

Sustainable exploitation of Mediterranean fishery resources *

European Parliament legislative resolution on the proposal for a Council regulation concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea and amending Regulations (EEC) No 2847/93 and (EC) No 973/2001 (COM(2003)0589 – C5-0480/2003 – 2003/0229(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2003)0589)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0480/2003),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0112/2005),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
RECITAL 6

(6) The management system provided for in this Regulation covers operations relating to the fishing of Mediterranean stocks carried out by Community vessels whether in Community waters or in international waters, by third country vessels in Member

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¹ Not yet published in OJ.

States fishing zones or by *citizens of the* Union in the Mediterranean High Sea.

States fishing zones or by Union *vessels* in the Mediterranean High Sea.

Amendment 2
RECITAL 23

(23) Since Community fisheries account for more than 75% of the catches of the swordfish in the Mediterranean Sea, it is appropriate to ***amend Council Regulation (EC) No 973/2001 of 14 May 2001 laying down certain*** technical measures for the conservation of certain stocks of highly migratory species in order to establish a ***Community*** minimum landing size, as well as ***longline*** specifications to match this limit ***and a four-month longlines fishing ban to protect juveniles of swordfish.***

(23) Since Community fisheries account for more than 75% of the catches of the swordfish in the Mediterranean Sea, it is appropriate to ***lay down management measures. In order to ensure that these measures are effective, the*** technical measures for the conservation of certain stocks of highly migratory species ***should emanate from the competent regional fisheries organisations. Accordingly, the Commission should submit to the GFCM and the International Commission for the Conservation of Atlantic Tuna (ICCAT), as quickly as possible, suitable proposals*** in order to establish a minimum landing size ***in Mediterranean fisheries***, as well as specifications ***which will enable longliners*** to match this limit. ***The absence of an agreement within a specified period of time will not prevent the EU from imposing measures to this effect until a definitive agreement is reached on a multilateral basis.***

Amendment 3
ARTICLE 1, PARAGRAPH 1, POINT (A) (II)

(ii) by Community fishing vessels in the Mediterranean Sea outside the waters referred to in (i);

(ii) by Community fishing vessels in the Mediterranean Sea outside the waters referred to in (i); ***and***

Amendment 4
ARTICLE 1, PARAGRAPH 1, POINT (A) (III)

(iii) by nationals of Member States, without prejudice to the primary responsibility of the flag State, in the Mediterranean Sea, outside the waters referred to in (i); and

deleted

Amendment 5
ARTICLE 2, POINT 16 A (new)

(16 a) “trap” means fishing gear which is fixed to the bottom of the sea and which

acts as a trap to catch marine species. It is constructed in the form of a basket, barrel or cage, and in the majority of cases it comprises a rigid or semi-rigid frame covered with netting. It has one or more funnels or mouths with smooth ends which allow species to enter the internal chamber. It is fixed using a device known as a troll or trolling line, in which each element is linked at regular intervals to a mother line.

Amendment 6
ARTICLE 4

Fishing with trawl nets, dredges, traps, purse seines, boat seines, shore seines or similar nets above beds of seagrass (*Posidonia oceanica*) or other marine phanerogams shall be prohibited.

*1. Fishing with trawl nets, dredges, traps, purse seines, boat seines, shore seines or similar nets above beds of seagrass (*Posidonia oceanica*) or other marine phanerogams, and coral and maerl beds, shall be prohibited.*

Amendment 7
ARTICLE 4, PARAGRAPH 1 A (new)

1a. The use of towed nets at depths of over 1000 metres shall likewise be prohibited.

Amendment 8
ARTICLE 5, PARAGRAPH 2

2. On the basis of such information, as well as any other relevant information for the same purpose, the Council shall designate, before 31 December **2004**, protected areas occurring, in particular, totally or partially beyond the territorial seas of Member States, including the types of fishing activities banned or authorised in such areas.

2. On the basis of such information, as well as any other relevant information for the same purpose, the Council shall designate, before 31 December **2005**, protected areas occurring, in particular, totally or partially beyond the territorial seas of Member States, including the types of fishing activities banned or authorised in such areas.

