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Committee on Fisheries

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AMENDMENTS

9 - 77

Draft report
Marie-Hélène Aubert
(PE402.917v01-00)

on the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (INN)

Proposal for a regulation
(COM(2007)0602 – C6-0454/2007 – 2007/0223(CNS))

Amendment 9
Emanuel Jardim Fernandes

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The outermost regions of the European Union, described in Article 299 of the Treaty establishing the European Community and in Article 349 of the Treaty of Lisbon, require particular attention in the fight against illegal, unreported and unregulated fishing owing to the exceptional fragility of their ecosystems.

Or. pt

Amendment 10
Ioannis Gklavakis

Proposal for a regulation
Article 1 - paragraph 3

Text proposed by the Commission

Amendment

3. The system shall apply to all IUU fishing activities and to all associated activities carried out ***within*** the territory or ***within*** the maritime waters subject to the sovereignty or jurisdiction of the Member States or by Community fishing vessels or nationals. It shall also apply, without prejudice to the jurisdiction of the flag state or coastal state concerned, in relation to IUU fishing activities carried out by non Community vessels on the high seas or in the waters under the jurisdiction of a third country.

3. The system shall apply to all IUU fishing activities and to all associated activities carried out ***outside*** the territory or ***outside*** the maritime waters subject to the sovereignty or jurisdiction of the Member States or by Community fishing vessels or nationals. It shall also apply, without prejudice to the jurisdiction of the flag state or coastal state concerned, in relation to IUU fishing activities carried out by non Community vessels on the high seas or in the waters under the jurisdiction of a third country.

Or. el

Justification

IUU fishing activities mainly occur on the high seas and it is, therefore, there that controls must be strengthened. As regards the monitoring of the fishing activities of Community vessels within Community waters, there are already numerous stringent Community regulations through which the problem can be effectively tackled.

Amendment 11

Carmen Fraga Estévez

Proposal for a regulation

Article 2 – point a)

Text proposed by the Commission

a) "Fishing vessel" means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, including support ships, carrier vessels, fish processing vessels and vessels engaged in transshipment;

Amendment

a) "Fishing vessel" means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, ***for refrigeration, freezing or processing on board or for transport***, including support ships, carrier vessels, fish processing vessels and vessels engaged in transshipment;

Or. es

Justification

If the aim is to prevent IUU fishery products from entering the EU, it must be made clear that the regulation covers any type of vessel capable of transporting such products regardless of the form in which they arrive at Community ports or the quantities involved.

Amendment 12

Marie-Hélène Aubert

Proposal for a regulation

Article 2 – point (h)

Text proposed by the Commission

(h) "Regional fisheries management organisation" means a subregional or regional organisation or arrangement with competence, as recognised under

Amendment

(h) "Regional fisheries management organisation" means a subregional or regional organisation or arrangement with competence, as recognised under

international law, to establish conservation and management measures for ***straddling fish stocks or highly migratory stocks*** occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement;

international law, to establish conservation and management measures for ***fish stocks*** occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement;

Or. en

Justification

Not all RFMOs are limited to straddling stocks or highly migratory species, so the definition here should be more general.

Amendment 13
Cornelis Visser

Proposal for a regulation
Article 3 - paragraph 1 - point (g)

Text proposed by the Commission

(g) concealed, tampered with or disposed of evidence relating to an investigation, or

Amendment

(g) ***deliberately*** concealed, tampered with or ***deliberately*** disposed of evidence relating to an investigation, or

Or. nl

Justification

The inspections must have been obstructed deliberately and demonstrably.

Amendment 14
Cornelis Visser

Proposal for a regulation
Article 3 - paragraph 1 - point (h)

Text proposed by the Commission

(h) obstructed the work of fisheries inspectors in the exercise of their duties in inspecting for compliance with the

Amendment

(h) ***demonstrably*** obstructed the work of fisheries inspectors in the exercise of their duties in inspecting for compliance with

applicable conservation and management measures, or the work of observers in the exercise of their duties of observing compliance with the applicable Community rules, or

the applicable conservation and management measures, or the work of observers in the exercise of their duties of observing compliance with the applicable Community rules, or

Or. nl

Justification

The inspections must have been obstructed deliberately and demonstrably.

Amendment 15
Marie-Hélène Aubert

Proposal for a regulation
Article 3 – paragraph 1 – point j)

Text proposed by the Commission

Amendment

(j) ***taken or*** landed undersized fish or

(j) landed undersized fish or

Or. en

Justification

Catching under-sized fish is not illegal, so should not be here.

