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Committee on the Environment, Public Health and Food Safety

2011/0195(COD)

14.5.2012

OPINION

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

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council
on the Common Fisheries Policy
(COM(2011)0425 – C7-0198/2011 – 2011/0195(COD))

Rapporteur: Chris Davies

PA_Legam

SHORT JUSTIFICATION

The urgent need for reform of the Common Fisheries Policy (CFP) could not be more clear. Fish stocks in European waters have declined dramatically over recent decades and there is a risk that some may collapse entirely. One in four of the fish that are caught is wasted entirely, being thrown overboard dead, yet more than 60% of the fish that Europe consumes is now imported. There are too many fishing boats chasing too few fish, but the capacity of Europe's fleet is still increasing by 3% each year. The fishing industry is hardly profitable, and in many instances is kept alive only by subsidies; the acute financial difficulties promote short term thinking and unsustainable bad practices that have severely damaged the marine environment.

We cannot continue like this.

Fish stocks were declining long before the CFP came into being in 1983. Historical evidence suggests that in some cases the wooden fishing fleets of 100 years ago, dependent on sail and wind, were landing a greater tonnage of fish than the high-tech vessels of today, and on average the fish were much larger in size.

Overfishing has a long history but the CFP has done little to curb it. The fault lies not with the idea of the EU having common rules but with the policy, and in particular with its application. Short term thinking has triumphed. Ministers meeting each year to set quotas are said on average to have exceeded scientific recommendations by as much as 48%. In consequence the number of fish has declined and the size of the fish caught has diminished. Current practices cannot provide a sustainable supply of food from the seas.

Fortunately, our waters are capable of supporting many more fish than they now possess, and not every policy decision has proven wrong. Declines in some fish stocks have been reversed. In a small but growing number of cases EU policy is succeeding in helping fish stocks recover to levels that exceed maximum sustainable yield. This must be our ambition for them all.

The European Commission is proposing far reaching reforms that include the following key elements:

- Establishment of long term management plans for all stocks, with the aim of achieving maximum sustainable yield by 2015;
- Annual allocation of fishing opportunities firmly based on scientific advice or, in its absence, on application of the precautionary principle;
- A ban on the discard, dead, of commercial species of fish;
- The introduction across Europe of rights-based management (transferable fishing concessions or TFCs) giving fishermen a commercial incentive to fish sustainably and addressing the problem of overcapacity;
- An end to micro-management from Brussels, with decentralisation of day-to-day decisions to regional bodies that can take account of local circumstances;

- Requirements that Europe's fleet will adhere to high standards when fishing in the waters of third parties;
- Encouragement for the development of aquaculture across Europe.

The European Commission is leading the demand for change, and the Opinion Writer welcomes and endorses the proposals it makes in this draft Regulation. But the text does not always make clear how the proposed arrangements will work in practice. There is a need for additional safeguards to ensure that the objectives are met and to promote sustainability, and for further measures to secure compliance.

Through his amendments the Opinion Writer seeks to achieve the following:

- Promote measures intended to restore fish stocks;
- Strengthen the primacy of long term management plans, and curb the ability of governments to ignore scientific advice when setting annual quotas;
- Pave the way for extending a discard ban to all fish species;
- Provide greater protection for the marine environment;
- Demonstrate that systems of rights-based management (TFCs) can be shaped by Member States to meet national priorities and protect particular interests;
- Create greater opportunities for small scale and low impact fishing practices;
- Tighten the standards required of EU vessels fishing in foreign waters;
- Address concerns about aquaculture development;
- Emphasise that fishing policy must be transparent and open to public scrutiny.

In drafting amendments the Opinion Writer has welcomed suggestions made by representatives of the following bodies: European Commission; governments of Denmark, France, Iceland, Norway, Sweden and the United Kingdom; Aquaculture Stewardship Council; BalticSea2020; Birdlife; Client Earth; Greenpeace; New Under Ten Fishermen's Association; Ocean 2012; Oceana; Pew Environment Group, UN FAO; WWF.

However, responsibility for the proposals made lies entirely with him.

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 2

Text proposed by the Commission

(2) The scope of the Common Fisheries Policy extends to conservation, management **and exploitation** of marine biological resources. In addition, the Common Fisheries Policy's scope extends in relation to market measures and financial measures in support of its objectives, to fresh water biological resources and aquaculture, as well as to the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea.

Amendment

(2) The scope of the Common Fisheries Policy extends to conservation, **sustainable** management of marine biological resources, **and the minimisation of impacts caused to the marine environment**. In addition, the Common Fisheries Policy's scope extends in relation to market measures and financial measures in support of its objectives, to fresh water biological resources and aquaculture, as well as to the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea.

Amendment 2

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Common Fisheries Policy should ensure that fishing and aquaculture activities contribute to long-term sustainable environmental, economic, and social **conditions**. It should contribute moreover to increased productivity, a fair standard of living for the fisheries sector, stable markets, ensure the availability of resources and that supplies reach consumers at reasonable prices.

Amendment

(3) The Common Fisheries Policy should ensure that fishing and aquaculture activities contribute to long-term sustainable environmental, economic, and social **stability**. It should contribute moreover to increased productivity, **the delivery of food security**, a fair standard of living for the fisheries sector, **decent working conditions for those working in the sector**, stable markets, ensure the availability of resources and that supplies

reach consumers at reasonable prices.

Justification

This is a linguistic change - it is not clear what 'providing conditions' is intended to mean. Providing long-term sustainable environmental, economic, and social stability should be one of the key aims of the CFP. The EU currently imports 60% of the fish it consumes. The CFP should manage marine resources to restore stocks to levels that will deliver food security in Europe. Many workers who are not EU nationals - particularly those who work offshore- are not protected by EU Social legislation.

Amendment 3

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Treaty should not constitute an impediment to the obligation of the Union to sustainably manage the exploitation of marine resources;

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that as a matter of priority **exploitation** levels of **marine biological resources** stocks are restored and maintained at levels capable of producing maximum sustainable yields **from the populations of harvested stocks** by 2015. Where less scientific information is available, **this may require applying proxies to maximum sustainable yield.**

(5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that as a matter of priority **population** levels of **harvested** stocks are restored and maintained at levels **above those** capable of producing maximum sustainable yields by 2015. Where less scientific information is available, **the precautionary approach should apply.**

Amendment 5

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Sustainable **exploitation** of marine biological resources should be based on the precautionary approach, which is to be derived from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty.

Amendment

(7) Sustainable **management** of marine biological resources should be based on the precautionary approach, which is to be derived from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty. ***The precautionary principle applies where scientific evidence is insufficient, inconclusive or uncertain.***

Amendment 6

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The Common Fisheries Policy should contribute to the protection of the marine environment and in particular to the achievement of good environmental status by 2020 the latest as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

Amendment

(8) The Common Fisheries Policy should contribute to the protection of the marine environment, ***to the sustainable management of all commercially-exploited species***, and in particular to the achievement of good environmental status by 2020 ***at*** the latest as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

Amendment 7

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) An ecosystem based approach to

Amendment

(9) An ecosystem based approach to

fisheries management needs to be implemented, environmental impacts of fishing activities **should be limited** and unwanted catches should be minimised and progressively eliminated.

fisheries management needs to be implemented **so as to limit** environmental impacts of fishing activities **on fish stocks, on non-targeted species, on habitats and on the seabed and** unwanted catches should be minimised and progressively eliminated.

Amendment 8

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Multi-annual plans should where possible cover **multiple** stocks **where those stocks are jointly exploited**. The multiannual plans should establish the basis for fixing fishing opportunities **and** quantifiable targets for the sustainable **exploitation** of stocks and marine ecosystems concerned, defining clear timeframes and safeguard mechanisms for unforeseen developments.

Amendment

(17) Multi-annual plans should where possible cover **either fisheries exploiting single fish stocks or fisheries exploiting a mixture of** stocks. The multiannual plans should establish the basis for fixing fishing opportunities **in compliance with the best available scientific advice**, quantifiable targets for the sustainable **management** of stocks and marine ecosystems concerned, defining clear timeframes and safeguard mechanisms for unforeseen developments. **The multiannual plans should include an assessment of the balance between fleet capacity and available fishing opportunities.**

Amendment 9

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) For stocks for which no multi-annual plan has been established, exploitation rates **delivering** maximum sustainable yield **should be ensured by setting catch and/or fishing effort limits**.

Amendment

(21) For stocks for which no multi-annual plan has been established, **catch and fishing effort limits should be set to ensure that the** exploitation rates **do not compromise the objective to restore and maintain population of harvested species above levels which can produce the**

maximum sustainable yield *by 2015*.

Amendment 10

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing activities, it is necessary to ensure the relative stability of *fishing* activities by allocating fishing opportunities among Member States, based on a predictable share of stocks for each Member State.

Amendment

(22) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing activities, it is necessary to ensure the relative stability of *maritime related* activities by allocating fishing opportunities among Member States, based on a predictable share of stocks for each Member State.

Amendment 11

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Member States should *be in a position to present substantiated requests to the Commission to draw up measures under the Common Fisheries Policy for measures identified by Member States as necessary* to comply with obligations as regards Special Protection Areas pursuant to Article 4 of Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds, Special Areas of Conservation pursuant to Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and marine protected areas pursuant to Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy

Amendment

(24) Member States should *regulate fishing activities that impact negatively on the conservation status of designated sites in their waters in such a way* as to comply with obligations as regards Special Protection Areas pursuant to Article 4 of Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds, Special Areas of Conservation pursuant to Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and marine protected areas pursuant to Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework

Framework Directive) .

Directive) .

Amendment 12Proposal for a regulation Recital 29

Text proposed by the Commission

(29) A system of transferable fishing concessions for the majority of managed stocks under the Common Fisheries Policy **should** be implemented **no later than 31 December 2013 for all vessels of 12 meters' length or over and all other vessels fishing with towed gears.** Member States may exclude vessels **up to 12 meters' length other than vessels using towed gear** from transferable fishing concessions. Such a system should contribute to industry-induced fleet reductions and improved economic performance while at the same time creating legally secure and exclusive transferable fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, transferable fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules.

Amendment

(29) A system of transferable fishing concessions for the majority of managed stocks under the Common Fisheries Policy **may** be implemented. Member States may exclude **certain types of** vessels from transferable fishing concessions **based on fair, equitable and transparent criteria.** Such a system should contribute to industry-induced fleet reductions and improved economic performance while at the same time creating legally secure and exclusive transferable fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, transferable fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules.

Amendment 13Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Fishing concessions **should** be transferable and leasable in order to decentralise management of fishing opportunities towards the fishing industry and ensuring that fishers leaving the industry will not need to rely on public financial assistance under the Common Fisheries Policy.

Amendment

(30) Fishing concessions **may** be transferable and leasable in order to decentralise management of fishing opportunities towards the fishing industry and ensuring that fishers leaving the industry will not need to rely on public financial assistance under the Common Fisheries Policy.

Amendment 14**Proposal for a regulation**
Recital 31

Text proposed by the Commission

(31) ***Specific characteristics and socio-economic vulnerability of some small-scale fleets justify the limitation of the mandatory system of transferable fishing concessions to large vessels.*** The system of transferable fishing concessions should apply to stocks for which fishing opportunities are allocated.

