 – point e

**Text proposed by the Commission**

(e) fishing in closed area, in

**Amendment**

(e) fishing in closed area, in
contravention of Article 9(5) **and** Article 18;

contravention of Article 9(5) **or** Article 18;

**Justification**

*For coherence to the 2020 CEM.*

**Amendment 13**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 16 – point b a (new)**

Regulation (EU) 2019/833

Article 35 – paragraph 1 – point g

<table>
<thead>
<tr>
<th>Present text</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ba) In Article 35(1), point (g) is replaced by the following:</td>
<td>(g) using an unauthorised mesh size or grid size in contravention of Article 13 or Article 14;</td>
</tr>
</tbody>
</table>


**Justification**

*For coherence with the decisions taken in 2020 NAFO meeting.*

**Amendment 14**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 16 – point c**

Regulation (EU) 2019/833

Article 35 – paragraph 1 – point k

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(k) failure to communicate messages relating to catch in contravention of Article 12(1) <strong>and</strong> Article 25;</td>
<td>(k) failure to communicate messages relating to catch in contravention of Article 12(1) <strong>or</strong> Article 25;</td>
</tr>
</tbody>
</table>

**Justification**

*For coherence to the 2020 CEM.*
**Amendment 15**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2019/833  
Article 50 – paragraph 2 – point j

*Text proposed by the Commission*

(j) technical specifications for sorting grids, grates and toggle chains in the Northern prawn fishery set out in Article 14(2);

*Amendment*

(j) technical specifications for sorting grids, grates and toggle chains in the Northern prawn fishery set out in Article 14(2) as well as technical specifications of sorting grids or attachments set out in Article 14(3) or (3a);

*Justification*

For coherence with the decisions taken in 2020 NAFO meeting.

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**Amendment 16**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Regulation (EU) 2019/833  
Article 50 – paragraph 2 – point k

*Text proposed by the Commission*

(k) area restrictions for bottom fishing activities set out in Article 18.

*Amendment*

(k) area or period restrictions for bottom fishing activities set out in Article 18.

*Justification*

For coherence with the decisions taken in 2020 NAFO meeting.

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**Amendment 17**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 20 – point b**  
Regulation (EU) 2019/833  
Annex – point 45
Text proposed by the Commission

Amendment

(45) Annex II.XX of the CEM referred to in point (31) of Article 3.

(45) Annex II.H of the CEM referred to in point (31) of Article 3.

Justification

The reference to the CEM Annex is incorrect.
EXPLANATORY STATEMENT

(1) Content of the proposal

On 29 May 2020, the Commission submitted a proposal to amend Regulation (EU) 2019/833, which transposed into EU law the conservation and enforcement measures (CEM) adopted by the Northwest Atlantic Fisheries Organisation (NAFO), to which the European Union (EU) has been a contracting party since 1979. The purpose of this proposal is to transpose into Union law the amendments to the conservation and enforcement measures adopted by NAFO at its annual meeting in 2019. It also includes NAFO editorial improvements and adapts the wording to the EU legal context.

NAFO is the regional fisheries management organisation (RFMO) responsible for managing fishery resources in the Northwest Atlantic. NAFO conservation and management measures apply exclusively to the NAFO high seas Regulatory Area. Under the terms of the NAFO Convention, its Commission, a constituent body of which all contracting parties are members, is responsible for the adoption of conservation and enforcement measures.

The latter also states that the conservation measures adopted by the Commission are binding and that the contracting parties are obliged to implement them. New measures are adopted by the NAFO Commission at its annual meetings in the form of decisions, of which the contracting parties are subsequently notified by the Executive Secretary. Article 3(5) of the Treaty on European Union stipulates that the EU shall strictly observe international law. This includes compliance with NAFO conservation and enforcement measures.

This proposal transposes the measures adopted by NAFO in 2019 that entered into force on 2 December and have remained applicable since then.

(2) Rapporteur’s position

The rapporteur welcomes this proposed amendment to the regulation, updating EU law though transposition of the new NAFO conservation and enforcement measures.

