



Plenary sitting

A9-0136/2022

28.4.2022

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on certain provisions for fishing in the GFCM (General Fisheries Commission
for the Mediterranean) Agreement area (recast)
(COM(2021)0434 – C9-0345/2021 – 2021/0248(COD))

Committee on Fisheries

Rapporteur: Ladislav Ilčić

(Recast – Rule 110 of the Rules of Procedure)

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.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast)
(COM(2021)0434 – C9-0345/2021 – 2021/0248(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0434),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0345/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 September 2021,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to the letter of 30 March 2022 sent by the Committee on Legal Affairs to the Committee on Fisheries in accordance with Rule 110(3) of its Rules of Procedure
 - having regard to Rules 110 and 59 of its Rules of Procedure,
 - having regard to the letter of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Fisheries (A9-0136/2022),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces,

¹ OJ C 77, 28.3.2002, p. 1.

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 6

Text proposed by the Commission

(6) Recommendations adopted by the GFCM are binding on its contracting parties. As the Union is a contracting party to the GFCM Agreement, these recommendations are binding on the Union and should therefore be implemented in Union law unless their content is already covered thereby

Amendment

(6) Recommendations adopted by the GFCM are binding on its contracting parties. As the Union is a contracting party to the GFCM Agreement, these recommendations are binding on the Union and should therefore be implemented in Union law, ***in a manner which ensures a level playing field for Union operators in relation to operators from other GFCM contracting parties***, unless their content is already covered thereby

Justification

Need to stress that EU fishing vessels should not encounter different or stricter measures than the other contracting parties of the GFCM.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) For these reasons and since the permanent character of recommendations requires also a permanent legal instrument for their implementation in Union law, it is appropriate to implement these recommendations via a single legislative act, where future recommendations can be added by way of amendments to that act.

Amendment

(7) For these reasons and since the permanent character of recommendations requires also a permanent legal instrument for their implementation in Union law, it is appropriate to implement these recommendations via a single legislative act, ***ensuring legal clarity and predictability for Union operators in waters covered by the GFCM and*** where future recommendations can be added by

way of amendments to that act.

Amendment 3

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In accordance with Article 3 of Regulation (EU) 2019/473 of the European Parliament and of the Council^{1a}, the mission of the European Fisheries Control Agency (EFCA) is, inter alia, to assist Member States in reporting information on fishing activities and control and inspection activities to the Commission and third parties such as the GFCM Secretariat. It is therefore appropriate for EFCA to be included in the communications received from Member States and the Commission with information related to control and inspection, such as authorised vessels to operate, suspected infringements detected and the list of vessels to be included in the IUU List of the GFCM Agreement Area.

^{1a} Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) The advice upon which management measures are based should itself be based on the scientific use of relevant data on fleet capacity and activity, on the biological status of exploited resources and on the social and economic situation of fisheries. This data needs to be collected and submitted in time to allow the subsidiary bodies of the GFCM to prepare their advice.

(8) The advice upon which management measures are based should itself be based on the scientific use of relevant data on fleet capacity and activity, on the biological status of exploited resources and on the social and economic situation of fisheries. ***Furthermore, the scientific data should include a holistic impact assessment of commercial, biological and environmental threats against key species.*** This data needs to be collected and submitted in time to allow the subsidiary bodies of the GFCM to prepare their advice.

Justification

A holistic impact assessment on scientific data will create the best possible foundation for securing conservation of key species, and holistically sourced data will be relevant data to receive and consider for the GFCM to prepare future advice.

Amendment 5

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to acknowledge the importance of recreational fishing, the Commission should work towards adopting a horizontal recommendation on measures on data collection on recreational fisheries in the waters covered by the GFCM. The Commission should also scrutinise the economic, environmental and biological sustainability of recreational fisheries in the GFCM area.

Justification

Since recreational fishing is not part of the data collection for certain species, it is relevant for the Commission to consider how to properly include recreational fishing in the data collection and this should be through a horizontal recommendation.

Amendment 6

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Management measures and recommendations should be based on the best scientific advice and should be based on a holistic approach taking into account commercial, biological and environmental factors and threats against key species, for example the use of non-selective fishing gear, plastic pollution and cormorants.

Justification

It is important to stress that scientific data need to include a holistic impact assessment of different threats against key species in order to have the best possible foundation for securing conservation of key species.

