P8_TA(2017)0363
Management, conservation and control measures applicable in the ICCAT Convention area ***I


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2016)0401),
– having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0224/2016),
– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
– having regard to the opinion of the European Economic and Social Committee of 19 October 20161,
– having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 14 June 2017 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0173/2017).

1. Adopts its position at first reading hereinafter set out;
2. Approves its statement annexed to this resolution;
3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially

1 OJ C 34, 2.2.2017. p. 142.
amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/2107.)
The European Parliament expresses its deepest concern about the fact that the Commission is proposing to implement, in 2017, ICCAT Recommendations that date back to 2008. This means that for almost 10 years the Union has not been complying with its international obligations.

Apart from the fact that this is challengeable before the Court of Justice and damages the reputation of the Union as a leader in sustainability in international fora, there is an additional issue that leads to legal uncertainty for operators and to legitimate criticism by stakeholders: the fact that the institutions are about to adopt ICCAT Recommendations - and particularly the one on Mediterranean swordfish, an iconic species for which last year ICCAT has adopted a multi-annual recovery plan - that are obsolete and outdated.

This would lead to the paradox that the Union will adopt, by means of this Regulation, measures on swordfish that have in the meantime been replaced by a new recovery plan, which is already applicable to operators from April 2017. This situation is legally and - most importantly - politically unacceptable.

The situation is all the more unacceptable as the Commission, almost six months after the adoption, by ICCAT, of Recommendation 16-05 on Mediterranean swordfish, has not adopted any proposal for transposing that Recommendation, even though it is generally recognised that the state of the stocks is critical and that, in any event, the recovery plan is already applicable to operators. It is to be noted that this transposition exercise is not a complicated one, as the provisions are already adopted and only minor adaptations have to be made to the text.

The European Parliament urges the Commission to send any future proposal for transposition of Recommendations from regional fisheries management organisations within a maximum of six months from the date of their adoption.

On the content of the recovery plan:

The European Parliament welcomes ICCAT Recommendation 16-05 establishing a multi-annual recovery plan for Mediterranean swordfish.

The European Parliament acknowledges the socio-economic dimension of the small-scale Mediterranean fisheries and the need for a gradual approach and flexibility in managing those fisheries.
It highlights that, for the recovery plan to be successful, particular efforts have to be made also by neighbouring third countries to efficiently manage this species.

Finally, it stresses that quotas have to be distributed fairly among operators, taking into account production values and turnover. Quotas illegally fished by driftnets should not count towards the calculation of historic catches and rights.’