Amendment 9
ARTICLE 6, PARAGRAPH 1

1. Member States shall designate, before 31 December **2004**, further protected areas within their territorial waters in which fishing activities may be banned or restricted in order to conserve and manage living aquatic resources or maintain or improve the conservation status of marine eco-systems.

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The competent authorities of the Member States concerned shall decide on the fishing gears that may be used in those protected areas, as well as the appropriate technical rules which shall not be less stringent than Community legislation.

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Amendment 10
ARTICLE 7

The following shall not be used for fishing or kept on board:

- (a) toxic, soporific or corrosive substances,
- (b) electric shock generators,
- (c) explosives,
- (d) substances that can explode if mixed,
- (e) towed devices for harvesting red coral,
- (f) pneumatic hammers or other percussive instruments for the collection of species dwelling in rocks.

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- (c) explosives,
- (d) substances that can explode if mixed,
- (e) towed devices for harvesting red coral,
- (f) pneumatic hammers or other percussive instruments for the collection of species dwelling in rocks.

2. Bottom-set nets and anchored floating nets shall not be used to catch the following species: Albacore (*Thunnus alalunga*), Bluefin tuna (*Thunnus thynnus*), Swordfish (*Xiphias gladius*), Ray's bream (*Brama brama*), Sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*).

Amendment 11
ARTICLE 8, PARAGRAPHS 1 to 4

1. The use for fishing and the keeping on board of a towed net, an encircling net or a gillnet **for targeting red sea bream** shall be prohibited, unless the mesh size in that part of the net having the smallest meshes complies with paragraphs 3 to 6.

2. The mesh size shall be determined by the procedures specified in Commission Regulation (EC) No 129/2003.

1. The use for fishing and the keeping on board of a towed net, an encircling net or a gillnet shall be prohibited, unless the mesh size in that part of the net having the smallest meshes complies with paragraphs 3 to 6.

2. The mesh size shall be determined by the procedures specified in Commission Regulation (EC) No 129/2003.

3. For towed nets, other than those referred to in paragraph 4, the minimum mesh size shall be:

(1) until 31 December **2005**: 40 mm;

(2) from 1 January **2006**: **50 mm**;

(3) from 1 January **2009**: **60 mm**.

4. For pelagic trawl nets targeting sardine and anchovy, where these species account for at least **85%** of the catch in live weight after sorting, the minimum mesh size shall be 20 mm.

3. For towed nets, other than those referred to in paragraph 4, the minimum mesh size shall be:

(1) until 31 December **2006**: 40 mm;

(2) from 1 January **2007**, *the net referred to in the previous subparagraph shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the shipowner, by a rhomboid-meshed net of 50 mm.*

In relation to the previous subparagraph, fishing vessels shall be authorised to use and keep on board only one of the two types of net and shall opt either for the square-meshed net of 40 mm at the cod-end or for a rhomboid-meshed net of 50 mm.

The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2010, on the basis of which it shall propose due adjustments where appropriate.

4. For pelagic trawl nets targeting sardine and anchovy, where these species account for at least **80%** of the catch in live weight after sorting, the minimum mesh size shall be 20 mm.

Amendment 12 ARTICLE 9, PARAGRAPH 1

1. The use for fishing and the keeping on board of any longlines with hooks of a total length less than **5** cm and of a width less than **2.5** cm shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of red sea-bream (*Pagellus bogaraveo*) that constitutes more than 20 % of the catch in live weight after sorting.

1. The use for fishing and the keeping on board of any longlines with hooks of a total length less than **3.95** cm and of a width less than **1.65** cm shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of red sea-bream (*Pagellus bogaraveo*) that constitutes more than 20 % of the catch in live weight after sorting.

Amendment 13 ARTICLE 12

1. The use of towed gears shall be prohibited within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.

By way of derogation from the first subparagraph, the use of hydraulic dredges shall be authorised between **1.5** and 3 nautical miles irrespective of the depth provided that the catch of species other than shellfish does not exceed 10 % of the total live weight of the catch.