Amendment 7

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to Regulation 2019/1241, the national management plans and national management measures adopted by Member States, pursuant to Article **2(8)** of Regulation (EU) No 1100/2007²⁰, shall establish technical measures ***that ensure a reduction in mortalities.***

Without prejudice to Regulation 2019/1241, the national management plans and national management measures adopted by Member States, pursuant to Article **2** of Regulation (EU) No 1100/2007²⁰, shall establish technical measures, ***such as authorised fishing gear and mesh size.***

²⁰ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

²⁰ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

Justification

New wording reflects Art. 23 of Recommendation GFCM/42/2018/1.

Amendment 8

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States may adopt measures to complement their national management plan or national management measures, in accordance with Article 2 of Council Regulation (EC) No 1100/2007, taking into account inter alia the conservation state of European eel in their waters, the impact of fishing activities catching European eel in their waters and other anthropogenic mortality sources.

Amendment

1. Member States may adopt **voluntary** measures to complement their national management plan or national management measures, in accordance with Article 2 of Council Regulation (EC) No 1100/2007, taking into account inter alia the conservation state of European eel in their waters, the impact of fishing activities catching European eel in their waters and other anthropogenic mortality sources.

Justification

The Rapporteur wishes to stress the non-compulsory nature of this provision.

Amendment 9

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, Member States may put in place measures alternative to designated landing points, provided that those measures effectively contribute to the fight against IUU fishing.

Justification

The proposed paragraph corresponds verbatim to paragraph 40 of Recommendation GFCM/42/2018/1 allowing Member States for more flexibility on the measures to fight IUU fishing.

Amendment 10

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall establish on a regular basis an estimate of the number of recreational fishers and their catches of glass, yellow and silver eels.

Amendment

Member States shall establish on a regular basis an estimate of the number of recreational fishers and their catches of glass, yellow and silver eels ***to ensure the most accurate scientific data.***

Amendment 11

**Proposal for a regulation
Article 16 – paragraph 1**

Text proposed by the Commission

Member States shall ensure annually an adequate scientific monitoring of the status of the species included within the scope of this section.

Amendment

Member States shall ensure annually an adequate scientific monitoring of the status of the species included within the scope of this section, ***including an impact assessment of commercial, biological and environmental factors and threats against species listed, for example the use of non-selective fishing gear, plastic pollution and cormorants.***

Amendment 12

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

Text proposed by the Commission

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 24.

Amendment

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 24, ***including an impact assessment of commercial, biological and environmental factors and threats against species listed, for example the use of non-selective fishing gear, plastic pollution and cormorants.***

Amendment 13

**Proposal for a regulation
Article 35 – paragraph 1**

Text proposed by the Commission

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 33.

Amendment

Member States shall ensure annually an adequate scientific monitoring of the status of species listed in Article 33, ***including an impact assessment of commercial, biological and environmental factors and threats against species listed, for example the use of non-selective fishing gear, plastic pollution and cormorants.***

Amendment 14

Proposal for a regulation

Article 37 – paragraph 1 – point 3

Text proposed by the Commission

(3) Total catch.

Amendment

(3) Total catch ***of the key species listed in Article 33.***

Amendment 15

Proposal for a regulation

Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first paragraph, the use of ROVs shall be allowed, for scientific purposes only, until 30 June 2023, in the framework of research programmes conducted by scientific institutions and authorised by Member States.

Justification

Based on the latest advice from the GFCM Scientific Advisory Committee on Fisheries (SAC).

Amendment 16

Proposal for a regulation

Article 49 – paragraph 4

Text proposed by the Commission

4. Member States shall maintain an updated register of fishing authorisations referred to in paragraph 1 and shall send to the Commission, by 31 May each year, the list of fishers **and** vessels for which the authorisations referred to in paragraph 1 were issued. The Commission shall communicate that list to the GFCM Secretariat not later than 30 June each year. That list shall include for each vessel at least the information referred to in Annex VIII .

Amendment

4. Member States shall maintain an updated register of fishing authorisations referred to in paragraph 1 and shall send to the Commission, by 31 May each year, the list of fishers **and/or** vessels for which the authorisations referred to in paragraph 1 were issued. The Commission shall communicate that list to the GFCM Secretariat not later than 30 June each year. That list shall include for each vessel at least the information referred to in Annex VIII .

Amendment 17

**Proposal for a regulation
Article 49 – paragraph 5**

Text proposed by the Commission

5. Member States shall not increase the number of **authorised fishers and authorised fishing vessels** until scientific advice validated by the GFCM Scientific Advisory Committee indicates that red coral populations have rebuilt to sustainable levels allowing them to sustain increased exploitation.