Amendment

(31) A system of transferable fishing concessions should apply to stocks for which fishing opportunities are allocated.

Amendment 15

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Member States should manage and make available to end-users of scientific data the collected data, on the basis of a multi-annual Union program. Member States should also cooperate with each other to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries within the same sea basin regarding data collection.

Amendment

(36) Member States should manage and make available to end-users of scientific data the collected data, on the basis of a multi-annual Union program. Member States should also cooperate with each other to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries within the same sea basin regarding data collection ***in accordance with the relevant international standards and conventions, in particular the United Nations Convention on the Law of the Sea (UNCLOS).***

Amendment 16

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) The Union should promote the objectives of the Common Fisheries Policy internationally. To this end, the Union should strive to improve the performance

Amendment

(38) The Union should promote the objectives of the Common Fisheries Policy internationally. To this end, the Union should strive to improve the performance

of regional and international organisations in conservation and management of international fish stocks, by promoting decision-making based on science and improved compliance, increased transparency and stakeholder participation, and by combating illegal, unreported and unregulated (IUU) fishing activities.

of regional and international organisations in conservation and *sustainable* management of international fish stocks, by promoting decision-making based on science and improved compliance, increased transparency and stakeholder participation, and by combating illegal, unreported and unregulated (IUU) fishing activities.

Amendment 17

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) Sustainable fisheries agreements concluded with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice, ensuring a sustainable exploitation of the marine biological resources. Those agreements, which provide for access rights in exchange for a financial contribution from the Union, should contribute to the establishment of a high quality governance framework to ensure in particular efficient monitoring, control and surveillance measures.

Amendment

(39) Sustainable fisheries agreements concluded with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice, ensuring a sustainable exploitation of the marine biological resources. Those agreements, which provide for access rights in exchange for a financial contribution from the Union, should contribute to *data collection on stocks and current fishing pressure and to* the establishment of a high quality governance framework to ensure in particular efficient monitoring, control and surveillance measures.

Amendment 18

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security for European citizens and to contribute to the growing world aquatic

Amendment

(42) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security for European citizens and to contribute to the growing world aquatic

food demand.

food demand. *Aquaculture should not increase the fishing pressure on wild stocks and should be subjected to environmental impact assessment prior to any expansion.*

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) conservation, management and exploitation of marine biological resources; and

Amendment

a) conservation and *sustainable* management and exploitation of marine biological resources;

Amendment 20 **Proposal for a regulation**

Article 2

Text proposed by the Commission

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities *provide* long-term *sustainable* environmental, economic and social *conditions* and contribute to the availability of food supplies.

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall *aim to* ensure, *by 2015*, that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

Amendment

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities *promote* long-term environmental *sustainability, which is a prerequisite for* economic and social *stability* and contributes to the availability of food supplies.

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall ensure that the exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield *by 2015, and aims to achieve levels thereof that are capable of producing maximum economic yield by 2020.*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of fishing activities on the marine ecosystem are *limited*.
4. The Common Fisheries Policy shall *integrate* the Union environmental legislation *requirements*.
- 2a. The Common Fisheries Policy shall contribute to the achievement and the maintenance of good environmental status by 2020 at the latest in accordance with the requirements of the Marine Strategy Framework Directive 2008/56/EC.*
3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of fishing activities on the marine ecosystem are *kept to a minimum and are not detrimental to its integrity and functioning*.
4. The Common Fisheries Policy shall *be in full compliance with* the Union environmental legislation, *as stipulated in Article 11 of the Treaty*.

Amendment 21

Proposal for a regulation Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Common Fisheries Policy shall contribute to the collection of comprehensive and robust scientific data.

Amendment 22 Proposal for a regulation Article 3

Text proposed by the Commission

Amendment

For the purpose of achieving the general objectives set out in Article 2, the Common Fisheries Policy shall in particular:

For the purpose of achieving the general objectives set out in Article 2, the Common Fisheries Policy shall in particular:

(-a) ensure that by 2015 fishing opportunities are determined in accordance with the best available scientific advice and are set at levels that will restore and maintain populations of

- all stocks of harvested species above levels capable of producing maximum sustainable yield;*
- (-aa) ensure that the management and exploitation of fish stocks is conducted within the framework of multiannual plans embracing every fishery;*
- (a) eliminate unwanted catches of commercial stocks and gradually *ensure* that **all** catches of **such stocks** are landed;
- (b) provide conditions for efficient fishing activities within an economically viable and competitive fishing industry;
- (c) promote the development of Union aquaculture activities to contribute to food security and employment in coastal and rural areas;
- (d) contribute to a fair standard of living for those who depend on fishing activities;
- (e) *take into account* the interests of consumers;
- (f) ensure systematic and harmonised data collection and **management**.
- (a) eliminate unwanted catches *through the development and use of selective gear and other means, starting with* commercial stocks and gradually *ensuring* that catches of **all fish** are landed, *with the exception of species specifically exempted and listed by the Commission as being able to survive discard*;
- (b) provide *and promote* conditions for efficient, *sustainable and low-impact* fishing activities within an economically viable and competitive fishing industry *where access to resources is based on equitable and transparent criteria*;
- (c) promote the development of *environmentally sustainable and ecosystem-based* Union aquaculture activities to contribute to food security and employment in coastal and rural areas;
- (d) contribute to a fair standard of living for those *in coastal communities and those* who depend on fishing activities;
- (e) *protect* the interests of consumers *by ensuring that labelling is clear, detailed and accurate and by securing the traceability of fisheries and aquaculture products throughout the food chain*;
- (f) ensure systematic, *timely* and harmonised collection *of the robust biological, technical and environmental data necessary for meeting the objectives of the Common Fisheries Policy*;

Amendment 23

Proposal for a regulation
Article 3 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) contribute to the achievement and maintenance of good environmental status as set out in Article 1(1) of Directive 2008/56EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive);

Amendment 24

Proposal for a regulation
Article 3 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) limit the number and type of fishing vessels authorised to fish in line with the objective to restore and maintain populations of harvested species above levels which can produce the maximum sustainable yield, so as to avoid concentration of fishing capacity and recognise the potential of artisanal fisheries to sustain coastal communities and to contribute to reaching a good ecological status;

Amendment 25

Proposal for a regulation
Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) ensure the establishment of fisheries reserves;

Amendment 26

Proposal for a regulation
Article 3 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

1a. Promote the deployment of fishing gears and practices with low environmental impact.

Amendment 27

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The Common Fisheries Policy shall ***be guided by*** the following principles of good governance:

The Common Fisheries Policy shall ***apply*** the following principles of good governance:

Amendment 28

Proposal for a regulation
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) decentralisation to the national, regional and local levels of the decisions necessary to ensure that the general objectives and guidelines defined at Union level are met;

Amendment 29
Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) establishment of measures ***in accordance*** with the best available scientific advice;

(b) establishment of measures ***that follow, conform and comply*** with the best available scientific advice, ***mindful that the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures;***

Justification

A fundamental failing of the CFP has been the annual fixing of TACs and quotas that have often far exceeded the scientific recommendations. Future policy must be science-led with the scope for interference by ministers much reduced.

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) reduction of administrative costs,

Amendment 31

Proposal for a regulation

Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) adaptive, real-time management;

Amendment 32

Proposal for a regulation

Article 4 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) consistence with the integrated maritime policy, and with other Union policies.

(f) consistence with the integrated maritime policy, and with other Union policies, *in particular with existing Union environmental legislation, and international legally binding agreements, whilst ensuring Policy Coherence for Development.*

Amendment 33

Proposal for a regulation

Article 4 – paragraph 1 - point f a (new)

Text proposed by the Commission

Amendment

(fa) transparency and public access to information in accordance with the Aarhus Convention of 25 June 1998 on access to information, public participation in decision-making and access to justice in environmental matters, including the external dimension;

Justification

Confirming a long held principle of Parliament.

Amendment 34

Proposal for a regulation

Article 4 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) application of environmental and strategic impact assessments.

Justification

These are well established principles in EU law and form an integral part of good governance.

Amendment 35

Proposal for a regulation

Article 4 – point f b (new)

Text proposed by the Commission

Amendment

(fb) decentralisation and regionalisation of day-to-day decisions necessary to meet the objectives and requirements of multiannual plans.

Justification

Supporting the widely held desire to reduce micro-management from Brussels

Amendment 36

Proposal for a regulation

Article 4 – point f c (new)

Text proposed by the Commission

Amendment

(fc) parity between the internal and external dimension of the Common Fisheries Policy, so that standards and enforcement mechanisms applied domestically are also applied externally, when applicable.

Justification

Common standards should apply to the EU fishing fleet wherever vessels may fish.

Amendment 37

Proposal for a regulation

Article 5 – indents 6, 7, 8 and 11

Text proposed by the Commission

Amendment

- 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely;

– ‘maximum sustainable yield’ means the maximum *average* catch that may be taken from a fish stock indefinitely *and that allows the restoration of stocks to maximum levels of abundance that current ecological conditions will permit*;

– 'precautionary approach to fisheries management' means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species

- ‘precautionary approach to fisheries management’, *in accordance with the definition set out in Article 6 of the 1995 United Nations Fish Stocks Agreement*, means *that when scientific information is uncertain, unreliable or inadequate there is a need to be more cautious and the absence of adequate scientific information*

and their environment;

- 'ecosystem-based approach to fisheries management' means an approach ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are *low* and not detrimental to the future functioning, diversity and integrity of those ecosystems;

- 'catch limit' means a quantitative limit on *landings* of a fish stock or group of fish stocks over a given period;

should not justify postponing or failing to take management measures to conserve *or prevent damage, to* target species, associated or dependent species and non-target species and their environment;

'ecosystem-based approach to fisheries management' means an approach *that considers all pressures on marine biological resources*, ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are *minimised and, where possible, eliminated, and are* not detrimental to the future functioning, diversity and integrity of those ecosystems;

- '*maximum economic yield*' means the level of catch that is at the maximum size that can be fished sustainably so as to produce the largest possible income;

- 'catch limit' means a quantitative limit on *catches* of a fish stock or group of fish stocks over a given period;

Amendment 38

Proposal for a regulation

Article 5 – paragraph 1 – indent 6 a (new)

Text proposed by the Commission

Amendment

- '*harvested species*' means species subject to fishing pressure/exploitation, including the species that are not landed, but caught as by-catch or impacted by a fishery;

Amendment 39

Proposal for a regulation

Article 5 – paragraph 1 – indent 8 b (new)

Text proposed by the Commission

Amendment

- ‘sustainable exploitation’ means the exploitation of a stock or group of fish stocks in a way that restores and maintains at levels capable of producing maximum sustainable yield, displays a healthy population age and size distribution and does not have a negative impact on the marine ecosystems;

Amendment 40

Proposal for a regulation

Article 5 – paragraph 1 – indent 12

Text proposed by the Commission

Amendment

– ‘conservation reference point’ means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example with respect to *an acceptable level of biological risk or a desired level of yield*;

*– ‘conservation reference point’ means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example with respect to **maximum sustainable yield or the best proxy equivalent, and reflecting a healthy population age and size distribution, the fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points, in accordance with the 1995 UN Fish Stocks Agreement** ;*