2. The use of trawl nets and hydraulic dredges shall be prohibited within **1.5** nautical miles of the coast.

3. The use of purse seines shall be prohibited within **0.5 nautical miles** of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.

4. The use of towed gears, purse seines and other encircling nets shall be prohibited within 1 nautical mile from the borders of protected areas established in accordance with Articles 5 and 6.

5. At the request of a Member State, the Commission may allow a derogation from paragraphs 1 and 3 on a local basis where such derogation is justified by particular geographical constraints *or* where the fisheries concerned are highly selective *and* have a negligible effect on the marine environment and provided that those fisheries are concerned by a management plan as referred to in Article 17. Member States shall provide up to date scientific and technical justifications for such a derogation.

1. The use of towed gears shall be prohibited within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.

By way of derogation from the first subparagraph, the use of hydraulic dredges shall be authorised between **0.5** and 3 nautical miles irrespective of the depth provided that the catch of species other than shellfish does not exceed 10 % of the total live weight of the catch

2. The use of trawl nets ***shall be prohibited within 1.5 nautical miles of the coast*** and ***the use of*** hydraulic dredges shall be prohibited within **0.5** nautical miles of the coast.

3. The use of purse seines shall be prohibited within **300 metres** of the coast or within the 50 metres isobath where that depth is reached at a shorter distance from the coast.

5. At the request of a Member State, the Commission may allow a derogation from paragraphs 1 and 3 on a local basis where such derogation is justified by particular geographical constraints, ***such as the size of coastal platforms***, where the fisheries concerned are highly selective, have a negligible effect on the marine environment ***and affect a small number of vessels***, and provided that those fisheries are concerned by a management plan as referred to in Article 17. Member States shall provide up to date scientific and technical justifications for such a derogation.

Nevertheless, any fishing gear used at a shorter distance from the coast than that laid down in paragraphs 1 and 2 and utilised in accordance with the Community

legislation in force laid down in Regulation (EC) No 1626/94 as amended by Regulation (EC) No 2550/2000, including the derogations provided, may be used until 31 December 2006, unless the Council decides otherwise, acting by a qualified majority on a proposal from the Commission and in the light of scientific evidence.

Amendment 14
ARTICLE 14, PARAGRAPH 1

1. By way of derogation from Article 13 undersized marine organisms may be caught, retained on board, transhipped, landed, transferred, stored, sold, displayed or offered for sale for the purpose of artificial restocking or transplantation with the permission and under the authority of the Member State where those activities take place.

1. By way of derogation from Article 13 undersized marine organisms may be caught, retained on board, transhipped, landed, transferred, stored, sold, displayed or offered for sale **live** for the purpose of artificial restocking or transplantation with the permission and under the authority of the Member State where those activities take place.

Amendment 15
ARTICLE 14, PARAGRAPH 3A (new)

3a. The introduction and transplantation of and restocking with non-indigenous species shall be prohibited.

Amendment 16
ARTICLE 15, PARAGRAPH 1

1. The use of towed nets, encircling nets, purse seines, dredges, gillnets, trammel nets, and longlines for highly migratory species shall be prohibited for leisure fisheries.

1. The use of towed nets, encircling nets, purse seines, dredges, gillnets, trammel nets, ***bottom-set longlines*** and longlines for highly migratory species shall be prohibited for leisure fisheries.

Amendment 17
ARTICLE 15, PARAGRAPH 3, SUBPARAGRAPH 1A (new)

Nevertheless, by way of exception, the marketing of species caught in competition may be authorised provided that the profits from their sale are used for charitable purposes.

Amendment 18

ARTICLE 17, PARAGRAPH 1

1. Member States shall adopt, by 31 December **2004**, management plans for fisheries conducted by boat seines, shore seines, encircling nets and dredges within their territorial waters. Article 6(2), (3) and (4) first subparagraph of Regulation (EC) No 2371/2002 shall apply to those management plans.

1. Member States shall adopt, by 31 December **2005**, management plans for fisheries conducted by boat seines, shore seines, encircling nets and dredges within their territorial waters. Article 6(2), (3) and (4) first subparagraph of Regulation (EC) No 2371/2002 shall apply to those management plans.

Amendment 19

ARTICLE 17, PARAGRAPH 5, POINT D A (new)

(da) financial support in the event of biological rest periods.

Amendment 20

ARTICLE 22

Article 4a (Regulation (EC) No 973/2001)

Article 22

deleted

Restriction on the use of certain types of vessels and gears

In Regulation (EC) No 973/2001 the following Article 4 a is inserted:

'Article 4a

1. Bottom-set nets and anchored floating nets shall not be used in the Mediterranean Sea to catch the following species: Albacore (Thunnus alalunga), Bluefin tuna (Thunnus thynnus), Swordfish (Xiphias gladius), Ray's bream (Brama brama), Sharks (Hexanchus griseus; Cetorhinus maximus; Alopiidae; Carcharhinidae; Sphyrnidae; Isuridae; Lamnidae).

2. The use for fishing and the keeping on board in the Mediterranean Sea of any longlines with hooks of a total length less than 10 cm and of a width less than 4.5 cm shall be prohibited for any fishing vessel using longlines and landing or having on board a quantity of swordfish (Xiphias gladius) that constitutes more than 20 % of the catch in live weight after sorting.

3. Fishing with pelagic longlines for any of the following species, Albacore (*Thunnus alalunga*), Bluefin tuna (*Thunnus thynnus*), Swordfish (*Xiphias gladius*) and sharks (*Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*), shall be prohibited in the Mediterranean Sea from 1 October to 31 January each year.

4. For the purposes of paragraph 2:

(a) the total length of hooks shall be measured as the maximum overall length of the shank from the tip of the hook which serves for fastening the line and is usually shaped as an eye, to the apex of the bend;

(b) the width of hooks shall be measured as the greatest horizontal distance from the external part of the shank to the external part of the barb.'

Amendment 21

ARTICLE 23

Annex IV, entry concerning swordfish (Regulation (EC) No 973/2001)

Article 23

deleted

Minimum size

In Annex IV to Regulation (EC) No 973/2001 the entry concerning swordfish is replaced by the following :

swordfish (*Xiphias gladius*) in the Atlantic Ocean: 25 kg or 125 cm (lower mandible);

swordfish (*Xiphias gladius*) in the Mediterranean Sea: 110 cm (lower mandible) or 16 kg round weight (weight of the whole fish before processing or removal of any part) or 14 kg gilled and gutted weight (weight after the gills and guts have been removed)⁽¹⁾

(1) Tolerance of 15% as referred to in Article 7(1) second subparagraph shall not apply to the swordfish in the Mediterranean.

Amendment 22
ARTICLE 23 A (new)

Article 23 a

The Council shall decide, on a proposal from the Commission, on technical measures for the protection of juvenile swordfish in the Mediterranean before 31 March 2006.

Amendment 23
ANNEX II, SECTION 1, "DREDGES"

The maximum breadth of dredges shall be **4 m**, except in the case of dredges for sponge fishing (gagava).

The maximum breadth of dredges shall be **3 m**, except in the case of dredges for sponge fishing (gagava).

Amendment 24
ANNEX II, SECTION 3, INDENT 3

- It shall be prohibited to have on board and set more than **5000 m** of trammel net, bottom-set gillnet or anchored floating gillnet per vessel.

- It shall be prohibited to have on board and set more than **6000 m** of trammel net, bottom-set gillnet or anchored floating gillnet per vessel, *taking into account that, in the case of a single fisherman, such nets may not exceed 2500 metres, to which a further 2000 metres may be added for a second fisherman and another 1500 metres for a third.*

Amendment 25
ANNEX II, SECTIONS 6, 7 and 8

6. Bottom-set longline

It shall be prohibited to have on board and set more than **7000 m of longline** per vessel.

6. Bottom-set longline

It shall be prohibited to have on board and set more than **3000 hooks** per vessel.

7. Pots lines for deep-water crustacean fishery

It shall be prohibited to have on board and set more than 5 km of pot lines.

7. Pots lines for deep-water crustacean fishery

It shall be prohibited to have on board and set more than 5 km of pot lines.

8. Surface-set longline (floating)

It shall be prohibited to have on board and

8. Surface-set longline (floating)

It shall be prohibited to have on board and

set more than **60 km of longline per vessel**.

set more than:

- 2000 hooks per vessel for vessels catching bluefin tuna (*Thunnus thynnus*);

- 3500 hooks for vessels catching swordfish (*Xyphias gladius*);

- 5000 hooks per vessel for vessels catching albacore (*Thunnus alalunga*).

Amendment 26
ANNEX III

SCIENTIFIC NAME	Minimum size	SCIENTIFIC NAME	Minimum size
1. Fishes		1. Fishes	
<i>Dicentrarchus labrax</i>	25 cm	<i>Dicentrarchus labrax</i>	25 cm
<i>Diplodus annularis</i>	12 cm	<i>Diplodus annularis</i>	12 cm
<i>Diplodus puntazzo</i>	18 cm	<i>Diplodus puntazzo</i>	18 cm
<i>Diplodus sargus</i>	23 cm	<i>Diplodus sargus</i>	23 cm
<i>Diplodus vulgaris</i>	18 cm	<i>Diplodus vulgaris</i>	18 cm
<i>Engraulis encrasicolus</i> *	11 cm	<i>Engraulis encrasicolus</i> *	9 cm
<i>Epinephelus</i> spp.	45 cm	<i>Epinephelus</i> spp.	45 cm
<i>Lithognathus mormyrus</i>	20 cm	<i>Lithognathus mormyrus</i>	20 cm
<i>Merluccius merluccius</i>	15 cm	<i>Merluccius merluccius</i>	20 cm
<i>(until 31 December 2008)</i>		<i>Nevertheless, until 31 December 2006 a margin of tolerance of 15% of weight will be permitted for hake between 15 and 20 cm.</i>	
20 cm (from 1 January 2009)		<i>This tolerance limit shall be complied with by both individual vessels, at sea or at the place of landing, and at the markets of first sale after landing. This limit shall also be complied with in any subsequent commercial transaction at national and international level.</i>	
<i>Mullus</i> spp.	11 cm	<i>Mullus</i> spp.	11 cm
<i>Pagellus acarne</i>	17 cm	<i>Pagellus acarne</i>	17 cm
<i>Pagellus bogaraveo</i>	33 cm	<i>Pagellus bogaraveo</i>	33 cm
<i>Pagellus erythrinus</i>	15 cm	<i>Pagellus erythrinus</i>	15 cm
<i>Pagrus pagrus</i>	18 cm	<i>Pagrus pagrus</i>	18 cm
<i>Polyprion americanus</i>	45 cm	<i>Polyprion americanus</i>	45 cm
<i>Sardina pilchardus</i>**	13 cm	<i>Sardina pilchardus</i>**	11 cm
<i>Scomber japonicus</i>	18 cm	<i>Scomber japonicus</i>	18 cm
<i>Scomber scombrus</i>	18 cm	<i>Scomber scombrus</i>	18 cm
<i>Solea vulgaris</i>	25 cm	<i>Solea vulgaris</i>	20 cm
<i>Sparus aurata</i>	20 cm	<i>Sparus aurata</i>	20 cm

Trachurus spp.	15 cm	Trachurus spp.	15 cm
2. Crustaceans		2. Crustaceans	
Homarus gammarus	30 cm TL	Homarus gammarus	30 cm TL
Nephrops norvegicus	20 mm CL	Nephrops norvegicus	20 mm CL
	70 mm TL		70 mm TL
<i>Palinuridae</i>	<i>105 mm CL</i>	<i>Palinuridae</i>	<i>90 mm CL</i>
Parapenaeus longirostris	20 mm CL	Parapenaeus longirostris	20 mm CL
3. Mollusc bivalves		3. Mollusc bivalves	
<i>Pecten jacobeus</i>	<i>11 cm</i>	<i>Pecten jacobeus</i>	<i>10 cm</i>
		<i>Venerupis spp.</i>	<i>25 mm</i>
		<i>Venus spp.</i>	<i>25 mm</i>