Amendment

5. Member States shall not increase the number of **fishing authorisations referred to in paragraph 1** until scientific advice validated by the GFCM Scientific Advisory Committee indicates that red coral populations have rebuilt to sustainable levels allowing them to sustain increased exploitation.

Amendment 18

**Proposal for a regulation
Article 73 – paragraph 2**

Text proposed by the Commission

2. Member States shall designate landing points where landings by vessels actively fishing for the species listed in Article **68** **shall** take place. For each designated port, Member States shall specify permitted landing and transshipping times and places. Member States shall also **ensure inspection coverage of such activities during landing and transshipping**

Amendment

2. Member States shall designate landing points where landings by vessels actively fishing for the species listed in Article **68** **are to** take place. For each designated port, Member States shall specify permitted landing and transshipping times and places. Member States shall also **carry out inspections on the basis of a risk analysis**.

times at all designated landing points.

Justification

Text alignment to Recommendation GFCM/43/2019/5, paragraph 46.

Amendment 19

Proposal for a regulation

Article 74 – paragraph 2

Text proposed by the Commission

2. All catches irrespectively of the live weight of the catch, as well as catches of non-target species in excess of 50 kg, shall be reported in the logbook.

Amendment

2. All catches ***of key stocks, as listed in Article 68***, irrespectively of the live weight of the catch, as well as catches of non-target species in excess of 50 kg, shall be reported in the logbook.

Justification

Text alignment with Recommendation GFCM/43/2019/5, paragraph 52.

Amendment 20

Proposal for a regulation

Article 126 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 21

Proposal for a regulation

Article 126 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 22

Proposal for a regulation

Article 126 – paragraph 4

Text proposed by the Commission

4. Any change to be made to the list referred to in paragraph 1 shall be notified to the Commission for transmission to the GFCM Secretariat, through the accustomed data-processing support, at least 10 working days before the vessel begins fishing activity in the GFCM Agreement area.

Amendment

4. Any change to be made to the list referred to in paragraph 1 shall be notified to the Commission, **with EFCA in copy**, for transmission to the GFCM Secretariat, through the accustomed data-processing support, at least 10 working days before the vessel begins fishing activity in the GFCM Agreement area.

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 23

Proposal for a regulation

Article 126 – paragraph 8

Text proposed by the Commission

8. Member States shall, without delay, communicate to the Commission any information showing that there are strong reasons for suspecting that vessels of more than 15 metres in overall length that are not on the GFCM register are fishing for or

Amendment

8. Member States shall, without delay, communicate to the Commission, **with EFCA in copy**, any information showing that there are strong reasons for suspecting that vessels of more than 15 metres in overall length that are not on the GFCM

transshipping fish and shellfish in the GFCM Agreement area.

register are fishing for or transshipping fish and shellfish in the GFCM Agreement area.

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 24

Proposal for a regulation

Article 132 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 48(8) of Regulation (EC) No 1005/2008, the Member States shall submit to the Commission, at least 140 days before the GFCM Annual Session, the following information:

Amendment

1. Without prejudice to Article 48(8) of Regulation (EC) No 1005/2008, the Member States shall submit to the Commission, **with EFCA in copy**, at least 140 days before the GFCM Annual Session, the following information:

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 25

Proposal for a regulation

Article 132 – paragraph 2

Text proposed by the Commission

2. Where appropriate, the Commission shall forward to the GFCM Secretariat at least 120 days before the GFCM Annual Session any additional information received from Member States and which might be relevant for the establishment of the IUU vessel list.

Amendment

2. Where appropriate, the Commission, **with EFCA in copy**, shall forward to the GFCM Secretariat at least 120 days before the GFCM Annual Session any additional information received from Member States and which might be relevant for the establishment of the IUU vessel list.

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 26

Proposal for a regulation

Article 133 – paragraph 1

Text proposed by the Commission

1. If the Commission receives from the GFCM Secretariat any evidence supporting the presumption of IUU fishing activities by a fishing vessel flying the flag of a Member State, the Commission shall, ***without delay***, transmit that information to the Member State concerned.

Amendment

1. If the Commission receives from the GFCM Secretariat any evidence supporting the presumption of IUU fishing activities by a fishing vessel flying the flag of a Member State, the Commission shall, ***with EFCA in copy***, transmit ***immediately*** that information to the Member State concerned.

