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Committee on Fisheries

2012/0236(COD)

27.2.2013

AMENDMENTS

11 - 35

Draft report
Diane Dodds
(PE502.051v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

Proposal for a regulation
(COM(2012)0498 – C7-0290/2012 – 2012/0236(COD))

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United in diversity

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Amendment 11
Maria do Céu Patrão Neves

Proposal for a regulation – amending act
Recital 2

Text proposed by the Commission

(2) Member States have used different methodologies to calculate effort during the reference years and to calculate reported effort consumption within the plan. This has allowed a higher level of deployed effort than intended by the plan, which should therefore be rectified.

Amendment

(2) Member States have used different methodologies to calculate effort during the reference years and to calculate reported effort consumption within the plan. This has allowed a higher level of deployed effort than intended by the plan, which should therefore be rectified ***by standardising the methodologies used by the Member States to calculate effort.***

Or. pt

Amendment 12
Ole Christensen

Proposal for a regulation – amending act
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) Maintaining fishing mortality rates at a sustainable level, based on scientific advice, should allow fish stocks to recover. Member States should give priority to the development and promotion of measures and incentives that aim to avoid unwanted catches. Financial support should be provided for the use of selective gear measures.

Or. en

Justification

Other measures than automatic reduction of TAC and fishing effort are useful in order to obtain the targets set in this plan

Amendment 13

Maria do Céu Patrão Neves

**Proposal for a regulation – amending act
Recital 5**

Text proposed by the Commission

(5) In order to facilitate more selective fishing activities in the fully documented fisheries where all catches are counted against quota, it is appropriate to exempt **the** vessels, **when** participating in **those** trials, from the fishing effort regime.

Amendment

(5) In order to facilitate more selective fishing activities in the fully documented fisheries where all catches are counted against quota, it is appropriate to exempt vessels participating in **experimental fishing trials designed to improve fishing gear selectivity** from the fishing effort regime.

Or. pt

Amendment 14

Nils Torvalds

**Proposal for a regulation – amending act
Recital 8**

Text proposed by the Commission

(8) Given the high levels of cod discards that have been observed during the period of implementation of the plan, it is necessary that Member States take appropriate action to minimise discards, inter alia by allocating their fishing opportunities amongst vessels in such a way as to match quotas to expected catches to the greatest degree possible.

Amendment

(8) Given the high levels of cod discards that have been observed during the period of implementation of the plan, it is necessary that Member States take appropriate action to minimise **and, where possible, eliminate** discards, inter alia by allocating their fishing opportunities amongst vessels in such a way as to match quotas to expected catches to the greatest degree possible.

Or. en

Amendment 15
Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) 1342/2008

Article 4 – paragraph 2

Text proposed by the Commission

2. *When calculating a day* present within an area *Member States shall use the same method used to establish the effort baseline referred to* in Article 12(2)(a).

Amendment

2. *Member States shall calculate days* present within an area in *accordance with Article 26 of Regulation (EC) No 1224/2009 establishing a Community fisheries control system.*

Or. fr

Justification

Reference to Article 26 of the control regulation allows the effort monitoring method laid down in that regulation to be maintained. The method does not need to be changed in the modified cod plan.

Amendment 16
Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) 1342/2008

Article 4 – paragraph 2

Text proposed by the Commission

2. *When calculating a day* present within an area *Member States shall use the same method used to establish the effort baseline referred to* in Article 12(2)(a).

Amendment

2. *Member States shall calculate days* present within an area in *accordance with Article 26 of Regulation (EC) No 1224/2009 establishing a Community fisheries control system.*

Or. fr

Justification

The intention of this paragraph is to ensure that all Member States calculate the effort in the same way, and a precise definition already exists in the control regulation. This definition should therefore be the rule, without adding any new definition which would create more ambiguity.

Amendment 17 **Isabella Lövin**

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) 1342/2008

Article 9 – paragraph 1

Text proposed by the Commission

1. Where there is insufficient information to set the TACs in accordance with Article 7, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level indicated by scientific advice. However, if the level indicated by scientific advice is more than 20 % greater than the TACs in the previous year, they shall be set at a level 20% greater than the TACs in the previous year, ***or if the level indicated by scientific advice is more than 25% less than the TACs in the previous year they shall be set at a level 25% less than the TACs in the previous year.***

Amendment

1. Where there is insufficient information to set the TACs in accordance with Article 7, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level indicated by scientific advice. However, if the level indicated by scientific advice is more than 20 % greater than the TACs in the previous year, they shall be set at a level 20% greater than the TACs in the previous year.

Or. en

Justification

In the Rodust report, there was general agreement that there may be situations in which fishing opportunities might need to be reduced rapidly. This amendment puts that into practice by not limiting the maximum annual reduction in quota.

Amendment 18 **Isabella Lövin**

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) 1342/2008

Article 9 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) a 25 % reduction compared to the TAC in the previous year,

(a) a 25 % reduction compared to the TAC in the previous year, **together with other appropriate measures.**

Or. en

Justification

The Rodust report, as voted in plenary, includes a provision stating that management plans shall include provisions to systematically reduce fishing opportunities when the quality or quantity of data from the fishery decline. These amendments to paragraph 2 seek to include such a principle in the cod plan.

Amendment 19

Isabella Lövin

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) 1342/2008

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

or, if scientific advice so recommends,

deleted

Or. en

Justification

The Rodust report, as voted in plenary, includes a provision stating that management plans shall include provisions to systematically reduce fishing opportunities when the quality or quantity of data from the fishery decline. These amendments to paragraph 2 seek to include such a principle in the cod plan.

Amendment 20

Isabella Lövin

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) 1342/2008

Article 9 – paragraph 2 –point b

Text proposed by the Commission

Amendment

(b) a reduction not exceeding 25 %, compared to the TAC in the previous year, together with other appropriate measures.

deleted

Or. en

Justification

The Rodust report, as voted in plenary, includes a provision stating that management plans shall include provisions to systematically reduce fishing opportunities when the quality or quantity of data from the fishery decline. These amendments to paragraph 2 seek to include such a principle in the cod plan.

Amendment 21

Ole Christensen

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) 1342/2008

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to obtain sustainable fishing mortality rates, based on scientific advice, a gradual elimination of discards shall be implemented. Selective gears measures shall be introduced by Member States with financial support from the European Maritime and Fisheries Fund. Member States shall consult the North Sea Advisory Council as well as ICES and/or STEFC and relevant stakeholders on the measures to be adopted.

Or. en

Amendment 22
Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No1342/2008

Article 11 a – paragraph 1 – point c

Text proposed by the Commission

(c) **during that trip** the fishing vessel concerned **has only one** regulated gear **on board** and that gear is listed in accordance with paragraph 2.

Amendment

(c) the fishing vessel concerned **uses a** regulated gear and that gear is listed in accordance with paragraph 2.

Or. fr

Justification

Vessels can be multipurpose, even if a single gear is used.

Amendment 23
Jarosław Leszek Wałęsa

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11a – paragraph 1 – point c

Text proposed by the Commission

c. during that trip the fishing vessel concerned has **only** one regulated gear on board and that gear is listed in accordance with paragraph 2.

Amendment

c. during that trip the fishing vessel concerned has one **type of** regulated gear on board and that gear is listed in accordance with paragraph 2.

Or. pl

Justification

The wording is unclear and in its current form it precludes vessels having other gear on board which might be necessary during a trip to a different area or to fish other species. It should be remembered that in the event of gear failure, vessels have reserve gear stowed in

the hold. Other gear needed for fishing other species or in other areas is generally kept in the hold. It should therefore be specified that one type of regulated gear may be used on board a vessel at any given moment.

Amendment 24
Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) 1342/2008

Article 11 a – paragraph 1 – point c

Text proposed by the Commission

(c) *during that trip* the fishing vessel concerned **has only one** regulated gear **on board** and that gear is listed in accordance with paragraph 2.

Amendment

(c) the fishing vessel concerned **uses a** regulated gear and that gear is listed in accordance with paragraph 2;

Or. fr

Justification

The current wording means only having a single gear on board, which is inconsistent with vessels that are multipurpose and can fish in several areas, including those listed in paragraph 2.

Amendment 25
Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No1342/2008

Article 11 a – paragraph 1 – c a (new)

Text proposed by the Commission

(c a) the fishing activities of the vessel or group of vessels result in cod catches of less than 1.5% of the total catches measured by weight.

Amendment

Or. fr

Justification

The STECF could introduce other exemptions, for example in order to avoid cod.

Amendment 26
Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) 1342/2008

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

Text proposed by the Commission

Amendment

(c a) the fishing activities of the vessel or group of vessels result in cod catches of less than 1.5% of the total annual catches measured by weight.

Or. fr

Justification

This introduces the possibility proposed by the STECF of exempting highly selective activities which are not linked to the gear or the fishing area, while encouraging the development of new activities.

Amendment 27
Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No1342/2008

Article 11 d – titre

Text proposed by the Commission

Amendment

Transitional measures on exclusions

Measures on exclusions ***previously obtained.***

Or. fr

Justification

The exclusions obtained must not simply be transitional; they should cover the period of validity of the regulation.

Amendment 28

Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No1342/2008

Article 11 d – introduction

Text proposed by the Commission

Exclusions from the fishing effort regime that were already in force prior to [__ - **will be filled with concrete date**] shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

Amendment

Exclusions from the fishing effort regime that were already in force prior to ...* shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

*** OJ: insert the date of entry into force of this regulation.**

Or. fr

Justification

The date to be applied should be the date on which this regulation enters into force.

Amendment 29

Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 4

Regulation (EC) No1342/2008

Article 11 d – introduction

Text proposed by the Commission

Exclusions from the fishing effort regime that were already in force prior to [__ - will be filled with concrete date] shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

Amendment

Exclusions from the fishing effort regime that were already in force prior to ...* shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

*** OJ: insert the date of publication of the Official Journal in which this regulation is published.**

Or. fr

Justification

The exclusions referred to in this paragraph are those which were granted in accordance with this regulation before the current revision. It is important therefore to avoid creating a legal vacuum for exemptions granted between a 'concrete date' and the date on which this regulation enters into force.

Amendment 30

Maria do Céu Patrão Neves

Proposal for a regulation – amending act

Article 1 – point 5 – point a

Regulation (EC) No 1342/2008

Article 12 – paragraph 4

Text proposed by the Commission

4. For aggregated effort groups where the percentage cumulative catch calculated according to paragraph 3(d) is equal to or exceeds 20 %, annual adjustments shall apply. The maximum allowable fishing effort of the groups concerned shall be calculated as follows:

Amendment

(Does not affect English version.)

Or. pt

Amendment 31
Ole Christensen

Proposal for a regulation – amending act

Article 1 – point 5 a (new)

Regulation (EC) No1342/2008

Article 12 a (new)

Text proposed by the Commission

Amendment

(5a) The following Article is inserted:

'Article 12 a

In order to obtain sustainable fishing mortality rates, based on scientific advice, a gradual elimination of discards shall be implemented.

Selective gears measures shall be introduced by Member States with financial support from the European Maritime and Fisheries Fund.

Member States shall consult the North Sea Advisory Council as well as ICES and/or STEFC and relevant stakeholders on the measures to be adopted.'

Or. en

Amendment 32
Alain Cadec

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No1342/2008

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the scientific data indicate that **more than 10 % of the total cod catches** for a particular **effort group consist of discards, or where the quota allocation does not correspond to the expected catches and is likely to result in cod discards**, the Member State concerned

5. Where the scientific data indicate that, for a particular **gear, large volumes of cod are discarded throughout the management period**, the Member State concerned shall take immediate measures to minimise cod discards.

shall take immediate measures to minimise cod discards.

Or. fr

Justification

The figure of 10% is not representative of the real contribution a particular gear makes to the fishing mortality of cod. With the TAC set at '0' in West Scotland, there could be significant discard rates for a low catch rate.

Amendment 33
Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No1342/2008

Article 14 – paragraph 5

Text proposed by the Commission

5. Where the scientific data indicate that more than 10 % of the total **cod** catches for a particular effort group consist of discards, or where the quota allocation does not correspond to the expected catches and is likely to result in cod discards, the Member State concerned shall take immediate measures to minimise cod discards.

Amendment

5. Where the scientific data indicate that more than 10 % of the total catches for a **gear in a** particular effort group consist of **cod** discards, or where the quota allocation does not correspond to the expected catches and is likely to result in cod discards, the Member State concerned shall take immediate measures to minimise cod discards.

Or. fr

Justification

In the STECF-12-13 report it is pointed out that this addition could act as an incentive for the quotas of vessels having little impact on cod being reallocated to others having a bigger impact. The use of a percentage is not representative of the real contribution a particular gear makes to the fishing mortality of cod. With a TAC set at '0', as in West Scotland, discard rates of 100% could be expected for a low catch rate.

Amendment 34
Ian Hudghton

Proposal for a regulation – amending act

Article 1 – point 7 a (new)

Regulation (EC) No1342/2008

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

(7 a) In Article 16(3):

The words "in 2009" are deleted where they first appear.

Or. en

Justification

This amendment provides Member States with flexibility to accommodate geographical developments in fisheries that do not target cod. This amendment is in line with the Commission's stated objective in its explanatory memorandum of introducing greater flexibility into the plan.

Amendment 35

Isabelle Thomas

Proposal for a regulation – amending act

Article 1 – point 7 b (new)

Regulation (EC) No1342/2008

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

(7b) In Article 17, paragraph 3 shall be replaced by the following:

Where the CPUE of the donor gear group is lower than the CPUE of the receiving gear group, the Member State shall apply a correction factor to the amount of effort in the receiving gear group so that the latter's higher CPUE is compensated for. The Member States shall not perform this adjustment where they can demonstrate that the transfer is made with the aim of avoiding cod catches or limiting discards in compliance with European regulations on the use of fishing gear.'

Justification

The aim of the existing measure is to ensure that the constant effort of the different types of gear is maintained. This is outdated and runs counter to the current objectives, which aim to encourage selectivity. By opting for a larger mesh size, for example, and thereby changing gear group, a vessel could see the volume of its effort reduced. The possibility for such vessels to transfer their fishing effort without being discouraged from doing so and penalised should be introduced.