Amendment 16
Marie-Hélène Aubert

Proposal for a regulation
Article 3 – paragraph 2 – point (a)

Text proposed by the Commission

Amendment

(a) carried out fishing activities in the area of a Regional Fisheries Management Organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation ***and*** is flagged to a state not party to that organisation, or

(a) carried out fishing activities in the area of a Regional Fisheries Management Organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation ***or*** is flagged to a state not party to that organisation, or

Justification

Vessels that fly flags of countries that do not belong to the RFMO should count as IUU since by definition, they fish in an unregulated manner

Amendment 17

Carmen Fraga Estévez

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Access to ports of Member States, the provision of port services, and the conduct of landing, transshipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels that are included on the Community list of IUU fishing vessels pursuant to Articles 26 and 29.

Or. es

Justification

Independently of paragraph 2, it is not superfluous to clarify that access to Member State ports will be prohibited for vessels included in the IUU fishing list.

Amendment 18

Carmen Fraga Estévez

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Except in cases of force majeure, access to ports of Member States, the provision of port services, and the conduct of landing, transshipment or on-board processing

2. Access to ports of Member States, the provision of port services, and the conduct of landing, transshipment or on-board processing operations in such ports shall be

operations in such ports shall be prohibited for third country fishing vessels unless they meet the requirements set forth in this Chapter and other relevant provisions of this Regulation.

prohibited for third country fishing vessels ***other than those referred to in paragraph 1 a*** unless they meet the requirements set forth in this Chapter and other relevant provisions of this Regulation.

Or. es

Justification

Consistent with the new paragraph 1 a, so as to include vessels which are not included in the list of IUU fishing vessels and do not comply with the provisions of this regulation.

Amendment 19
Carmen Fraga Estévez

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

Text proposed by the Commission

Amendment

2a. In cases of force majeure or distress, fishing vessels referred to in paragraphs 1 a and 2 may access Member State ports to avail themselves of port services and the measures that are strictly necessary to deal with the emergency.

Or. es

Justification

The new paragraph is necessary to include paragraphs 1 a and 2. Provision must also be made for situations of force majeure or genuine distress, but it is also necessary to ensure as far as possible that such circumstances do not facilitate the landing or transshipment of IUU fishery products.

Amendment 20
Heinz Kindermann

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Transhipments between third country fishing vessels or between the latter and vessels flying the flag of a Member State shall be prohibited in Community waters and shall take place only in port, in accordance with the provisions of this Chapter.

Amendment

3. ***In the case of tuna fishing,*** transhipments between third country fishing vessels or between the latter and vessels flying the flag of a Member State shall be prohibited in Community waters and shall take place only in port, in accordance with the provisions of this Chapter.

Or. de

Justification

The Commission's proposal to impose a general ban on the transhipment of catches at sea is presumably derived from a recommendation by the High Seas RAC of February 2008, but that was concerned solely with a ban on transhipments of tuna at sea. For logistic reasons and because of the frequently long distances to appropriate ports in the case of fishing on the high seas, a general transhipment ban seems disproportionate.

Amendment 21
Heinz Kindermann
Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Vessels flying the flag of a Member State shall not be authorised to tranship at sea catches from third country fishing vessels outside Community waters.

Amendment

4. Vessels flying the flag of a Member State shall not be authorised to tranship at sea ***tuna*** catches from third country fishing vessels outside Community waters.

Or. de

Justification

The Commission's proposal to impose a general ban on the transhipment of catches at sea is presumably derived from a recommendation by the High Seas RAC of February 2008, but that

was concerned solely with a ban on transhipments of tuna at sea. For logistic reasons and because of the frequently long distances to appropriate ports in the case of fishing on the high seas, a general transhipment ban seems disproportionate.

Amendment 22
Carmen Fraga Estévez

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall designate **a place to be used for landings** or **a place** close to the shore (designated ports) where landings or transhipment operation of fish referred to in paragraph 2 are permitted

Amendment

1. Member States shall designate **landing ports** or **places** close to the shore (designated ports) where **port services and** landings or transhipment operation of fish referred to in paragraph 2 are permitted

Or. es

Justification

To clarify the wording and ensure greater consistency with paragraph 2, which also includes port services.

Amendment 23
Cornelis Visser

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Masters of third country fishing vessel or their representatives shall notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival at the port, of the following information:

Amendment

1. **Except in the event of force majeure,** masters of third country fishing vessel or their representatives shall notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival at the port, of the following information:

Or. nl

Justification

If it becomes necessary to call at a port on account of weather conditions or a mechanical failure, it will not always be possible to comply with the requirement to notify the authorities 72 hours in advance.