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 27

Proposal for a regulation

Article 133 – paragraph 2

Text proposed by the Commission

2. The Member State concerned may provide the Commission with evidence, at least 45 days before the GFCM annual session, including evidence showing that the listed vessels have not fished in contravention to GFCM conservation and management measures or had the possibility of fishing in the GFCM area of application. The Commission shall forward that information to the GFCM Secretariat at least 30 days before the GFCM annual session.

Amendment

2. The Member State concerned may provide the Commission with evidence, at least 45 days before the GFCM annual session, including evidence showing that the listed vessels have not fished in contravention to GFCM conservation and management measures or had the possibility of fishing in the GFCM area of application. The Commission, ***with EFCA in copy***, shall forward that information to the GFCM Secretariat at least 30 days before the GFCM annual session.

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 28

Proposal for a regulation

Article 135 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission and Member States shall cooperate and exchange information with the GFCM Secretariat , in

Amendment

1. The Commission, ***EFCA*** and Member States shall cooperate and exchange information with the GFCM

particular by:

Secretariat , in particular by:

Justification

Need to include the EFCA in the information exchange scheme to and from the GFCM secretariat, Member States and the Commission.

Amendment 29

**Proposal for a regulation
Article 139 – paragraph 1**

Text proposed by the Commission

Member States with fishing vessels engaged in commercial fishing activities exploiting blue crab (*Portunus segnis* and *Callinectes sapidus*) in the Mediterranean shall participate in the regional research programme aiming for the sustainable exploitation of blue crab in the Mediterranean (hereafter “regional research programme for blue crab”) with the purpose of ensuring socio-economic sustainability.

Amendment

Member States with fishing vessels engaged in commercial fishing activities exploiting blue crab (*Portunus segnis* and *Callinectes sapidus*) in the Mediterranean shall participate in the regional research programme aiming for the sustainable exploitation of blue crab in the Mediterranean (hereafter “regional research programme for blue crab”) with the purpose of ensuring ***environmental and*** socio-economic sustainability.

Amendment 30

**Proposal for a regulation
Article 141 – paragraph 1**

Text proposed by the Commission

Member States with fishing vessels engaged in commercial fishing activities exploiting the rapa whelk in GSA 29 shall participate in the regional research programme aiming at the sustainable exploitation of rapa whelk (*Rapana venosa*) in the Black Sea (hereafter “regional research programme for rapa whelk”) with the purpose of ensuring socio-economic sustainability.

Amendment

Member States with fishing vessels engaged in commercial fishing activities exploiting the rapa whelk in GSA 29 shall participate in the regional research programme aiming at the sustainable exploitation of rapa whelk (*Rapana venosa*) in the Black Sea (hereafter “regional research programme for rapa whelk”) with the purpose of ensuring ***environmental and*** socio-economic sustainability.

Amendment 31

Proposal for a regulation

Article 144 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts amending or supplementing this Regulation, in accordance with Article 145, concerning measures adopted by the GFCM , in respect of the following:

Amendment

The Commission is empowered to adopt delegated acts amending or supplementing this Regulation, in accordance with Article 145, concerning measures adopted by the GFCM ***that are binding upon the Union***, in respect of the following:

Justification

It is important to maintain the possibility to lodge objections for operators in order to ensure a level playing field, in line with the explanatory memorandum of the current proposal.

EXPLANATORY STATEMENT

In general, the rapporteur has strong concerns regarding the increasingly recurring use of GFCM by the Commission to take important decisions with effect in EU law on a number of the important Regulations, such as management plans (MAPs).

In this regard, the Rapporteur recalls that recommendations adopted by the GFCM are binding, unless the contracting parties have timely objected to them under the terms of the GFCM Agreement.

The rapporteur thus welcomes the opportunity to improve the Commission proposal. The rapporteur of the view that GFCM Recommendations must be strictly transposed, in order to establish a level playing field for all operators, without burdening them beyond the legal boundaries set by the GFCM recommendations.

In the case of provisions concerning the management of European eel, the rapporteur stresses that paragraph 40 of Recommendation GFCM/42/2018/1 allows for a derogation on designated landing points, allowing for more flexibility on alternative measures to be adopted by Members States to fight IUU fishing.

A blanket ban on ROVs, especially since scientific research is currently ongoing, not only along the eastern Adriatic coast, but also in the Mediterranean poses serious and unjustified limits to scientific research using this instrument. The use of ROVs for the purpose of scientific research would greatly facilitate the implementation of research and the drawing of sound conclusions on the state of red coral. In this context, GFCM Recommendation GFCM/43/2019/4 specifically states that the multiannual management plan for red coral “shall also contribute to improve the scientific, technical and socio-economic knowledge of fisheries exploiting red coral”.