She would point out that, although the number of EU vessels authorised to fish in the NAFO Regulatory Area in 2020 has been reduced to just 47, catch volumes are nevertheless significant considering the size of the fleet. According to the NAFO website, vessels from five Member States were logging activities in that area in 2019, the total EU catch being 51 076 tonnes. Portugal and Spain account for 80% of the total EU catch, that is to say 44.5% (22 735 tonnes) and 35.5% (18 151 tonnes) respectively.

It is essential to ensure compliance with the best conservation measures for fisheries in these waters, given the particular sensitivity of certain target species, especially those with long life cycles. CEM standards must accordingly be introduced for the protection of the Greenland shark, which has the longest known lifespan of all vertebrate species.

It is therefore necessary to guarantee implementation of the Common Fisheries Policy across the board by all Union fishing fleets, irrespective of their geographical operating area, and,
above all, minimise the impact of resource exploitation on habitats, other resources and other species. The rapporteur would point out that fishing activities in the Convention Area involve the use of trawling gear, which can cause damage to the seabed and hence habitats. She accordingly urges the Commission to make its voice heard at NAFO meetings and, in particular, ensure that the conservation and management measures adopted by NAFO are in line with ambitious CFP targets.

Finally, given that speed is of the essence regarding the transposition of the CEM amendments into Union law, the rapporteur has tabled a number of amendments directly arising from the decisions of the 42th NAFO Annual Meeting in September 2020. In this connection, she stresses the need to include provisions halting Division 3M cod catches between 1 January and 31 March 2021 and introducing specific technical and control measures for cod catches in that Division for the remainder of the year. She accordingly urges that these important measures be transposed and implemented immediately, thereby obviating the need for further amendments to the Regulation to make the CEMS adopted in 2020 part of Union law.
# PROCEDURE – COMMITTEE RESPONSIBLE

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>References</strong></td>
<td>COM(2020)0215 – C9-0157/2020 – 2020/0095(COD)</td>
</tr>
<tr>
<td><strong>Date submitted to Parliament</strong></td>
<td>29.5.2020</td>
</tr>
<tr>
<td><strong>Committee responsible</strong></td>
<td>PECH</td>
</tr>
<tr>
<td><strong>Date announced in plenary</strong></td>
<td>17.6.2020</td>
</tr>
<tr>
<td><strong>Rapporteurs</strong></td>
<td>Isabel Carvalhais</td>
</tr>
<tr>
<td><strong>Date appointed</strong></td>
<td>16.6.2020</td>
</tr>
<tr>
<td><strong>Discussed in committee</strong></td>
<td>25.6.2020 26.10.2020</td>
</tr>
<tr>
<td><strong>Date adopted</strong></td>
<td>16.11.2020</td>
</tr>
</tbody>
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| **Result of final vote** | +: 28  
--: 0  
0: 0 |
| **Members present for the final vote** | Clara Aguilera, Pietro Bartolo, François-Xavier Bellamy, Izaskun Bilbao Barandica, Isabel Carvalhais, Rosanna Conte, Rosa D’Amato, Fredrick Federley, Giuseppe Ferrandino, João Ferreira, Søren Gade, Francisco Guerreiro, Anja Hazekamp, Niclas Herbst, France Jamet, Pierre Karleskind, Predrag Fred Matić, Francisco José Millán Mon, Cláudia Monteiro de Aguiar, Grace O’Sullivan, Manuel Pizarro, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Ruža Tomašić, Peter van Dalen, Theodoros Zagorakis |
| **Substitutes present for the final vote** | Valentino Grant |
| **Date tabled** | 17.11.2020 |
## Final Vote by Roll Call in Committee Responsible

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<table>
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<tbody>
<tr>
<td>28</td>
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<tr>
<td>ECR</td>
<td>Bert-Jan Ruissen, Ruža Tomašić</td>
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<tr>
<td>ID</td>
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<tr>
<td>NI</td>
<td>Rosa D'Amato</td>
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<td>Clara Aguilera, Pietro Bartolo, Isabel Carvalhais, Giuseppe Ferrandino, Predrag Fred Matić, Manuel Pizarro</td>
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<tr>
<td>VERTS/ALE</td>
<td>Francisco Guerreiro, Grace O'Sullivan, Caroline Roose</td>
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Key to symbols:
+ : in favour
- : against
0 : abstention