Amendment 24
Carmen Fraga Estévez

Proposal for a regulation
Article 6 – paragraph 1 – point g a) (new)

Text proposed by the Commission

Amendment

ga) quantities to be unloaded or transhipped.

Or. es

Justification

The vessel may not necessarily intend to unload or tranship all the catches referred to in point f).

Amendment 25
Carmen Fraga Estévez

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission, in accordance with the procedure laid down in Article 52, may exempt certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, inter alia, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.

deleted

Justification

It is exceptions of this kind that hinder control and cause uncertainty among those responsible for enforcement. It is quite unclear why the Commission should have such discretion and no justification is given for the cases in which certain vessels would be exempt from the general obligation, or for what reasons.

Amendment 26
Ioannis Gklavakis

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission, in accordance with the procedure laid down in Article 52, may exempt certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, inter alia, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.

deleted

Justification

The exemption provided for in this paragraph undermines controls and weakens the application of the article.

Amendment 27
Cornelis Visser

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By way of derogation to paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such cases keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the information referred to in paragraph 1 has been received or the verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fish in accordance with national rules.

Amendment

4. By way of derogation to paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such cases keep the **deep-frozen** fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the information referred to in paragraph 1 has been received or the verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fish in accordance with national rules.

Or. nl

Justification

It is not possible to store fresh fish for so long.

Amendment 28
Carmen Fraga Estévez

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. By way of derogation to paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such

Amendment

4. By way of derogation to paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such

cases keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the information referred to in paragraph 1 has been received or the verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fish in accordance with national rules.

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Or. es

Justification

It should be made clear that, in the event of failure to provide all the information required, the costs arising from verification by the port state will be borne by the operator, since this will provide a further incentive for vessels wishing to enter ports to ensure that they comply with notification requirements.

Amendment 29 **Cornelis Visser**

Proposal for a regulation **Article 7 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. If the fish referred to in Article 7(4) is fresh, the fish shall be sold through the regular channels. The competent authorities shall retain control over the proceeds from this sale until the period referred to in Article 7(4) has elapsed.

Or. nl

Justification

Fresh fish should be sold after a number of days in order to prevent it from rotting.

Amendment 30
Cornelis Visser

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall carry out inspections in their ports of **at least 15% of** landings, transhipments and on-board processing operations by third country fishing vessels each year.

Amendment

1. Member States shall carry out inspections in their ports of **all** landings, transhipments and on-board processing operations by third country fishing vessels each year.

Or. nl

Justification

As all fishing vessels registered in Member States have to be inspected in port, it is discriminatory to inspect only 15% of third-country fishing vessels.

Amendment 31
Carmen Fraga Estévez

Proposal for a regulation
Article 9 – paragraph 2 – point d)

Text proposed by the Commission

d) fishing vessels appearing in a list of presumed IUU vessels adopted by a Regional Fisheries Management Organisation notified in accordance with Article 29.

Amendment

d) fishing vessels appearing in a list of presumed IUU vessels adopted by a Regional Fisheries Management Organisation notified in accordance with Article 29 **which have not yet been included in the Community list of IUU fishing vessels referred to in Article 26.**

Or. es

Justification

Consistency with the new Article 4(1 a).

Amendment 32
Duarte Freitas

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. These inspections shall comply with the rules and objectives previously laid down by the Commission and be uniformly conducted and implemented in the various Member States. Each Member State shall create its database, on the basis of requirements supplied by the Commission, in which all inspections carried out on its territory shall be recorded. The Member States shall grant the Commission access to their databases on request.

Or. pt

Justification

The inspections carried out by the Member States must all have the same level of stringency and quality as regards procedures, so as to prevent distortions or ambiguities in the process of considering the vessels inspected. To this end, criteria for inspections should be objectively laid down by the Commission. A database should be created in each Member State, and the Commission should coordinate this information in the interests of sustainable fishing.

Amendment 33
Carmen Fraga Estévez

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10 – Inspectors

deleted

1. Member States shall issue an identity document to each inspector. Inspectors shall carry and produce this document when inspecting a fishing vessel.

2. Member States shall ensure that inspectors carry out their duties in accordance with the rules laid down in this section.

Or. es

Justification

This article is totally unnecessary and casts excessive suspicion on inspectors' working methods and suggests that the Member States might be so negligent as not to issue identity documents to their inspectors, which is quite unwarranted. Moreover, it is the Member States rather than the Commission that are competent with regard to inspectors.