Amendment 41

Proposal for a regulation

Article 5 – paragraph 1 – indent 13

Text proposed by the Commission

Amendment

– ‘safeguard’ means a precautionary measure designed to protect or prevent *something undesirable occurring*;

*– ‘safeguard’ means a precautionary measure designed to protect or prevent **the exploitation of marine biological resources from exceeding sustainable levels, including conservation reference points, or from negatively impacting the***

marine ecosystem;

Amendment 42

Proposal for a regulation

Article 5 – paragraph 1 – indent 13 a (new)

Text proposed by the Commission

Amendment

- ‘precautionary measure’ means a measure that encompasses the precautionary principle, as referred to in the first subparagraph of Article 191(2) of the Treaty, including but not limited to: conservation measures, technical measures, and measures related to the sustainable exploitation of stocks, and accords with the definition set out in Article 6 of the 1995 UN Fish Stocks Agreement that, when scientific information is uncertain, unreliable or inadequate, there is a need to be more cautious and that the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;

Amendment 43

Proposal for a regulation

Article 5 – paragraph 1 – indent 14

Text proposed by the Commission

Amendment

– ‘technical measures’ means the measures that regulate the species composition, size composition of catches and impacts on components of the ecosystems resulting from fishing activities through conditioning the use and structure of fishing gear and restriction of access to fishing areas;

*– ‘technical measures’ means the measures that regulate the species composition, size composition of catches and impacts on components of the ecosystems **or** **ecosystem functioning** resulting from fishing activities through conditioning the use and structure of fishing gear and restriction of access to fishing areas;*

Amendment 44

Proposal for a regulation

Article 5 – paragraph 1 – indent 18 a (new)

Text proposed by the Commission

Amendment

- ‘fisheries reserve’ means a clearly defined geographical space within a Member State’s coastal territorial waters in which all fishing activities are prohibited;

Amendment 45

Proposal for a regulation

Article 5 – paragraph 1 – indent 19

Text proposed by the Commission

Amendment

– ‘fishing capacity’ means a vessel’s tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86 ;

*– ‘fishing capacity’ means **the ability of a vessel to catch fish. Indicators that can be used to quantify fishing capacity are vessel characteristics, including a vessel’s tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86, the fishing gear and fishing technique it employs and the number of days spent at fishing;***

Amendment 46

Proposal for a regulation

Article 5 – paragraph 1 – indent 32

Text proposed by the Commission

Amendment

– ‘sustainable fisheries agreements’ mean international agreements concluded with another state for the purpose of obtaining access to resources or waters in exchange for financial compensation from the Union.

*– ‘sustainable fisheries agreements’ mean international agreements concluded with another state for the purpose of obtaining access to resources or waters **to sustainably exploit a share of the surplus of marine biological resources** in exchange for financial compensation from the Union **which will support the local***

fishing sector, with a particular emphasis on scientific data collection, monitoring and control;

Amendment 47

Proposal for a regulation

Article 5 – paragraph 1 – indent 32 a (new)

Text proposed by the Commission

Amendment

- ‘essential fish habitats’ are the fragile and vital marine habitats that need to be protected due to their role in meeting the ecological and biological needs of fish species, including spawning, nursery and feeding grounds.

Justification

Refers to amendment to Article 8.

Amendment 48

Proposal for a regulation

Article 5 – paragraph 1 – indent 32 b (new)

Text proposed by the Commission

Amendment

- ‘sustainable management’ means the use of a resource in such a way that the capacity of the marine resource to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Justification

Establishing the principle of sustainable management.

Amendment 49

Proposal for a regulation
Article 5 – paragraph 1 – indent 32 c (new)

Text proposed by the Commission

Amendment

- ‘conservation reference size’ means any dimensions specified for marine biological resources caught through fishing and any dimensions and sizes determined by existing Union legislation including those in Article 15 and Annex III to Regulation (EC) No 1967/2006;

Amendment 50

Proposal for a regulation
Article 5 – paragraph 1 – indent 32 d (new)

Text proposed by the Commission

Amendment

– ‘low impact fishing’ means utilising selective fishing techniques, which have a minimal detrimental impact on marine ecosystems and low fuel emissions;

Amendment 51

Proposal for a regulation
Article 5 – paragraph 1 – indent 32 e (new)

Text proposed by the Commission

Amendment

– ‘selective fishing’ means a fishing method’s or fishing gear’s ability to target and capture organisms by size and species during the fishing operation allowing non-targets to be avoided or released unharmed;

Amendment 52

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall inform the Commission of the restrictions put in place under this paragraph.

Amendment

2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, ***and to give priority access to small-scale fishing with low environmental impact and high cultural and economic added value for coastal communities,*** without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall inform the Commission of the restrictions put in place under this paragraph.

Amendment 53

**Proposal for a regulation
Article 6 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. In areas protected by the Union or Member States, including but not limited to areas of conservation pursuant to Directive 92/43/EEC, special protection areas pursuant to Directive 2009/147/EC and designated sites under the Regional Seas Conventions, fishing shall be prohibited unless it can be shown, by means of prior assessment, that specific fishing activities are not detrimental to the conservation status of the site in question, and only after the Member State or Union institutions under whose jurisdiction the

site has been protected has adopted a management plan that stipulates what are permitted fishing activities;

Amendment 54

Proposal for a regulation Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may adopt special conservation measures, in duly identified areas within the zones defined in paragraphs 2 and 3, to preserve marine biological resources from the negative impacts of certain fishing activities. Member States shall inform the Commission of the restrictions put in place under this paragraph.

Amendment 55Proposal for a regulation Article 7

Text proposed by the Commission

Amendment

Measures for the conservation of marine biological resources may include the following:

- (a) adopting multiannual plans under Articles 9-11
- (b) establishing targets for the sustainable exploitation of stocks;

Measures for the conservation, *sustainable management and exploitation* of marine biological resources *shall* include *some or all of* the following:

- (a) adopting multiannual plans under Articles 9-11
- (b) establishing targets for the sustainable exploitation of stocks;
- (ba) adopting measures to contribute to achieving good environmental status by 2020 at the latest as set out in Directive 2008/56/EC;*
- (bb) adopting measures to contribute to Member States' implementation of Directive 92/43/EEC and Directive 2009/147/EC;*
- (bc) establishing marine and fisheries*

(c) adopting measures for the purpose of adapting the number of fishing vessels and/or types of fishing vessels to available fishing opportunities;

(d) establishing incentives, including those of an economic nature, to promote more selective or low impact fishing;

(e) fixing fishing opportunities;

(f) adopting technical measures as referred to in Article 14;

(g) adopting measures concerning the obligation to land all catches;

(h) conducting pilot projects on alternative types of fishing management techniques.

reserves.

(c) adopting measures for the purpose of adapting the number of fishing vessels **and/or the quantity of gear deployed** and/or types of fishing vessels to available fishing opportunities;

(ca) adopting measures for the purpose of restricting or imposing conditions on the exercise of certain fishing activities

d) establishing incentives, including those of an economic nature **and in the form of access to fishing opportunities**, to promote more selective or low impact fishing, **more environmentally sustainable methods of fishing, or to encourage compliance with regulatory requirements;**

(e) fixing fishing opportunities;

(ea) establishing conservation reference sizes;

(f) adopting technical measures as referred to in Article 14;

g) adopting measures concerning the obligation to land all catches **and measures to reduce and eliminate by-catch;**

(h) conducting pilot projects on alternative types of fishing management techniques;

(ha) setting targets and providing incentives for measures to improve the marine environment and to increase the health of fish stocks.

Amendment 56

Proposal for a regulation

Article 7 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) imposing duties regarding data collection, including the collection of data on the state of marine biological resources and the marine ecosystem, and

the impacts of fishing and aquaculture thereon;

Amendment 57

Proposal for a regulation

Article 7 – paragraph 1 – point h – point i (new)

Text proposed by the Commission

Amendment

(i) Any other appropriate measure proposed by the Member State and approved by the Commission.

Justification

This ensures flexibility

Amendment 58

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

If a Member State fails to achieve the outcomes that the measures introduced in accordance with this Article are designed to attain, this shall result in the suspension of financial assistance given to that Member State under the Common Fisheries Policy. This shall be proportionate to the nature, extent, duration and repetition of the non-compliance.

Amendment 59

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

*Article 7 a
Establishment of fisheries reserves*

1. In order to secure the reversal of fish stock collapse, to increase the productivity of fish in the sea, to conserve, maintain and manage fish stocks and to protect living aquatic resources and marine ecosystems, and as part of a precautionary approach, Member States shall establish a coherent network of fisheries reserves for the purposes of fisheries conservation, including essential fish habitats, in particular nursery grounds, spawning grounds and feeding grounds for fish stocks.

2. Within one year of entry into force of this Regulation, Member States shall identify and designate as many sites as are necessary to establish the coherent network of fisheries reserves referred to in paragraph 1 above in waters subject to the Member States' sovereignty and jurisdiction and amounting to at least 20% of coastal territorial waters in each Member State and shall notify the Commission of these sites.

3. Based on relevant scientific information Member States may expand the existing designated areas or designate additional fisheries reserves within their territorial waters after 1 January 2016;

4. The measures and decisions referred to in paragraph 2 and 3 shall be notified to the Commission, along with the scientific, technical, social and legal reasons underpinning them and be made publicly available.

5. The competent authorities of the Member States concerned shall decide whether the fisheries reserves designated under paragraphs 1 to 3, shall be surrounded by a zone or zones in which fishing activities are restricted and shall decide, after having notified the Commission, on the fishing gears that may be used in these zones, as well as the appropriate management measures and technical rules applied therein, which

cannot be less stringent than Union legislation. This information shall be publicly available.

6. If a fishing vessel is transiting through a fisheries reserve, all gear carried on board used for fishing must be lashed and stowed, during the transit, in particular:

- nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes;*
- nets which are on or above deck shall be securely lashed and stowed;*
- longlines shall be stowed in lower decks.*

7. If there is evidence of displacement within a year of the establishment of a fisheries reserve or network of fisheries reserves, then the relevant Member State shall take measures to ensure that the objectives of fisheries reserves set out in paragraph 1 are met and to safeguard and ensure the positive impact of fisheries reserves to areas outside the no-take zone and shall inform the Commission with regards to these measures. This information shall be publicly available.

8. If the Commission considers that the designated fisheries reserves are not sufficient to ensure a high level of protection of the concerned fish stocks and marine biological ecosystems, it shall, by means of delegated acts adopted in accordance with Article 55, adopt additional measures to this end.

Amendment 60

Proposal for a regulation Article 8

Text proposed by the Commission

Technical measures may include the following:

- (a) mesh sizes and rules concerning the use of fishing gears;
- (b) restrictions on the construction of fishing gear, including
 - i) modifications or additional devices to improve selectivity or to reduce impact on the benthic zone;
 - ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species;
- (c) prohibitions of the use of certain fishing gears in certain areas or seasons;
- (d) prohibition or restriction of fishing activities in certain zones and/or periods;
- (e) requirements for fishing vessels to cease operating in an area for a defined minimum period in order to protect a temporary aggregation of a vulnerable marine resource;
- (f) specific measures to reduce the impact of fishing activities on marine eco-systems and non target species;
- (g) other technical measures aimed at protecting marine biodiversity.

Amendment

Technical measures ***shall*** include ***some or all of*** the following:

- (a) mesh sizes and rules concerning the use of fishing gears ***or additional devices***;
- (b) restrictions on the construction of fishing gear, including
 - i) modifications or additional devices to improve selectivity or to reduce impact on the benthic zone;
 - ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species;
- (c) prohibitions of the use of certain fishing gears, ***technical equipment or types of vessels*** in certain areas or seasons;
- (d) prohibition or restriction of fishing activities in certain zones and/or periods;
- (da) ***actions intended to minimise and, where possible, eliminate by-catch, and protect the benthic zone and the sea-floor;***
- (e) requirements for fishing vessels to cease operating in an area for a defined minimum period in order to protect a temporary aggregation of a vulnerable marine resource;
- (f) specific measures to reduce the impact of fishing activities on marine eco-systems and non-target species, ***and to reduce the discard of fishing gear, litter associated with basic fish processing, and other forms of pollution;***
- (g) other technical measures aimed at protecting marine biodiversity ***and marine ecosystems.***

Amendment 61

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

Text proposed by the Commission

Amendment

The Commission shall ensure that the measures mentioned in paragraph 1 are taken in due time. If the measures are unduly delayed or do not sufficiently contribute to the conservation of marine biological resources or marine ecosystems, it shall, by means of delegated acts adopted in accordance with Article 55, adopt such measures.

Amendment 62

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

Text proposed by the Commission

Amendment

If a Member State fails to achieve the outcomes that the measures introduced in accordance with this Article are designed to attain, this shall result in the interruption or suspension of financial assistance given to that Member State under the Common Fisheries Policy. This shall be proportionate to the nature, extent, duration and repetition of the non compliance.

Amendment 63

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. *Multiannual* plans providing for conservation measures to maintain or restore fish stocks above levels capable of

1. The European Parliament and the Council, acting under the ordinary legislative procedure, shall adopt

producing maximum sustainable yield *shall be established* as a priority.

multiannual plans for all harvested species providing for conservation measures *and other means to meet the objectives of the Common Fisheries Policy, and in particular* to maintain or restore fish stocks above levels capable of producing maximum sustainable yield, as a priority, *and within five years of entry into force of this Regulation.*

1a. From the date when a multiannual plan is proposed by the Commission no increase in fishing opportunities for the fisheries concerned shall be agreed until such time as it is adopted.

Amendment 64

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

Text proposed by the Commission

Amendment

1b. Where, despite targeted measures to achieve stock recovery, the target of maintaining or restoring fish stocks above levels capable of producing maximum sustainable yield by 2015 cannot be reached for one or more stocks:

(a) owing to data gaps, proxy standards in accordance with Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters for Directive 2008/56/EC may be adopted and fishing mortality shall be further reduced on a precautionary basis. Member States and the Commission shall evaluate and address research and knowledge barriers to ensure that additional information will become available as soon as possible.

(b) owing to the severe depletion of the stock, additional management measures shall be introduced in the context of multiannual plans, including but not

limited to a further reduction in fishing mortality, closed areas and closed seasons, with a view to restore and maintain population above levels capable of producing the maximum sustainable yield as fast as biologically possible and by 2020 at the latest.

(c) owing to the mixed nature of the fishery, the management shall be guided by the scientific advice relating to the most vulnerable target species in terms of their spawning stock biomass, age and size distribution and other relevant descriptors.

Amendment 65

Proposal for a regulation

Article 9 – paragraph 2 – points ba and bb (new)

Text proposed by the Commission

Amendment

(ba) measures to provide for data collection sufficient to enable accurate scientific assessments of harvested species;

(bb) measures for the restoration and maintenance of good environmental status in accordance with Directive 2008/56/EC.

Amendment 66

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks and fisheries.

3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks and fisheries *and the wider*

marine environment.

3a. In the case of mixed fisheries particular account shall be taken of scientific advice relating to the most vulnerable species.

Amendment 67

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. Multiannual plans shall be based on the precautionary approach to fisheries management and shall take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner.

Amendment

4. Multiannual plans shall be based on the precautionary principle with regard to fisheries management, and shall take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner, *and the absence of adequate scientific data shall not be used to justify delay in the introduction of conservation measures that may be necessary to meet the objectives of the Common Fisheries Policy.*

4a. In the absence of data, proxy standards may be adopted in a scientifically valid manner and in accordance with Commission Decision 2010/477/EU.

4b. Multiannual plans shall be reviewed triannually, in consultation with stakeholders, to assess progress made towards reaching their objectives;

4c. Where there is reasoned concern about delay in achieving targets, the Commission shall be empowered to adopt delegated acts, in accordance with Article 55, introducing such conservation and technical measures as may be necessary.

4d. If failure to achieve progress towards meeting the objectives of a multiannual

plan can be attributed to one or more Member States, the Commission shall be empowered to suspend financial assistance to these Member States.

Amendment 68

Proposal for a regulation Article 9 – paragraph 4 e (new)

Text proposed by the Commission

Amendment

4e. In the period prior to adoption or renewal of multiannual plans, all parties shall comply with the objectives and principles of this Article and of Article 10.

Amendment 69

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum sustainable yield by 2015.

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum sustainable yield by 2015, *and, where biologically possible, above levels capable of producing maximum economic yield by 2020;*

1a. Total allowable catches and quotas of any species in any one year, or part of year, shall not exceed a level necessary to achieve the objective mentioned in paragraph 1.

Amendment 70

Proposal for a regulation Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Multiannual plans shall aim to eliminate unwanted and unauthorised catches of commercial and non-commercial stocks.

Amendment 71

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. In cases where the determination of a fishing mortality rate ***that restores and maintains stocks above levels capable of producing maximum sustainable yield*** is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks.

2. In cases where the determination of a fishing mortality rate ***consistent with paragraph 1*** is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks ***and shall set a target of the earliest biologically possible date for the achievement of stock levels above maximum sustainable yield.***

2a. Multiannual plans shall take full account of legislative requirements to maintain and restore the marine ecosystem.

Amendment 72

Proposal for a regulation Article 11 – point c to point j

Text proposed by the Commission

Amendment

(c) quantifiable targets expressed in terms of:

(c) quantifiable targets expressed in terms of:

- i) fishing mortality rates, and/or
 - ii) spawning stock biomass, **and**
 - iii) stability of catches;
 - (d) clear time frames to reach the quantifiable targets;
 - (e) technical measures including measures concerning the elimination of unwanted catches;
 - (f) quantifiable indicators for periodic monitoring and assessment of the progress related to achieving the targets of the multiannual plan;
 - (g) specific measures and objectives for the freshwater part of the life cycle of anadromous and catadromous species;
 - (h) minimisation of impacts of fishing on the eco-system;
 - (i) safeguards and criteria activating those safeguards;
 - (j) any other measures suitable to achieve
- i) fishing mortality rates, and
 - ii) spawning stock biomass,
 - (iia) age and size distribution; and**
 - iii) stability of catches;
 - (d) clear time frames to reach the quantifiable targets;
 - (e) technical measures including measures concerning the elimination of unwanted catches;
 - (ea) measures to protect the species listed in Annexes II and IV of Directive 92/43/EEC and Directive 2009/147/EC from the impacts of fishing activities;**
 - (f) quantifiable indicators for periodic monitoring and assessment of the progress related to achieving the targets of the multiannual plan;
 - (g) specific measures and objectives for the freshwater part of the life cycle of anadromous and catadromous species;
 - (ga) targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine eco-systems;**
 - (h) minimisation of impacts of fishing on the eco-system;
 - (i) safeguards, criteria activating those safeguards **and annual reporting on their activation, providing details on what precautionary measures were taken and assessments of their effectiveness;**
 - (ia) measures to restore and maintain the functioning of food webs adversely affected by fishing activities;**
 - (ib) an assessment of the fleet capacity and environmental impact of fishing activities, including any consequences for biodiversity and the marine environment and, if that assessment reveals an adverse impact, a plan to address that adverse impact and minimise such consequences;**
 - (j) any other measures suitable to achieve

the objectives of multiannual plans.

the objectives of multiannual plans;

(ja) non-compliance penalty procedures that are proportionate, dissuasive and effective.

Amendment 73

Proposal for a regulation Article 11 – paragraph 1a (new)

Text proposed by the Commission

Amendment

In accordance with point b of Article 4, the quantifiable targets referred to in point c of subparagraph 1 of this Article, shall be based on and shall comply with the best available scientific advice or, in the absence of such advice, shall be based on the precautionary approach, and shall remain within the limits that can be considered, on the basis of scientifically valid approach, to ensure the attainment and maintenance of stocks above levels capable of producing maximum sustainable yield in accordance with Article 10(1).

Justification

The amendment has been drafted with the assistance of Parliament's legal services. It is intended to ensure that multiannual plans provide the basis for meeting the objectives of this Regulation, and that the requirements they impose cannot be altered except to a marginal degree by the Council when it meets annually to set TACS and quotas.

Amendment 74

Proposal for a regulation Article 12 – paragraph 1 and 1a, 1b (new)

Text proposed by the Commission

Amendment

1. In **special areas of conservation** within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of

1. In **protected areas** within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC,

Directive 2008/56/EC, fishing activities shall be conducted by Member States in such a way so as to *alleviate the impact from fishing activities in such special areas of conservation.*

fishing activities shall be conducted by Member States in such a way so as to *prevent the deterioration of natural habitats and the disturbance of the species for which the areas have been designated, with the goal to achieve a favourable conservation status;*

1a. Member States shall take non-discriminatory measures for the purpose of complying with paragraph 1 and must notify the Commission, other Member States and the Regional Advisory Council prior to the entry into force of such measures.

1b. All actions taken by the Union and by Member States under the Common Fisheries Policy shall be in full compliance with the Aarhus Convention on Access to Information.

Amendment 75

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. *The* Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify fishing related measures to *alleviate the impact of fishing activities in special areas of conservation.*

Amendment

2. Subject to any right of a Member State to ensure the application of Directive 1992/43/EEC, Directive 2009/147/EC and Directive 2008/56/EC, and in cases where the Member States fail to take the actions required under paragraph 1, the

Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify fishing related measures to prevent any significant impact of fishing in protected areas referred to in Article 12(1), including in the event that the responsible Member State fails to notify measures in accordance with paragraph 1 and 1a and in the event of evidence of a deterioration or continued poor conservation status of the site as a result

of fishing activities.

Justification

The Commission shall be provided with powers to adopt measures in the absence of Member State action and in the event of a reasoned opinion of the Commission that identifies the threat of deterioration of the conservation status of the site. This is consistent with other proposals in the Commission proposal, such as paragraph 1 of Article 20.

Amendment 76

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. On the basis of evidence of a serious threat to the conservation of marine biological resources, or to the marine ecosystem and requiring immediate action, the Commission, upon a reasoned request of a Member State or on its own initiative, *may decide on* temporary measures to *alleviate* the threat.

Amendment

1. On the basis of evidence of a serious threat to the conservation of marine biological resources, or to the marine ecosystem and requiring immediate action, the Commission, upon a reasoned request of a Member State or on its own initiative, *shall adopt delegated acts, in accordance with Article 55, laying down* temporary measures to *remove* the threat. *Such measures shall have immediate effect.*

Amendment 77

Proposal for a regulation Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The measures referred to in paragraph 1 shall be of the minimum duration necessary and in any case shall not last more than six months. If the serious threat persists the Commission may, after consultation with stakeholders, renew them for successive periods of no more than six months.

Justification

Intended to clarify the meaning of 'temporary.

Amendment 78

Proposal for a regulation

Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Without prejudice to paragraph 2a, if the persistent serious threat to marine biological resources renders permanent measures necessary, the Commission shall adopt implementing acts laying down such permanent measures.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56.

Justification

Clarifies the procedure if a serious threat persists

Amendment 79

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Member State emergency measures

1. If there is evidence of a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, in waters falling under the sovereignty or jurisdiction of a Member State where any undue delay would result in damage that would be difficult to repair, that Member State may take emergency measures, the duration of which shall not exceed three months.

2. Member States intending to take emergency measures shall notify their intention to the Commission, the other Member States and the Regional Advisory Councils concerned by sending a draft of those measures, together with an explanatory memorandum, before adopting them.

3. The Member States and Regional Advisory Councils concerned may submit their written comments to the Commission within five working days of the date of notification. The Commission shall adopt implementing acts confirming, cancelling or amending the measure. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56.

On duly justified imperative grounds of urgency related to a serious and unforeseeable threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 56(2).

4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Justification

While Article 13(1) provides the Commission with powers, this Article provides Member States with such powers to take emergency action. The text reinstates Article 8 of the former CFP Regulation, amended slightly in accordance with the recommendations from the Parliament's legal service.

Amendment 80

Proposal for a regulation Article 14 – introductory part

Text proposed by the Commission

Technical measures frameworks to ensure the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established. Technical measures frameworks shall:

Amendment

Technical measures frameworks to ensure, *in Union waters and for Union vessels operating outside Union waters*, the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established. Technical measures frameworks shall:

Amendment 81

Proposal for a regulation Article 14 –point c

Text proposed by the Commission

(c) **reduce** catches of **unwanted** marine organisms;

Amendment

(c) **minimise and, where possible, eliminate, unwanted** catches of marine organisms, **vulnerable and protected species and seabirds**;

Amendment 82

Proposal for a regulation Article 14 –point d

Text proposed by the Commission

(d) **mitigate** the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats.

Amendment

(d) **minimise** the impact of **technical equipment, including** fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats, **particularly the sea floor**.

Justification

The sea floor is enormously rich in biodiversity but also extremely vulnerable to damage by some fishing practices

Amendment 83

**Proposal for a regulation
Article 14 –point d a**

Text proposed by the Commission

Amendment

(da) contribute towards the achievement by 2020 of a good environmental status as provided by Directive 2008/56/EC .

Amendment 84

**Proposal for a regulation
Article 14 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

If a Member State fails to achieve the outcomes that the measures taken in accordance with this Article are designed to attain, this shall result in the interruption or suspension of Union financial assistance to such Member State under the Common Fisheries Policy.

Amendment 85

**Proposal for a regulation
Article 15 – paragraph 1**

Text proposed by the Commission

Amendment

1. All catches of ***the following fish stocks subject to catch limits*** caught during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the

1. All catches of ***harvested species*** caught during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and

fishing vessels and recorded and landed, except when used as live bait, in accordance with the following timeframe:

(a) At the latest from 1 January 2014:

- *mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardinella, capelin;*
- *bluefin tuna, swordfish, albacore tuna, bigeye tuna, other billfish.*

(b) At the latest from 1 January 2015: *cod, hake, sole;*

(c) At the latest from 1 January 2016: *haddock, whiting, megrim, anglerfish, plaice, ling, saithe, pollack, lemon sole, turbot, brill, blue ling, black scabbard, roundnose grenadier, orange roughy, Greenland halibut, tusk, redfish and Mediterranean demersal stocks.*

landed *in Union ports or third countries' designated ports*, except when used as live bait, in accordance with *requirements that shall be specified in multiannual plans or, in their absence, with* the following timeframe:

(a) At the latest from 1 January 2014: *North Sea stocks and Baltic stocks;*

(b) At the latest from 1 January 2015: *Atlantic and deep-sea stocks;*

(c) At the latest from 1 January 2016: *Mediterranean and all other stocks.*

1a. Union fishing vessels shall maintain a record of all fish species caught from 1 January 2014 and landed or discarded; such record shall be provided to Member States and shall be made publicly available.

1b. All fish species caught in Union waters, or by Union vessels outside Union waters, shall be landed from 1 January 2016 in Union ports or third countries' designated ports unless specific provision for their discard is included within multiannual plans or on a register that shall be maintained and published by the Commission.

1c. In the event of an infringement of the requirements laid down in points 1a, 1b and 1c, Member States shall suspend the allocation of fishing opportunities to the vessel in question for a period of up to three years.

Amendment 86

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Multiannual plans for fisheries catching the species listed in paragraph 1 shall incorporate comprehensive technical and other measures designed to eliminate catches of undersized target fish and unwanted and/or unauthorised species.

Amendment 87

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks set out in paragraph 1. The sale of *catches of such* fish stocks below the minimum conservation reference size shall be *restricted for* reduction to fish meal or pet food *only*.

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks set out in paragraph 1 *by the date of obligation to land all catches*. The sale *or supply* of fish stocks below the minimum conservation reference size shall be *prohibited except to distributors who shall be licensed for the exclusive purpose of* reduction to *commercial* fish meal *and oil* or pet food. *Member States shall adopt measures to enforce these requirements and provide for penalties that are effective, dissuasive and proportionate.*

Amendment 88

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. Marketing **standards** for catches of fish caught in excess of fixed fishing opportunities shall be established in accordance with Article 27 of [the Regulation on the common organisation of the markets in fishery and aquaculture products].

Amendment

3. Marketing **rules** for catches of fish caught in excess of fixed fishing opportunities **and below minimum conservation references size** shall be established in accordance with Article 27 of [the Regulation on the common organisation of the markets in fishery and aquaculture products].

Amendment 89

Proposal for a regulation Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The revenues resulting from the sale mentioned in paragraph 2 shall revert to the fisheries management authorities, and be used for the purpose of research, control and enforcement activities.

Amendment 90

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches.

Amendment

4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches. **Member States shall make records of all catches publicly available.**

Amendment 91

Proposal for a regulation Article 15 – paragraph 5a (new)

Text proposed by the Commission

Amendment

5a. When allocating fishing opportunities in accordance with Article 29, Member States shall provide incentives to fishing vessels to employ selective gear to reduce unwanted catches.

Amendment 92

Proposal for a regulation Article 16

Text proposed by the Commission

Amendment

-1. The Council, acting on a proposal from the Commission under Article 43(3) TFEU, shall decide on fishing opportunities and on the allocation of those fishing opportunities among Member States. The Commission proposal and Council decision shall comply fully with Article 4(b).

Such fishing opportunities shall not provide for catches of any species to exceed in any one year, or part of a year, the level necessary to achieve the objective set out in Article 10(1).

1. Fishing opportunities allocated to Member States shall ensure each Member State relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated.

1. Fishing opportunities allocated to Member States shall ensure each Member State relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated *in the context of achieving the objective set out in Articles 2 and 3, and applying the good governance principles*

2. By-catch fishing opportunities may be reserved under the total fishing opportunities.
3. Fishing opportunities shall comply with quantifiable targets, time frames and margins established in accordance with Article 9(2) and 11(b), (c) and (h).

4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

set out in Article 4.

2. By-catch fishing opportunities may be reserved under the total fishing opportunities.
3. Fishing opportunities shall ***not exceed the level specified in the scientific advice and shall comply with the objectives set out in Articles 2 and 3 and the good governance principles set out in Article 4, as well as with*** quantifiable targets, time frames and margins established in accordance with Article 9(2) and 11(b), (c) and (h).

3a. Member States shall be responsible for apportioning their allocated fishing opportunities between different segments of their fishing fleets, and, in determining priorities, Member States may take into account social and environmental factors including the potential benefits to be derived from increasing the share in which small-scale and low impact fishing is practiced.

4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

Amendment 93

Proposal for a regulation Article 16 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The Council shall only deviate from these targets, time frames and margins on the basis of recent, validated scientific advice from an established scientific committee or institution, and in accordance with Article 4(b).

Justification

This allows the Council discretion to adjust fishing opportunities where up-to-date scientific advice shows the limits in the multiannual plan no longer to be in line with the objective of achieving maximum sustainable yield.

Amendment 94

Proposal for a regulation Article 16 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall present to the European Parliament and to the Council an annual report assessing whether current fishing opportunities are proving effective in restoring and maintaining populations of harvested species at levels above those which can produce the maximum sustainable yield.

Justification

Fishing opportunities are determined by Council. The Parliament and the public must have the opportunity to assess whether they are contributing to the achievement of maximum sustainable yield.

Amendment 95

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States **may** be authorised to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities.

1. In **the context of** a multiannual plan established pursuant to Articles 9, 10 and 11 Member States **shall** be **authorised** to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities **and to all vessels fishing within the territorial waters**

of the Member State.

Amendment 96

Proposal for a regulation

Article 17 – paragraph 2 – point a

Text proposed by the Commission

- (a) are compatible with the objectives set out in Articles 2 and 3;

Amendment

- (a) are compatible with the objectives set out in Articles 2 and 3 ***and the principles of good governance set out in Article 4;***

Amendment 97

Proposal for a regulation

Article 17 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

- (aa) take the form of a coherent plan, including measures taken under article 21;***

Justification

Measures taken by Member States to implement provisions of the multiannual plan shall be set out in a coherent plan, and not just a set of individual measures. These should include any measures established under the technical measures framework.

Amendment 98

Proposal for a regulation

Article 17 – paragraph 2 – point c

Text proposed by the Commission

Amendment

- (c) meet the objectives and quantifiable targets set out in a multiannual plan effectively; and

- (c) meet the objectives and quantifiable targets set out in a multiannual plan effectively ***with a high probability and within the timeframe specified;*** and

Amendment 99

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

Member States sharing a fishery subject to a multiannual plan shall coordinate and cooperate with each other, to ensure that the measures taken are compatible with the requirements under paragraph 2.

Amendment 100

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1b (new)

Text proposed by the Commission

Amendment

The Member State with the largest share in a stocks total allowable catch or effort, shall be responsible for coordinating cooperation.

Amendment 101

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1c (new)

Text proposed by the Commission

Amendment

Member States shall consider information, opinion and advice provided by advisory councils, stakeholders of the fishery concerned and scientific institutions.

Amendment 102

Proposal for a regulation
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If a Member State fails to achieve the outcomes that measures in accordance

with this Article are designed to attain, this shall result in the interruption or suspension of Union financial assistance to these Member States under the Common Fisheries Policy.

Amendment 103

Proposal for a regulation Article 21 – introductory part

Text proposed by the Commission

In a technical measures framework established pursuant to Article 14 Member States **may** be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels flying their flag in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

Amendment

In a technical measures framework established pursuant to Article 14 Member States **shall** be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to **all** vessels **operating** in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

Amendment 104

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

Text proposed by the Commission

Amendment

1a. Member States sharing a fishery shall coordinate and cooperate with each other, to ensure that the measures taken are compatible with the requirements under paragraph 1.

Amendment 105

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

Text proposed by the Commission

Amendment

Ib. If a Member State fails to achieve the outcomes that measures introduced in accordance with this Article are designed to attain, this shall result in the interruption or suspension of Union financial assistance to these Member States under the Common Fisheries Policy.

Amendment 106

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

1. The Commission shall ***be empowered to*** adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States ***authorised*** to take measures in accordance with Article 21 do not notify such measures to the Commission within three months after the date of entry into force of the technical measures framework.

Amendment

1. The Commission shall adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States ***empowered*** to take measures in accordance with Article 21 do not notify such measures to the Commission within three months after the date of entry into force of the technical measures framework.

Amendment 107

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

Text proposed by the Commission

(a) apply solely to *fishing* vessels *flying the flag of that Member State or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the territory;*

Amendment

(a) apply to *all* vessels *operating in relation to stocks in their waters for which they have been allocated fishing opportunities;*

Justification

In inshore waters the requirements of the Member State must apply to all fishing vessels of whatever nationality. No other approach can be regarded as fair to all.

Amendment 108

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after *consulting* the Commission, the relevant Member States and relevant Advisory Councils *on a draft* of the measures accompanied by an explanatory memorandum.

Amendment

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after *notifying* the Commission, the relevant Member States and relevant Advisory Councils of the measures accompanied by an explanatory memorandum *that also demonstrates that they are non-discriminatory*.

Justification

In the interests of conservation , and to promote equity between all fishing vessels, the role of Member States needs to be strengthened in this regard.

Amendment 109

Proposal for a regulation Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Member State measures for the implementation of environmental legislation

1. A Member State may take non-discriminatory fisheries measures in special areas of conservation within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC, as well as under Article 12 of Directive 92/43/EEC, in Marine Protected Areas under Regional

Seas Conventions and in Vulnerable Marine Ecosystems under Global Agreements to which the Union has signed up and in waters falling under the sovereignty or jurisdiction of that Member State. The Member State measures shall be compatible with the objectives set out in Article 2 and 3 of this Regulation and no less stringent than existing Union legislation.

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after consulting the Commission, the relevant Member States and relevant Advisory Councils on a draft of the measures accompanied by an explanatory memorandum. Such explanatory memorandum shall contain:

- (a) scientific rationale for the proposed measure;**
- (b) fleet activity in the area by nation, gear, and species targeted;**
- (c) other conservation measures that apply to the area;**
- (d) monitor and control measures envisaged by the Member State in the area.**

3. The Member States and Regional Advisory Councils concerned may submit their written comments to the Commission within 30 working days of the date of notification.

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 55, in order to confirm, cancel or amend the suggested measure within 30 working days of the date of notification.

Justification

There must be a swift and fair way for Member States to implement fishing measures within their marine protected areas also outside 12 nm. This text is close to the proposed and nearly agreed text in the amended Technical Measures Regulation of 2008.

Amendment 110

Proposal for a regulation Article 27

Text proposed by the Commission

Amendment

1. Each Member State ***shall*** establish a system of transferable fishing concessions no later than 31 December 2013 for:

(a) all fishing vessels of 12 meters length over all or more; and

(b) all fishing vessels under 12 meters length overall fishing with towed gear.

2. Member States ***may extend the*** system of transferable fishing concessions to ***fishing vessels of less than 12 meters length overall and deploying other types of gear than towed gear and shall inform the Commission thereof.***

(-1) Each Member State shall assess its fishing capacity and shall put in place measures to reduce capacity where overcapacity is demonstrated in accordance with Article 34.

1. Each Member State ***may, based on fair, equitable and transparent criteria,*** establish a system of transferable fishing concessions ***or adopt other rights-based management instruments, for vessels flying its flag.***

2. Member States ***shall inform the Commission of any decision to establish a system of transferable fishing concessions or rights based management and shall make all relevant information publicly available.***

Amendment 111

Proposal for a regulation Article 27 – paragraphs 3a to 3e

Text proposed by the Commission

Amendment

3a. Transferable fishing concessions shall remain in the ownership of the Member State responsible for their allocation. A Member State may revoke a holder's transferable fishing concessions if the objectives or requirements of its allocations policy are not being fulfilled

and if the holder has failed to comply with that Member State's reasonable requests for compliance.

3b. In designing a system of transferable fishing concessions that they may adopt, Member States shall take account of social, economic and environmental criteria, and may:

- (a) limit the proportion of fishing concessions to be allocated to any one holder;*
- (b) limit the number of transferable fishing concessions that can be registered on a single vessel;*
- (c) limit or prohibit the transfer of transferable fishing concessions between specific segments of the fishing fleet;*
- (d) limit or prohibit the transfer of transferable fishing concessions between defined geographic areas in order to protect coastal communities;*
- (e) limit or prohibit the leasing of annual fishing allocations to ensure that holders have a direct and long-term stake in the fishery;*
- (f) limit the degree to which transferable fishing concessions may be divided, and require vessels to have a minimum number in order to be permitted to fish;*
- (g) limit the transfer of transferable fishing concessions to parties that can demonstrate a direct economic link to the fishery;*
- (h) require the scrapping of a vessel that, as a result of sales, has fewer transferable fishing concessions than a minimum specified;*
- (i) reserve a proportion of fishing opportunities for distribution to new entrants;*

3c. Member States shall inform the Commission of their intention to establish any such systems and make all relevant

information publicly available.

3d. The Commission may adopt delegated acts, in accordance with Article 55, refusing to recognise a system of transferable fishing concessions established by a Member State if it believes that that system is unable to contribute to the achievement of capacity reductions necessary to meet the objective set out in Article 10(1), and in such instances the Commission may apply the financial penalties indicated in Article 50(2) unless satisfactory adjustments are made.

3e. Prior to any allocation of transferable fishing concessions, Member States shall publish a statement of policy, indicating its purpose, outlining how trade in transferable fishing concessions will be undertaken, providing details of the rules and regulations that will apply, and explaining how concessions may be terminated.

Amendment 112

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. Each Member State shall allocate transferable fishing concessions on the basis of transparent criteria, for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained ***under sustainable fisheries agreements.***

Amendment

2. Each Member State ***that chooses to establish a system of transferable fishing concessions*** shall allocate transferable fishing concessions on the basis of ***equitable and transparent environmental and social*** criteria for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained ***outside Union waters.*** ***The transparent criteria for the allocation of transferable fishing concessions shall be set by the European Parliament and by the Council,***

shall be made publicly available and shall include but not be limited to:

- (a) the employment of more selective fishing methods, gears and practices with low by-catch and low impact on the marine ecosystem;*
- (b) the possession of a good record of compliance with the rules of the Common Fisheries Policy and with respecting catch and/or fishing effort limits designated by scientific advice;*
- (c) the provision of increased, good quality employment, provided that this does not have negative environmental impacts;*
- (d) the use of vessels and fishing methods that have low fuel emissions and are energy efficient;*
- (e) the use of video surveillance or an equivalent electronic monitoring equipment;*
- (f) the provision of working conditions that comply with relevant international standards, notably the 2007 ILO Work in Fishing Convention;*
- (g) the reported production during the period of at least the three previous years.*

Amendment 113

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

4. Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, or to legal or natural persons for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer

Amendment

4. Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel **actively engaged in fisheries** flying the flag of that Member State, or to legal or natural persons **actively engaged in fisheries** for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or

organisations. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.

natural persons ***who are directly involved in the fishing industry*** or recognised producer organisations ***or similar bodies***. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.

Amendment 114

Proposal for a regulation Article 28 – paragraph 5

Text proposed by the Commission

5. Member States may limit the period of validity of transferable fishing concessions to a period of at least ***15 years***, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the transferable fishing concessions, they may recall such concessions with a notice of at least ***15 years***.

Amendment

5. Member States may limit the period of validity of transferable fishing concessions to a period of at least ***seven years***, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the transferable fishing concessions, they may recall such concessions with a notice of at least ***seven years***.

Amendment 115

Proposal for a regulation Article 28 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States may allocate transferable fishing concessions free of charge, or may require payment of a fee, or may allocate such concessions by auction to holders who comply with all other requirements.

Amendment 116

Proposal for a regulation
Article 28 – paragraph 7

Text proposed by the Commission

7. Notwithstanding paragraph 5 and 6, Member States may recall transferable fishing concessions that have not been used on a fishing vessel for a period of *three* consecutive years.

Amendment

7. Notwithstanding paragraph 5 and 6, Member States may recall *and reallocate* transferable fishing concessions that have not been used on a fishing vessel for a period of *two* consecutive years.

Amendment 117

Proposal for a regulation
Article 28 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. When introducing a system of transferable fishing concessions, Member States should adjust their own rules to protect the interests of inshore fishing and protect against the negative aspects of the system, such as excessive concentration or speculation.

Justification

Concentration and speculation in fishing concessions and a failure to protect the interests of inshore fishing pose a real threat to the proper functioning of the system of transferable fishing concession.

Amendment 118

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall allocate individual fishing opportunities to holders of transferable fishing concessions, *as*

1. Irrespective of whether a Member State has chosen to introduce transferable fishing concessions, Member States shall,

referred to in Article 28, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.

in accordance with Article 33 and the transparent criteria listed under Article 28(2), allocate individual fishing opportunities to holders of transferable fishing concessions, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.

Amendment 119

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Such fishing opportunities shall not lay down catches of any species that exceed, in any one year or part of a year, the level necessary to achieve the objective of Article 10(1).

Justification

Fish stocks have been destroyed by short term thinking and by the failure of governments to abide by scientific advice. The objective of restoring stock levels above maximum sustainable yield must be the priority.

Amendment 120

Proposal for a regulation

Article 29 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may reserve up to **5%** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. *Those fishing opportunities may only be allocated to eligible holders of transferable fishing concessions as set out in Article 28(4).*

4. Member States may reserve up to **20 %** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities.

Justification

Reserve enables member states to provide the more sustainable operators with access to fishing opportunities.

Amendment 121

**Proposal for a regulation
Article 29 – paragraph 5**

Text proposed by the Commission

5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels deploying selective fishing *gear* that *eliminates* unwanted *by-catch within the fishing opportunities assigned to that Member State.*

Amendment

5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels *employing low impact fishing methods and/or* deploying selective fishing *gears and practices* that *eliminate* unwanted *catches and other negative impacts on the marine environment.*

Amendment 122

**Proposal for a regulation
Article 30 – paragraph 1a (new)**

Text proposed by the Commission

Amendment

Member States shall ensure that the register, and details of the terms and conditions under which transferable fishing concessions and fishing opportunities have been allocated, are made publicly available.

Justification

It is unacceptable that the public should not be able to establish the identity of holders of allocations, and the conditions with which they are expected to comply.

Amendment 123

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. A Member State may authorise transfer of transferable fishing concessions to and from other Member States.