The rapporteur strongly believes the provision regulating the use of remotely operated vehicles (ROVs) in the context of red coral harvesting and research should be better aligned with the Recommendation GFCM/43/2019/4.

The rapporteur proposes to amend the provisions on Red Coral in order to better align the text with Recommendation GFCM/43/2019/4 allowing for the use of ROVs in scientific research until 31 December 2022. It would be very important to allow ongoing scientific research expeditions using ROVs particularly now when the regional research activities are under way. Scientific research assessing the status of red coral stocks without the use of ROVs is not credible as it is difficult to reach relevant conclusions based only on diving techniques, which are quite limited in terms of surveyed area and depth and are furthermore very costly and dangerous.

30.3.2022

LETTER OF THE COMMITTEE ON LEGAL AFFAIRS

Mr Pierre KARLESKIND
Chair
Committee on Fisheries
BRUSSELS

Subject: Opinion on Proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast) COM(2021) 434 – C9-0345/2021 – 2021/0248(COD))

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above pursuant to Rule 110 on Recasting of Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 180 and 181, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the opinion of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such and that, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, the proposal contains a straightforward codification of the existing text, without any change in its substance.

In conclusion, at its meeting of 28 March 2022, the Committee on Legal Affairs, with 22

votes in favour, no votes against and 1 abstention¹, decided to recommend that the Committee on Fisheries (PECH), as the committee responsible, can proceed to examine the above proposal in accordance with Rule 110.

Yours sincerely,

Adrián VÁZQUEZ LÁZARA

¹ The following were present for the final vote: Adrián Vázquez Lázara (Chair), Sergey Lagodinsky (Vice-Chair), Marion Walsman (Vice-Chair), Lara Wolters (Vice-Chair), Raffaele Stancanelli (Vice-Chair), Pascal Arimont, Manon Aubry, Gunnar Beck, Patrick Breyer, Daniel Buda, Ilana Cicurel, Pascal Durand, Angel Dzhambazki, Ibán García del Blanco, Jean-Paul Garraud, Gilles Lebreton, Maria-Manuel Leitão-Marques, Sabrina Pignedoli, Jiří Pospíšil, Emil Radev, Franco Roberti, Yana Toom, Axel Voss, Tiemo Wölken.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 04 FEV. 2022

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT THE COUNCIL THE COMMISSION

Proposal for a Regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast)
COM(2021) 434 of 30.7.2021 - 2021/0248 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 27 September and 6 and 14 October 2021 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings² an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive amendments:

- in Article 42, the replacement of the word '*fishermen*' with the words '*authorised vessels or fishers*';
- in Article 49(4), the adding of the final words '*referred to in Annex VIII*';
- the deletion of the words '*by the contracting party*' contained in point (b) of Article 22a(3) of Regulation (EU) No 1343/2011;
- the deletion of the words '*or other equipment for vessel geo-localisation*' contained in point (i) of Article 22a(3) of Regulation (EU) No 1343/2011;
- in Article 63(4), the deletion of the words '*and the GFCM Secretariat not later than 31 August*' and the adding of the words '*by 31 July*' and '*and the Commission shall transmit to the GFCM*

² The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

Secretariat not later than 31 August each year;