Amendment 34

Carmen Fraga Estévez

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. If **an** inspector **has serious** reason to **believe** that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out in Article 3, he shall:

Amendment

1. If **the information gathered during the inspection gives the** inspector **sufficient** reason to **suspect** that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out in Article 3, he shall:

Or. es

Justification

The original version allows too much subjectivity in the task of inspection, to the detriment of legal guarantees, and the absence of such guarantees could have serious legal and economic consequences for the port state if the vessel turned out not to have committed any offence.

Amendment 35
Carmen Fraga Estévez

Proposal for a regulation
Article 12 – paragraph 1 – point a)

Text proposed by the Commission

a) note the infringement in the inspection report;

Amendment

a) note the **presumed** infringement in the inspection report;

Or. es

Justification

Consistency with the new wording of the introductory part of Article 12(1).

Amendment 36
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 12 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) halt landing, transhipment or on-board processing operations;

Or. pl

Justification

This point needs to be added to paragraph 1 to make the provisions clearer. Landing operations need to be halted in order to avoid any unwarranted consequences and costs.

Amendment 37
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. If the results of the inspection provide reasonable evidence that a third country fishing vessel did engage in IUU fishing activity in accordance with the criteria set out in Article 3, the competent authorities in the port Member State shall not authorise such vessels to land, tranship or process its catch on board. *deleted*

Or. pl

Justification

In line with the amendment inserting a new point (aa) in Article 12(1).

Amendment 38
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. In order to make effective the prohibition established in paragraph 1, fishery products shall only be imported into the Community when accompanied by a catch certificate validated and verified in conformity with this Regulation.

(Does not affect English version.)

Or. pl

Justification

(Does not affect English version.)

Amendment 39
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. Catch documents, and any related documents, validated in conformity with catch documentation schemes adopted by a Regional Fisheries Management Organisation, which are recognised by the Commission as complying with the requirements set forth in this Regulation, shall be accepted as catch certificates in respect of the products from species to which such catch documentation schemes apply and shall be subject to the verification requirements incumbent upon the Member State of importation in accordance with Article 17 and to the provisions on refusal of importation laid down in Article 18.

Amendment

(Does not affect English version.)

Or. pl

Justification

(Does not affect English version.)

Amendment 40
Cornelis Visser

Proposal for a regulation
Article 15 – paragraph 2 – point (a)

Text proposed by the Commission

(a) a certificate issued by the customs authorities of the state of processing:

(i) giving an exact description of the unprocessed and processed products and their respective quantities;

Amendment

(a) a letter of warranty issued by an EC-approved processing company containing the following information:

(i) continual number and year specification of the letter of warranty;

(ii) certifying that the processed products have been exclusively processed from the unprocessed products referred to on the catch certificate(s) in the state of processing; or

(ii) name of the producer with address, telephone number and e-mail;

(iii) identification number of the producer (EC hygiene regulation);

(iv) CN-Code of the product and quantity specification (product weight);

(v) document number respectively numbers of the catch certificate / certificates which were used for the processing of the fishery products;

(vi) notice that the letter of warranty must be kept safely for three years from the date of signing;

(vii) date and signature of the responsible operator.

This letter of warranty shall remain in the processing company of the third country and only the number of the letter of warranty shall be specified for control purposes in the accompanying import documents (e.g. bill, packing list, etc.); or

Or. en

Amendment 41
Cornelis Visser

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. Any person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraph 1 or 2 which concern him directly and individually. The right of appeal shall be exercised according to the provisions in force in the Member State concerned.

Amendment

4. Any **natural or legal** person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraph 1 or 2 which concern him directly and individually. The right of appeal shall be exercised according to the provisions in force in the Member State concerned.

Justification

In addition to natural persons, legal persons may also be affected by decisions of the competent authorities.

Amendment 42
Carmen Fraga Estévez

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20 – Re-exportation

deleted

1. The re-exportation of products imported under a catch certificate in accordance with this chapter shall be authorised through the validation of a re-export certificate by the competent authorities of the Member State from which the re-exportation is to take place, on request by the re-exporter.

2. Re-export certificates shall contain all the information required in the form attached in Annex II and shall be accompanied by a copy of the catch certificates which have been accepted for the importation of the products.

3. Member States shall notify to the Commission their competent authorities for the validation and the verification of re-export certificates.

Or. es

Justification

Whilst the concern to ensure traceability is understandable, it is disproportionate to impose an endless series of requirements for certificates which may mean that something always remains to be complied with, notified, communicated or sent. If the regulation already makes it possible to assume that all imported products have been imported because they have been shown to be legal, it would be rather pointless to have to prove this once again when the

product is re-exported from Community territory.

