

# EUROPEAN PARLIAMENT

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*Committee on the Environment, Public Health and Food Safety*

**2008/0216(CNS)**

18.2.2009

## **OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

on the proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (COM(2008)0721 – C6-0510/2008 – 2008/0216(CNS))

Rapporteur: Roberto Musacchio

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## SHORT JUSTIFICATION

One of the main goals of the European Union's Common Fisheries Policy (CFP) is to establish conservation measures to ensure fish stocks being exploited on an environmentally sustainable basis. Yet, as the current state of fish stocks in EU waters demonstrates, the levels of exploitation have been too high. Thirty percent of the assessed stocks are now outside safe biological limits, and 88% are fished so intensely that the yield is reduced. Scientists warn that the quantity of mature fish is below what is necessary for the long-term sustainability of commercially exploited stocks, jeopardising both the long term sustainability of fishing activities and the marine ecosystem balance.

One of the reasons of the perceived failure of CFP is that Member States have not properly controlled how much fish is taken out of the sea each year, and no effective monitor system was put in place concerning the transshipment of fish stocks. Moreover, the level of sanctions in the EU is generally so low that they do not deter people from illegal fishing practices. This allows the fishing industry to consider the sanctions imposed as a mere running cost of their operations, thereby removing any real incentive to comply with the CFP provisions. Infringements of the applicable rules should lead to dissuasive sanctions. However, Member States with effective control systems could be given preferential access to community resources and the EC should establish appropriate financial incentives on the basis of a reward system.

If the CFP main objective is to achieve the sustainable use of the fisheries resources, then the present control, inspection and sanction systems must be strengthened considerably. The ultimate goal of control and enforcement is to ensure that the fisheries activities are truly sustainable and that operators do not damage the marine ecosystems through overfishing. Without effective controls it is impossible to have reliable figures for catches and landings. Collecting accurate data is crucial for the assessment of scientific advice on how many fish can safely be caught in the future and thereby ensuring the health of our marine living resources and a sustainable and economic viable livelihood for those fishing communities which would otherwise have few alternatives to sustain themselves.

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation Recital 18 a (new)

*Text proposed by the Commission*

*Amendment*

***(18a) The Commission should propose binding legislative measures in 2010 for***

*the reduction of EU fishing capacity.*

*Justification*

*One of the main drivers of the ongoing overfishing is the vast overcapacity of the European fleet. In fact, the most recent estimation by the Commission suggested that there is more than 40% overcapacity in the fleet. Until effective capacity reduction programmes are implemented, no control system, however strict, will succeed in eliminating fraud. It is therefore imperative that the European Commission should address the problem of excess fishing capacity to MS as a prerequisite to establishing an effective control system.*

**Amendment 2**

**Proposal for a regulation  
Article 9 – paragraph 2**

*Text proposed by the Commission*

2. A fishing vessel exceeding 10 meters length overall shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the Vessel Monitoring System by transmitting position data at regular intervals. It shall also allow the Fisheries Monitoring Centre of the flag Member State to poll the fishing vessel. For vessels exceeding 10 meters length and up to 15 meters length overall this paragraph shall apply as from **1 January 2012**.

*Amendment*

2. A fishing vessel exceeding 10 meters length overall shall have installed on board a fully functioning device which allows that vessel to be automatically located and identified through the Vessel Monitoring System by transmitting position data at regular intervals. It shall also allow the Fisheries Monitoring Centre of the flag Member State to poll the fishing vessel. For vessels exceeding 10 meters length and up to 15 meters length overall this paragraph shall apply as from **1 January 2010**.

*Justification*

*This obligation should be consistent with the entry into force on 1st January 2010 of the Council Regulation (EC) No 1005/2008 of 29.9.2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, mainly on provisions of Article 3 paragraph b, c and k, where registration, capture data and monitoring of fishing activities in restricted areas should be assessed by satellite control.*

### Amendment 3

#### Proposal for a regulation

##### Article 15 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. Paragraph 1 shall apply to Community fishing vessels **exceeding 15 meters length and up to 24 meters length overall as from 1 July 2011, and to Community fishing vessels** exceeding 10 meters length **and up to 15 meters length** overall as from **1 January 2012**. Community vessels up to 15 meters length overall may be exempted from paragraph 1 if they:

*Amendment*

2. Paragraph 1 shall apply to Community fishing vessels exceeding 10 meters length overall as from **1 January 2010**. Community vessels up to 15 meters length overall may be exempted from paragraph 1 if they:

*Justification*

*This obligation should be consistent with the entry into force on 1st January 2010 of the Council Regulation (EC) No 1005/2008 of 29.9.2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, mainly on provisions of Article 3 paragraph b where registration and capture data should be available and transmitted by satellite device.*

### Amendment 4

#### Proposal for a regulation

##### Article 21 – paragraph 4 – introductory part

*Text proposed by the Commission*

4. Paragraph 2 shall apply to Community fishing vessels **exceeding 15 meters length and up to 24 meters length overall as from 1 July 2011, and to Community fishing vessels** exceeding 10 meters length **and up to 15 meters length** overall as from **1 January 2012**. Community vessels up to 15 meters length overall may be exempted from the application of paragraph 2 if they:

*Amendment*

4. Paragraph 2 shall apply to Community fishing vessels exceeding 10 meters length overall as from **1 January 2010**. Community vessels up to 15 meters length overall may be exempted from the application of paragraph 2 if they:

*Justification*

*In consistency with the entry into force on January 2010 the 1st of Council Regulation (EC) No 1005/2008 of 29.9.2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, and with provisions of the present Regulation regarding Article 9 and 15 on the obligation in transmitting data of the fishing capture.*

## Amendment 5

### Proposal for a regulation

#### Article 82 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Member States shall ensure that operators found guilty of seriously infringing the rules of the Common Fisheries Policy are excluded from benefitting from the European Fisheries Fund, Fisheries Partnership Agreements or other public aid. The sanctions provided for in this Chapter shall be accompanied by other sanctions or measures, in particular the repayment of public assistance or subsidies received by IUU vessels during the financing period.***

*Justification*

*According to article 45 paragraph 7 of Regulation 1005/2008 of the European Council where a temporary or permanent banning from benefitting of public or community aid is foreseen as a possible sanction to be applied, making public funding conditional upon compliance will provide an incentive for operators to comply with the rules of the Common Fisheries Policy and will contribute to establishing a level playing field as well as ensuring that public aid is not supporting illegal activities. IUU vessels should not receive taxpayers' money and vessels that received taxpayers' money during the operational programme period should repay that money.*

## Amendment 6

### Proposal for a regulation

#### Article 85 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Information on the fishing vessels and persons in question shall be made available to the public.***

*Justification*

*Many Member States restrict detail and information on the extent and name of IUU fisheries in their waters.*

## **Amendment 7**

### **Proposal for a regulation Article 87 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall establish performance indicators and financial incentives as the basis for a reward system for those Member States which fully comply with rules on conservation, control and enforcement under the Common Fisheries Policy.***

*Justification*

*Measures could be provided to reward those Member States with effective control systems by providing them with preferential access to resources. Community financial contribution directed to Member States' fisheries control programmes could be used to reward Member States with effective control systems.*

## PROCEDURE

<b>Title</b>	Community control system for ensuring compliance with the rules of the Common Fisheries Policy
<b>References</b>	COM(2008)0721 – C6-0510/2008 – 2008/0216(CNS)
<b>Committee responsible</b>	PECH
<b>Opinion by</b> Date announced in plenary	ENVI 18.12.2008
<b>Drafts(wo)man</b> Date appointed	Roberto Musacchio 10.12.2008
<b>Discussed in committee</b>	22.1.2009
<b>Date adopted</b>	17.2.2009
<b>Result of final vote</b>	+: 45 -: 2 0: 1
<b>Members present for the final vote</b>	Adamos Adamou, Margrete Auken, Liam Aylward, Irena Belohorská, Maria Berger, John Bowis, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Magor Imre Csibi, Avril Doyle, Mojca Drčar Murko, Jill Evans, Elisabetta Gardini, Matthias Groote, Satu Hassi, Christa Kläß, Holger Krahmer, Urszula Krupa, Peter Liese, Marios Matsakis, Linda McAvan, Roberto Musacchio, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Daciana Octavia Sârbu, Richard Seeber, Maria Sornosa Martínez, Salvatore Tatarella, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman, Glenis Willmott
<b>Substitute(s) present for the final vote</b>	Kathalijne Maria Buitenweg, Philip Bushill-Matthews, Christofer Fjellner, Jutta Haug, Johannes Lebech, Caroline Lucas, Hartmut Nassauer, Justas Vincas Paleckis, Alojz Peterle, Lambert van Nistelrooij