- in Article 76(1), first sentence, the deletion of the words '*as communicated to the GFCM Secretariat in accordance with paragraph 22 of Recommendation GFCM/37/2013/1*';
- in Article 76(3), the replacement of the words '*for small pelagic stocks referred to in paragraph 1*' with the words '*as provided for in Table B of Annex XII*';
- in Article 101(2), the replacement of the words '*Shark and ray*' with the word '*Elasmobranch*';
- in Article 101(3), the replacement of the words '*sharks and rays of the*' with the word '*Elasmobranch*';
- in Article 104, the deletion of the words '*and to Council Regulation (EC) No 1185/2003*';
- in Article 120(5), the adding of the final words '*provided for in Annex VIII*';
- the deletion of the words '*in the Fisheries Restricted Area*' contained in point (j) of Article 9d(5) of Regulation (EU) No 1343/2011;
- the deletion of the entire wordings of points (1) and (m) of Article 9d(5) of Regulation (EU) No 1343/2011;
- in Article 120(6), the deletion of the words '*GFCM Secretariat and*' and the replacement of the words '*30 April each year*' with the words '*31 March*';
- the deletion of Article 16 of Regulation (EU) No 1343/2011;
- in Article 144, the deletion of the words '*As far as is necessary, in order to implement in Union law amendments that become obligatory for the Union to existing GFCM measures that have already been implemented in Union law*' and the adding of the words '*amending or supplementing this Regulation, in accordance with Article 145, concerning measures adopted by the GFCM*';
- in point (1) of Article 144, the replacement of the reference to '*Article 15(4)*' currently contained in point (a) of Article 26 of Regulation (EU) No 1343/2011 with a reference to '*Article 124(4)*';
- in point (2) of Article 144, the adding of references to '*Article 10, Article 17, Article 26, Article 36, Article 63(3), Article 72, Article 81(2) and Article 89*';
- in point (6) of Article 144, the replacement of Article number 24 currently appearing in point (d) of Article 26 of Regulation (EU) No 1343/2011 with Article number 136;
- in Article 145(2), the replacement of the words '*28 November 2015*' with the words '*the date of entry into force of this Regulation*';
- in the introductory wording of Annex VIII, the adding of new references to Articles 17, 18, 36 and 72;
- in point 1 of Annex VIII, the adding of the indication '*(authorised vessel or authorised vessel used for harvesting)*';
- in point 2 of Annex VIII, the replacement of the acronym '*CPCs*' currently contained in the second indent of Annex VIII of Regulation (EU) No 1343/2011 with the term '*Member States*';
- the entire wordings of points 11, 12, 16 and 17 of Annex VIII;
- in point 15 of Annex VIII, the adding of the indication '*(if applicable)*'.

2. The reference box preceding point 2 of Article 3 should not have contained the indication '*1343/2011(adapted)*', but should have contained the indication '*2019/982 Art. 1.2(b)*'.

3. The reference box preceding Article 42 should not have contained the indication '*1343/2011 (adapted)*', but should have contained the indication '*2015/2102 Art.1.2 (adapted)*'.

4. In the reference box preceding Article 46, the indication '*982/2019 Art.1.6 (adapted)*', should have read '*2019/982 Art. 1.8 (adapted)*'.

5. In Article 66(3), the reference to '*Annex VI*' currently contained in Article 22n(3) of Regulation (EU) No 1343/2011 should be reinstated.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

T. BLANCHET
Jurisconsult

D. CALLEJA CRESPO
Director-General

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (recast)						
References	COM(2021)0434 – C9-0345/2021 – 2021/0248(COD)						
Date submitted to Parliament	30.7.2021						
Committee responsible Date announced in plenary	PECH 13.9.2021						
Rapporteurs Date appointed	Ladislav Ilčić 1.10.2021						
Discussed in committee	16.3.2022						
Date adopted	25.4.2022						
Result of final vote	<table> <tr> <td>+: </td><td>26</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	26	–:	1	0:	0
+:	26						
–:	1						
0:	0						
Members present for the final vote	Clara Aguilera, François-Xavier Bellamy, Izaskun Bilbao Barandica, Maria da Graça Carvalho, Rosanna Conte, Rosa D’Amato, Giuseppe Ferrandino, Søren Gade, Francisco Guerreiro, Anja Hazekamp, Niclas Herbst, Jan Huitema, Ladislav Ilčić, France Jamet, Pierre Karleskind, Predrag Fred Matić, Francisco José Millán Mon, Grace O’Sullivan, Manuel Pizarro, Caroline Roose, Annie Schreijer-Pierik, Peter van Dalen, Theodoros Zagorakis						
Substitutes present for the final vote	Nicolás González Casares, Valentino Grant, Ivo Hristov, Raffaele Stancanelli						
Date tabled	28.4.2022						

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

26	+
ECR	Ladislav Ilčić, Raffaele Stancanelli
ID	Rosanna Conte, Valentino Grant, France Jamet
PPE	François-Xavier Bellamy, Maria da Graça Carvalho, Peter van Dalen, Niclas Herbst, Francisco José Millán Mon, Annie Schreijer-Pierik, Theodoros Zagorakis
Renew	Izaskun Bilbao Barandica, Søren Gade, Jan Huitema, Pierre Karleskind
S&D	Clara Aguilera, Giuseppe Ferrandino, Nicolás González Casares, Ivo Hristov, Predrag Fred Matić, Manuel Pizarro
Verts/ALE	Rosa D'Amato, Francisco Guerreiro, Grace O'Sullivan, Caroline Roose

1	-
The Left	Anja Hazekamp

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention