

# EUROPEAN PARLIAMENT

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*Committee on Fisheries*

PROVISIONAL  
**2005/0223(COD)**

24.2.2006

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on the submission of data on landings of fishery products in Member States  
(COM(2005)0556 – C6-0376/2005 – 2005/0223(COD))

Committee on Fisheries

Rapporteur: Philippe Morillon

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

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

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the submission of data on landings of fishery products in Member States  
(COM(2005)0556 – C6-0376/2005 – 2005/0223(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0556)<sup>1</sup>,
  - having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0376/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0000/2006),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
Recital 8

***(8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,***

***(8) Since the statistical data on landings of fishery products are an essential tool for the management of the Common Fisheries Policy, it is appropriate to adopt the measures for the implementation of this Regulation in accordance with the management procedure provided for by Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,***

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<sup>1</sup> Not yet published in OJ.

*Justification*

*Inclusion of a justification for the choice of a management committee procedure rather than a regulatory committee procedure.*

Amendment 2  
Article 1, point 1

(1) “Community vessels” means vessels flying the flag of, **or** registered in, a Community **Member State**.

(1) “Community **fishing** vessels” means **fishing** vessels flying the flag of **a Member State and** registered in **the** Community.

*Justification*

*Amendment to improve coherence and in order to bring the text into line with existing legislation and standard formulations.*

Amendment 3  
Article 1, point 2

(2) “EFTA vessels” means vessels flying the flag of, or registered in, an EFTA country;

(2) “EFTA **fishing** vessels” means **fishing** vessels flying the flag of, or registered in, an EFTA country;

*Justification*

*Amendment to improve coherence and in order to bring the text into line with existing legislation and standard formulations.*

Amendment 4  
Article 1, point 3, point (a)

(a) **the** value at first sale in national currency **per tonne**, or

(a) value at first sale **of the product landed** (in national currency) **divided by the quantity landed (in tonnes)**, or

*Justification*

*Technical amendment for clarification and better drafting purposes.*

Amendment 5  
Article 8 a (new)

*Update of the annexes*

***The annexes shall be technically adapted in accordance with the procedure laid down in Article 9(2).***

*Justification*

*Technical amendment replacing the texts deleted by amendments to last subparagraphs of Annexes I, II, III and IV, for coherence, clarification and better drafting purposes.*

Amendment 6  
Article 8 b (new)

*Article 8b*

*Assessment*

***The Commission shall, within three years of the date of entry into force of this Regulation and again every three years thereafter, submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and in particular on their relevance and quality. The report shall also analyse the cost-effectiveness of the system used for the collection and processing of statistics and shall put forward best practices for lessening the workload for Member States and enhancing the usefulness and quality of the data.***

*Justification*

*This amendment stresses the need for regular reporting by the Commission and puts emphasis on the necessity of looking into the quality of the statistical results, as well as the possibilities of reducing the administrative burden on Member States and also of reducing statistical costs.*

Amendment 7

Article 9, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, ***the management procedure laid down in*** Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

*Justification*

*Reference to the Comitology procedure is not necessary.*

Amendment 8

Article 9, paragraph 2, subparagraph 2

The period laid down in Article 4(3) of that Decision shall be three months.

The period laid down in Article 4(3) of that Decision shall be ***set at*** three months.

*Justification*

*Technical amendment.*

Amendment 9

Annex I, last paragraph

***The technical adaptation of the contents of this Annex shall be laid down in accordance with the procedure laid down in Article 9(2).***

***deleted***

*Justification*

*Replaced by amendment regarding introduction of a new Article on "Update of the annexes".*

Amendment 10  
Annex II, last paragraph

***The technical adaptation of the contents of this Annex shall be laid down in accordance with the procedure laid down in Article 9(2).***                      ***deleted***

*Justification*

*Replaced by amendment regarding introduction of a new Article on "Update of the annexes".*

Amendment 11  
Annex III, Part A, table, row 7

***Fresh (skinned and dried)***                      ***17***                      ***deleted***

*Justification*

*Change in the list of presentation codes; this product shall be assigned to the group with codes 70-79 (dried products).*

Amendment 12  
Annex III, Part A, table, row 33 a (new)

***Dried (skinned)***    ***77***

*Justification*

*Change in the list of presentation codes; this product shall be assigned to the group with codes 70-79 (dried products).*

Amendment 13  
Annex III, Part B, last paragraph

***The technical adaptation of the contents of this Annex shall be laid down in accordance with the procedure laid down in Article 9(2).*** ***deleted***

*Justification*

*Replaced by amendment regarding introduction of a new Article on "Update of the annexes".*

Amendment 14  
Annex IV, Part A, table, column 2 a (new)

***Notes***

*Justification*

*Technical amendment regarding introduction of a new column including a distinction between mandatory and voluntary data categories.*

Amendment 15  
Annex IV, Part A, table, column 2 a ('Notes'), rows 1 and 2 (new)

***Mandatory***

*Justification*

*The current legislation requires only a breakdown of the submissions in order to establish whether the products are for human consumption or for industrial uses. The present proposal includes other possible uses of the products. Although the information on the additional uses is of interest, several Member States would have difficulty in submitting data for these additional uses. "Human consumption" and "Industrial uses" should be retained as mandatory information but the additional possible uses should be included as voluntary submissions.*

Amendment 16

Annex IV, Part A, table, column 2 a ('Notes'), rows 3 to 7 (new)

**Voluntary**

*Justification*

*The current legislation requires only a breakdown of the submissions in order to establish whether the products are for human consumption or for industrial uses. The present proposal includes other possible uses of the products. Although the information on the additional uses is of interest, several Member States would have difficulty in submitting data for these additional uses. Consequently, "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" should be included as voluntary submissions.*

Amendment 17

Annex IV, Part B, point 2 a (new)

***2a. Withdrawn from the market: included here are the quantities which originally were intended for human consumption but which, at the time of first sale, are withdrawn from the market owing to market conditions or hygiene regulations or for similar reasons.***

*Justification*

*Although definitions of "Human consumption" and "Industrial uses" are included in the Commission's proposal, no definitions of "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" have been included. The missing definitions are now added to the proposal.*

Amendment 18

Annex IV, Part B, point 2 b (new)

***2b. Bait: included here are quantities of fresh fish which are intended to be used as bait in other fishing activities. An example is the bait used in tuna pole and line fisheries.***

*Justification*

*Although definitions of "Human consumption" and "Industrial uses" are included in the Commission's proposal, no definitions of "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" have been included. The missing definitions are now added to the proposal.*

Amendment 19  
Annex IV, Part B, point 2 c (new)

***2c. Animal feed: included here are the quantities of fresh fish for direct feeding to animals. Excluded are quantities intended for processing to fish meal and oil.***

*Justification*

*Although definitions of "Human consumption" and "Industrial uses" are included in the Commission's proposal, no definitions of "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" have been included. The missing definitions are now added to the proposal.*

Amendment 20  
Annex IV, Part B, point 2 d (new)

***2d. Waste: included here are fish or parts thereof which due to their state are destined prior to landings to be destroyed.***

*Justification*

*Although definitions of "Human consumption" and "Industrial uses" are included in the Commission's proposal, no definitions of "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" have been included. The missing definitions are now added to the proposal.*

Amendment 21

Annex IV, Part B, point 2 e (new)

***2e. Intended for other purposes: included here are quantities of fish which cannot be assigned to any of the above categories.***

*Justification*

*Although definitions of "Human consumption" and "Industrial uses" are included in the Commission's proposal, no definitions of "Withdrawn from the market", "Bait", "Animal feed", "Waste", and "Intended use unknown" have been included. The missing definitions are now added to the proposal.*

Amendment 22  
Annex IV, Part B, last paragraph

***The technical adaptation of the contents of this Annex shall be laid down in accordance with the procedure laid down in Article 9(2).*** ***deleted***

*Justification*

*Replaced by amendment regarding introduction of a new Article on "Update of the annexes".*

## EXPLANATORY STATEMENT

### Commission proposal

The Commission proposal is intended to replace the current Community legislation based on Council Regulation (EEC) No 1382/91 on the submission of data on the landings of fishery products in Member States.

The proposal differs from the current legislation in three main ways:

- (a) the statistical data is to be submitted on an annual, rather than monthly, basis. The Commission expresses the view that monthly data forwarded up to six months after the event are of limited use in day-to-day market management, while the compilation of annual data would be useful for medium- and long-term market analyses and would also mean less work for national authorities in forwarding data;
- (b) data submissions are to be required by the flag (or nationality) of the vessels responsible for the landings. This requirement, as opposed to the current submissions by broad groups of EU vessels, EFTA vessels and other vessels, will, according to the Commission, enable the data to be analysed in greater detail and yet would not significantly increase the workload on the national authorities who already collect the data to this level of detail;
- (c) in cases where the structural characteristics of the fishing industry in a given Member State raise difficulties for the national authorities out of all proportion to the industry's size, the proposal provides for a more flexible approach enabling sampling techniques to be used to estimate total landings. As long as their use is justified and the quality of the resulting data is analysed in a methodological report, national authorities may, to an appropriate extent, use sampling methods for data collection purposes. Under the current regulation, sampling techniques may be used only 'to estimate up to 10 % by weight of the fishery products landed in that month'.

### Rapporteur's remarks and amendments tabled

On the whole, the proposal is a positive development in that it can help to improve and simplify the current legislation, while reducing the workload for the Member States.

The rapporteur acknowledges that there are major differences in structure between the fisheries sectors in the various Member States and that the job of the national authorities in collecting and processing data on the volume and value of landings of fishery products differs accordingly. There are also differences in the way in which national fisheries statistics systems are organised and in the data collection techniques used. These must be tailored to the situation and the structure of the fisheries sector in each Member State.

Furthermore, the data collected need to be coordinated and harmonised so as to ensure the

availability of the comparable data required for the formulation and monitoring of fair and effective Community policies in connection with the common organisation of the market in fisheries and aquaculture products.

The rapporteur believes that the proposed changes will enable the data to be analysed and used more effectively.

Most of the amendments tabled seek to make the text clearer and more consistent.

On of the amendments takes due account of the difficulties that may be caused for some Member States by the obligation to submit data on all the intended uses provided for in Annex IV. It is proposed that mandatory submissions should be restricted to the first two categories (human consumption and industrial use), while the submission of data on the other intended uses would be made voluntary.

The rapporteur also puts forward an amendment seeking to ensure that Parliament and the Council regularly receive information enabling them to monitor implementation of the Regulation, particularly in connection with the relevance and quality of the statistics compiled. This should include a cost-effectiveness analysis of the system introduced and reports on best practices for lessening the workload for national authorities and enhancing the usefulness and quality of the data.

The proposal also contains a change in comitology procedure. The regulatory procedure provided for in Article 5 of Council Decision 1999/468/EC is replaced by the management procedure (Article 4 of the same decision). The regulatory procedure is currently provided for in Article 6 of Council Regulation (EEC) No 1382/91, as last amended by European Parliament and Council Regulation (EC) No 1882/2003 of 29 September 2003. One of the amendments puts forward reasons for this change, in line with Community case law.

To wind up, the rapporteur endorses the Commission proposal, subject to the changes contained in the amendments tabled.