Amendment

2. A Member State may ***not*** authorise transfer of transferable fishing concessions to and from other Member States.

Amendment 124

Proposal for a regulation Article 31 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States may make the permission for the transfer conditional upon the vessel that is selling its fishing rights being taken out of service and scrapped.

Justification

The capacity of Europe's fishing fleets must be reduced. Transfers of this kind will provide vessel owners with substantial financial gain, while the scrapping of vessels may also be profitable.

Amendment 125

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag. It shall inform the Commission of the allocation method.

Amendment

1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag, ***including small-scale fishing vessels, on the basis of***

transparent and objective criteria, in line with the criteria set out in Article 28(2), which shall be publicly available. It shall inform the Commission of the allocation method.

Amendment 126

Proposal for a regulation Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

Measurement of fishing capacity

Fishing fleets of the Member States shall be measured in terms of their ability to catch fish. To this end, by 31 July 2013 the Commission shall submit a proposal to the European Parliament and the Council to amend Council Regulation (EEC) No 2930/1986 to define capacity according to the following characteristics:

- (a) length overall;*
- (b) breadth;*
- (c) gross tonnage;*
- (d) engine power;*
- (e) gear type;*
- (f) gear dimension (including number of units deployed);*
- (g) any other measurable characteristic that affects a vessel's ability to catch fish.*

By 31 December 2013 the Commission shall publish a detailed inventory of the capacity of the current fishing fleets of each Member State together with an assessment of the appropriate capacity of each fleet given the resources available to it. The Commission shall base this document on information furnished by

the Member States as well as other information available to it, including, inter alia, that of scientific institutes, regional fisheries management organisations and others.

Amendment 127

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. Member States shall put in place measures to adjust the fishing capacity of their fleets in order to achieve an effective balance between such fishing capacity and their fishing opportunities.

Amendment

1. Member States shall, **by 2015**, put in place measures to adjust the fishing capacity of their fleets in order to achieve an effective balance between such fishing capacity and their fishing opportunities *consistent with Article 2(2) by not later than 2015. These measures shall be based on an assessment of fleet capacity in relation to fishing opportunities as required under Article 11 and delivered as part of the multiannual plans. Where a multiannual plan is absent such measures shall be established as a priority, but no later than [2015]. Member States shall report annually to the Commission on progress achieved.*

Justification

Fleet capacity assessment is a precondition for effective fleet management and clear deadlines need to be established for action by Member States.

Amendment 128

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. Each Member State fleet shall be subject to fishing capacity ceilings *as set out in Annex II.*

Amendment

1. Each Member State fleet shall be subject to fishing capacity ceilings *based on the data provided for in the second*

subparagraph of Article 33a.

Amendment 129

Proposal for a regulation Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall report annually on the level of compliance by the Member States with their obligations under Articles 33a, 35 and under this Article.

Amendment 130

Proposal for a regulation Article 36 – paragraph 4

Text proposed by the Commission

Amendment

4. The information contained in the Union fishing fleet register shall be made available to all Member States. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

4. The information contained in the Union fishing fleet register shall be made available to all Member States ***and to the public***. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

Justification

Openness and transparency.

Amendment 131

Proposal for a regulation Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem

1. Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem

based fisheries management, manage them and make them available to end users of scientific data, including bodies designated by the Commission. Those data shall in particular enable the assessment of:

based fisheries ***and aquaculture*** management, manage them, make them ***publicly available and supply them as required*** to end users of scientific data, including bodies designated by the Commission. Those data shall ***be collected at least biennially for stocks which are below levels capable of producing maximum sustainable yield. They shall*** in particular enable the assessment of:

Justification

Every effort should be made to ensure that data reflects the current situation. There should be a presumption in favour of data being publicly available other than in exceptional circumstances. Data is needed to establish that aquaculture management is not proving detrimental to the marine environment.

Amendment 132

Proposal for a regulation

Article 37 – paragraph 1 – point a

Text proposed by the Commission

(a) the state of exploited marine biological resources,

Amendment

(a) the ***current*** state of exploited marine biological resources,

Amendment 133

Proposal for a regulation

Article 37 – paragraph 1 – point b

Text proposed by the Commission

(b) the level of fishing ***and*** the impact that fishing activities have on the marine biological resources and on the marine ecosystems, and

Amendment

(b) the ***current*** level of fishing ***including by-catch***, the impact that fishing ***and aquaculture*** activities have on the marine biological resources and on the marine ecosystems and ***the achievement of good***

environmental status as provided by Directive 2008/56/EC, and

Amendment 134

Proposal for a regulation

Article 37 – paragraph 1 – point c

Text proposed by the Commission

(c) the socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.

Amendment

(c) the ***current*** socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.

Amendment 135

Proposal for a regulation

Article 37 – paragraph 2 – point d

Text proposed by the Commission

(d) ensure that the collected data are accurate and reliable;

Amendment

(d) ensure that the collected data are accurate, reliable ***and comprehensive***;

Amendment 136

Proposal for a regulation

Article 37 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that the scientific data and methodologies take factors such as acidification and sea temperatures into consideration when collecting data, thus ensuring that data is gathered from different regions throughout the year;

Amendment 137

Proposal for a regulation

Article 37 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) make the allocation of transferable fishing concessions conditional upon holders annually submitting to Member States the required economic and social data under Article 37(1);

Amendment 138

Proposal for a regulation

Article 37 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) ensure safe storage of collected data
and where applicable appropriate protection and confidentiality of collected data;

(f) ensure safe storage of collected data,
making it publicly available other than in exceptional circumstances when appropriate protection and confidentiality may be required and when the reasons for such restrictions shall be declared;

Amendment 139

Proposal for a regulation

Article 37 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) ensure that the Commission, or bodies designated by it, have access to the national databases and systems used for processing the collected data for the purpose of verification of the existence and quality of the data.

(g) ensure that the Commission, or bodies designated by it, have access to *all* the national databases and systems used for processing the collected data for the purpose of verification of the existence and quality of the data.

Amendment 140

Proposal for a regulation Article 37 – paragraph 5

Text proposed by the Commission

5. The collection, management and use of data shall be done in the framework of a multi-annual programme as of 2014. Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.

Amendment

5. The collection, management and use of data shall be done in the framework of *Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy¹, which shall be reviewed and/or amended, or, if necessary, replaced with a framework of at least equivalent standard, implementing the provisions of this Article. A new multi-annual programme shall govern the collection, management and use of data as of 2014, which shall be subject to the provisions of this Article and Regulation (EC) No 199/2008*. Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.

Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data for the years 2011, 2012 and 2013.

¹ OJ L 60, 5.3.2008, p. 1.

Amendment 141

Proposal for a regulation Article 37 – paragraph 6

Text proposed by the Commission

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5.

Amendment

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5, ***and to ensure the coordination between Member States of data collection and its presentation.***

Amendment 142

Proposal for a regulation Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In accordance with Article 50, the Commission shall withhold financial assistance if a Member State fails to provide scientific data that it is responsible for collecting and fails to comply with reasonable requests that it should do so.

Justification

Member States have been required to collect scientific data for many years but some have failed to do so. As scientific evidence is essential to the effective working of the Regulation the Commission must have sanctions available.

Amendment 143

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. The Union shall participate in the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.

Amendment

1. The Union shall ***actively contribute to and support*** the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international obligations, ***commitments*** and policy objectives and consistent with the ***Union's principles and objectives and its existing legislation in the field of fisheries, environment and development, including the objectives*** set out in Articles 2 and 3.

Amendment 144

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. The positions of the Union in international organisations dealing with fisheries and RFMOs shall be based on the best available scientific advice to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield.

Amendment

2. The positions of the Union in international organisations dealing with fisheries and RFMOs shall be ***consistent with the Union's principles and objectives in the field of fisheries, environment and development law, including those set out in Article 2 of this Regulation. They shall also be*** based on the best available scientific advice to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield ***by 2015.***

Justification

The EU's position in international fora, such as RFMOs, should not contradict its objectives and obligations in other policy areas, such as environment and development policy.

Amendment 145

Proposal for a regulation Article 39 – paragraph 3

Text proposed by the Commission

3. The Union shall actively contribute to and support the development of scientific knowledge and advice in RFMOs and international organisations.

Amendment

3. The Union shall actively contribute to and support the development of ***good governance, transparency, enforcement measures and*** scientific knowledge and advice in RFMOs and ***other*** international organisations.

Amendment 146

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

The Union shall cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures adopted by such international organisations.

Amendment

The Union shall cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures adopted by such international organisations. ***In this context, the Union must step up its efforts to ensure compliance by third countries with international conventions, including the United Nations Convention on the Law of the Sea (UNCLOS).***

Amendment 147

Proposal for a regulation Article 41 – paragraph 1

Text proposed by the Commission

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic and environmental governance framework for fishing activities carried out by Union fishing vessels in third country waters.

Amendment

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic, ***social*** and environmental governance framework for fishing activities carried out by Union ***flagged and/or owned*** fishing vessels in third

country waters. *Sustainable Fisheries Agreements must be in line with international obligations and policy objectives and consistent with Articles 2, 3 and 4.*

Justification

Ensuring EU vessels have to meet the same requirements where ever they fish.

Amendment 148

Proposal for a regulation

Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Sustainable Fisheries Agreements shall further seek the establishment of a governance framework for the Union fleet fishing in third country waters that is at least as stringent as applicable Union legislation in the field of fisheries management, environmental protection and social policies.

Amendment 149

Proposal for a regulation

Article 41 – paragraph 2 and 2a-2e (new)

Text proposed by the Commission

Amendment

2. Union fishing vessels shall only catch surplus of the allowable catch determined by the third country as referred to in Article 62(2) of the United Nations Convention on the Law of the Sea, and identified on the basis of the best available scientific advice and relevant information exchanged between the Union and the third country concerned about the total fishing effort on the affected stocks, in order to ensure that fishery resources remain above levels capable of producing maximum sustainable yield.

2. Union fishing vessels shall only catch surplus of the allowable catch determined by the third country as referred to in Article 62(2) of the United Nations Convention on the Law of the Sea, and identified on the basis of the best available scientific advice and relevant information exchanged between the Union and the third country concerned about the total fishing effort on the affected stocks, in order to ensure that fishery resources remain above levels capable of producing maximum sustainable yield *and that the level of*

fishing activities conducted by Union fishing vessels does not restrict the fishing possibilities for local fishermen in third countries.

2a. In order to allow for the identification of surplus of the allowable catch referred to under paragraph 2, Sustainable Fisheries Agreements shall provide for transparency and exchange of all relevant information between the Union and the third country about the total fishing effort on the concerned stocks by national and, where appropriate, foreign vessels.

2b. Sustainable Fisheries Agreements shall provide that Union fishing vessels can only operate in the waters of the third country with which an agreement has been concluded if they are in possession of a fishing authorisation, which has been issued in accordance with a procedure agreed by both parties to the agreement.

2c. Sustainable Fisheries Agreements shall provide that fishing authorisations of any kind shall only be granted to new fishing vessels and those previously flagged in the Union for at least 24 months preceding the request for a fishing authorisation and wishing to target species covered by the Sustainable Fisheries Agreement.

2d. Respect for democratic principles, the rule of law, and human rights as laid down in the Universal Declaration of Human Rights, shall constitute an essential element of Sustainable Fisheries Agreements that shall include specific provisions regarding human rights.

2e. From 1 January 2015, Union fishing vessels shall not undertake any fishing activities in third country waters except in compliance with the terms of a Sustainable Fisheries Agreement.

Amendment 150

Proposal for a regulation

Article 42 – paragraph 1 – point a

Text proposed by the Commission

(a) support part of the cost of access to the fisheries resources in third country waters;

Amendment

(a) support *a decreasing* part of the cost of access to the fisheries resources in third country waters, *which shall be progressively covered by the vessels owners and which shall be phased out over time, with the full cost of access borne by the operators by 2020 at the latest*;

Amendment 151

Proposal for a regulation

Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Financial arrangement under Sustainable Fisheries Agreements shall be subject to an open and accountable review mechanism, including publicly available financial audits and independent evaluations on the outcomes of financial assistance commissioned by the Union.

Justification

The EU provides significant funds to third countries for fisheries development, yet without transparency there is reduced opportunity for local citizens to influence decision-making and the potential for monitoring project implementation is minimal. Improving transparency is therefore essential to strengthen the effectiveness of financial assistance and to avoid the risk of waste or corruption. There are several cases where past EU financial assistance in the fisheries sector has been undermined by corruption in third countries.

Amendment 152

Proposal for a regulation

Article 43 – title

Text proposed by the Commission

Promoting aquaculture.

Amendment

Ensuring sustainable aquaculture.

Amendment 153

**Proposal for a regulation
Article 43 – paragraph 1**

Text proposed by the Commission

1. With a view to promoting sustainability and contributing to food security, growth and employment, non-binding Union strategic guidelines on common priorities and targets for the development of aquaculture activities shall be established by the Commission by 2013. Such strategic guidelines shall take account of the relative starting positions and different circumstances throughout the Union, shall form the basis for multiannual national strategic plans and shall aim at:

(a) improving the competitiveness of the aquaculture industry and supporting its development and innovation;

(b) encouraging economic activity;
(c) diversification and improvement of the quality of life in coastal and rural areas;
(d) a level-playing field for aquaculture operators in relation to access to waters and space.

Amendment

1. With a view to promoting sustainability and contributing to food security, growth and employment, non-binding Union strategic guidelines on common priorities and targets for the development of aquaculture activities shall be established by the Commission by 2013. Such strategic guidelines shall ***be designed to ensure that aquaculture activities are environmentally sustainable and contribute to the achievement of good environmental status. They shall*** take account of the relative starting positions and different circumstances throughout the Union, shall form the basis for multiannual national strategic plans and shall aim at:

(a) improving the ***quality, sustainability and*** competitiveness of the aquaculture industry and supporting its development and innovation;

(aa) preventing the degradation of the marine environment;

(ab) ensuring that aquaculture activities are consistent with Articles 2 and 3;

(b) encouraging economic activity;

(c) diversification and improvement of the quality of life in coastal and rural areas;

(d) a level-playing field for aquaculture operators in relation to access to waters and space;

(da) limiting the quantities of aquaculture feed obtained from wild capture fisheries

to levels that pose no threat to meeting the objectives set out in Article 10;

(db) ensuring that aquaculture operations are compatible with the objectives of Directive 2008/56/EC;

(dc) preventing adverse changes to related ecosystems.

Amendment 154

Proposal for a regulation

Article 43 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(dd) ensuring safe and healthy products.

Amendment 155

Proposal for a regulation

Article 43 – paragraph 4

Text proposed by the Commission

Amendment

4. Multiannual national strategic plans shall aim in particular at the following:

- (a) administrative simplification, in particular regarding licenses;
- (b) certainty for aquaculture operators in relation to access to waters and space;
- (c) indicators for environmental, economic and social sustainability;
- (d) assessment of other possible cross-bordering effects on neighbouring Member States.

4. Multiannual national strategic plans shall **specifically address** the following:

- (a) administrative simplification, in particular regarding licenses;
- (b) certainty for aquaculture operators in relation to access to waters and space;
- (c) indicators for **quality and** environmental, economic and social sustainability;
- (ca) measures to ensure that aquaculture activities are in full compliance with existing Union environmental legislation;*
- (cb) guarantee the use of sustainable feeds;*
- (d) assessment of other possible cross-bordering effects on **marine biological resources and marine ecosystems** on

neighbouring Member States.

Amendment 156

Proposal for a regulation

Article 45 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ensure the traceability of all fishery and aquaculture products throughout the supply chain, provide verifiable and accurate information regarding the origin of the product and its mode of production and label the product accordingly, with an emphasis on reliable eco-labelling;

Amendment 157 **Proposal for a regulation**

Article 48

Text proposed by the Commission

Amendment

Member States **may** require holders of a fishing licence for fishing vessels of 12 meters length overall or more flying their flag to contribute proportionally to the costs of implementing the Union fisheries control system.

Member States **shall** require holders of a fishing licence for fishing vessels of 12 meters length overall or more flying their flag to contribute proportionally to the costs of implementing the Union fisheries control system **and data collection**.

Amendment 158

Proposal for a regulation Article 49

Text proposed by the Commission

Union financial assistance **may** be granted **to contribute to the achievement of the** objectives set out in Articles 2 and 3.

Amendment

Union financial assistance **shall** be granted **only to actions and initiatives that comply with the** objectives set out in Articles 2 and 3.

Justification

Union financial assistance must be conditional on compliance with the Regulation's objectives

Amendment 159

Proposal for a regulation Article 50 – paragraph 2

Text proposed by the Commission

2. Non compliance by Member States with the rules of the Common Fisheries Policy may result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

Amendment

2. Non compliance by Member States with the rules of the Common Fisheries Policy **shall** result in the interruption or suspension of payments **and** in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

2a. Union financial assistance to Member States shall be transparent and accountable, with detailed and timely information on the objectives and administration of financial assistance, including relevant budgets and evaluations that shall be made publically available by the Commission.

2b. Financial assistance for measures related to vessels or gears shall be conditional on Member States efforts to achieve a balance between fishing capacity and fishing opportunities in accordance with Article 34(1).

Amendment 160

Proposal for a regulation Article 51 – paragraph 1

Text proposed by the Commission

1. Union financial assistance toward operators shall be conditional upon compliance with the rules of the Common Fisheries policy by operators.

Amendment

1. Union financial assistance toward operators shall be conditional upon compliance with ***the objectives*** and rules of the Common Fisheries policy by operators.

Amendment 161

Proposal for a regulation Article 51 – paragraph 2

Text proposed by the Commission

2. Serious infringements by operators of the rules of the Common Fisheries Policy shall result in temporary or permanent bans on access to the Union financial assistance ***and/or*** application of financial ***reductions***. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

Amendment

2. Serious infringements by operators of the rules of the Common Fisheries Policy ***in the three years following the granting of Union financial assistance*** shall result in temporary or permanent bans on access to the Union financial assistance, application of financial ***penalties and the repayment, in whole or in part, of that previously granted Union financial assistance***. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

Justification

Public aid should not be granted to operators who seriously infringe the rules of the CFP.

Amendment 162

Proposal for a regulation Article 51 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been imposed to the concerned operator within a period of **1 year** prior to the date of application for Union financial assistance.

Amendment

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been imposed to the concerned operator within a period of **five years** prior to the date of application for Union financial assistance.

Amendment 163

Proposal for a regulation Article 51 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Aid related to the modernisation of fishing vessels or their gears shall be conditional on Member States measures to adjust the fishing capacity of their fleets in line with fishing opportunities in accordance with Article 34(1).

Amendment 164

Proposal for a regulation Article 51 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Where aid for decommissioning a vessel is paid by a Member State or the Commission, any Union financial assistance paid within the previous three years in respect of the modernisation or improvement of that vessel shall be

repaid.

Justification

The Commission is proposing that aid for decommissioning should no longer be paid and if this is agreed the amendment becomes irrelevant. If not, it helps to ensure that the use of public funds will be protected.

Amendment 165

**Proposal for a regulation
Article 52 – paragraph 1**

Text proposed by the Commission

1. Advisory Councils are established for each of the areas of competence set out in Annex III, to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives set out in Articles 2 and 3.

Amendment

1. Advisory Councils are established for each of the areas of competence set out in Annex III, to promote a balanced representation of all stakeholders, *including representatives from the fishing sector, the processing industry, scientists, local authorities, NGOs, control agencies and civil society and* to contribute to the achievement of the objectives set out in Articles 2 and 3.

Amendment 166

**Proposal for a regulation
Article 54 – paragraph 1**

Text proposed by the Commission

1. Advisory Councils shall be composed of organizations representing the fisheries operators and other interest groups affected by the Common Fisheries Policy.

Amendment

1. Advisory Councils shall *broaden their participation base and* be composed of organizations representing the fisheries operators and other interest groups affected by the Common Fisheries Policy, *including scientists, NGOs, control agencies and local authorities.*

Amendment 167

**Proposal for a regulation
Article 56 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

The Commission shall annually submit a report to the European Parliament and to the Council, stating how its proposal [under Article 43(3) TFEU] on the total allowable catches, and the Council decision in this regard, contribute to the achievement of the Union's objective, which is to restore and maintain populations of harvested species above levels which can provide maximum sustainable yield by 2015.

Justification

In the past, Council has failed to set fishing limits not exceeding scientific advice. It is crucial to make decision makers more accountable and to request reports on how decisions contribute to the agreed objectives.

Amendment 168

Proposal for a regulation Article 58 – paragraph 1

Text proposed by the Commission

Amendment

Notwithstanding Article 57(4), Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data for the **years 2011 - 2013**.

Notwithstanding Article 57(4), Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data **until such time as the entry into force of new measures to establish a Union framework for the collection, management and use of data in the fisheries sector.**

Amendment 169

Proposal for a regulation Annex 3 – table -new entry

Text proposed by the Commission

Amendment

Name of the Advisory Council: Black Sea

Area of competence: Black Sea area

Justification

Since the Advisory Councils may apply for Union financial assistance as bodies pursuing an aim of general European interest and since the next programming period starts in 2014, it is more fair and equitable to have all Advisory Councils already established and their areas of competence already modified till 2014.

PROCEDURE

Title	Common Fisheries Policy
References	COM(2011)0425 – C7-0198/2011 – 2011/0195(COD)
Committee responsible Date announced in plenary	PECH 13.9.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011
Rapporteur(s) Date appointed	Chris Davies 3.10.2011
Discussed in committee	29.2.2012
Date adopted	8.5.2012
Result of final vote	+: 50 -: 0 0: 8
Members present for the final vote	Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Lajos Bokros, Martin Callanan, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Klaß, Eija-Riitta Korhola, Holger Krahmer, Jo Leinen, Corinne Lepage, Peter Liese, Kartika Tamara Liotard, Linda McAvan, Radvilė Morkūnaitė-Mikulienė, Vladko Todorov Panayotov, Antonyia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Anja Weisgerber, Åsa Westlund, Glenis Willmott, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Nikos Chrysogelos, João Ferreira, Filip Kaczmarek, Toine Manders, James Nicholson, Justas Vincas Paleckis, Alojz Peterle, Michèle Rivasi, Christel Schaldemose, Marita Ulvskog, Vladimir Urutchev, Andrea Zanoni