Amendment 43
Carmen Fraga Estévez

Proposal for a regulation
Article 23 – paragraph 3 – point b)

Text proposed by the Commission

Amendment

b) advise the flag state *and, where appropriate, the state of re-exportation* of the annulment; and

b) advise the flag state of the annulment; and

Or. es

Justification

Consistency with the amendment aimed at deleting Article 20 on re-exportation.

Amendment 44
Carmen Fraga Estévez

Proposal for a regulation
Article 23 – paragraph 4 – point b)

Text proposed by the Commission

Amendment

b) advise the flag state *and, where appropriate, the state of re-exportation;*

b) advise the flag state;

Or. es

Justification

Consistency with the amendment aimed at deleting Article 20 on re-exportation.

Amendment 45
Carmen Fraga Estévez

Proposal for a regulation
Article 24 – title

Text proposed by the Commission

Article 24 – *Alleged* IUU fishing activities

Amendment

Article 24 – ***Procedure for detecting*** IUU fishing activities

Or. es

Justification

It does not appear legally correct to refer to mere alleged activities in a regulation of this scope.

Amendment 46
Duarte Freitas

Proposal for a regulation
Article 24 – paragraph 1 – point b a) (new)

Text proposed by the Commission

Amendment

(ba) Information on the sanctions and fines imposed on IUU vessels.

Or. pt

Justification

Data on the sanctions and fines imposed on IUU vessels should be assessed in order to evaluate the effectiveness of these measures.

Amendment 47
Carmen Fraga Estévez

Proposal for a regulation
Article 25 – title

Text proposed by the Commission

Amendment

Article 25 – **Presumed** IUU fishing activities

Article 25 – **Investigation o** IUU fishing activities

Or. es

Justification

The title of the previous article referred to ‘alleged’ activities and the title here refers to ‘presumed’ activities. It is not only unclear where the difference lies but, as in the previous case, the amended version is more appropriate from a legal point of view, as well as being more in keeping with the content of the article.

Amendment 48
Carmen Fraga Estévez

Proposal for a regulation
Article 25 – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

-a) provide the information compiled by the Commission on the alleged IUU fishing activities, and a detailed statement of the reasons justifying inclusion in the Community list of IUU fishing vessels;

Or. es

Justification

Before issuing an official request to the flag state that it take measures against an IUU fishing activity, it must be forwarded all the documentation and informed of the reasons that have led the Commission to identify the activity as an IUU activity.

Amendment 49
Carmen Fraga Estévez

Proposal for a regulation
Article 25 – paragraph 2 – point c)

Text proposed by the Commission

c) notify the owner or, where appropriate, the operator of the vessels of the consequences which would result should the vessel be included in the European Community IUU Vessels List, as laid down in Article 36. Flag states shall also be requested to provide information to the Commission as to the vessel's owners or, where appropriate, operators so as to ensure that such persons can be heard ***if need be***, in accordance with Article 26(3).

Amendment

c) notify the owner or, where appropriate, the operator of the vessels of the consequences which would result should the vessel be included in the European Community IUU Vessels List, as laid down in Article 36. Flag states shall also be requested to provide information to the Commission as to the vessel's owners or, where appropriate, operators so as to ensure that such persons can be heard, in accordance with Article 26(3).

Or. es

Justification

The right to be heard cannot be taken away.

Amendment 50
Carmen Fraga Estévez

Proposal for a regulation
Article 26 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall notify the flag state of a vessel's inclusion in the European Community IUU vessel list and shall inform it in detail of the reasons for that vessel's inclusion in the list.

Or. es

Justification

In addition to the owner and operator, the flag state must also be informed that one of its

vessels is to be included in the IUU list, especially since it will then be required to take measures in this regard.

Amendment 51

Duarte Freitas

Proposal for a regulation

Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where one of an owner's vessels has been included in an IUU list, a detailed inspection shall be carried out on all that owner's vessels.

Or. pt

Amendment 52

Marie-Hélène Aubert

Proposal for a regulation

Article 28 – paragraph 1 – point (h)

Text proposed by the Commission

Amendment

(h) date of first inclusion on the IUU Vessel List;

(h) date of first inclusion on the ***EU*** IUU Vessel List ***and, if applicable, date of first inclusion on the IUU vessel list of one or more RFMOs;***

Or. en

Justification

The inclusion of a vessel on an IUU list managed by an RFMO should also be included in the information.

Amendment 53
Cornelis Visser

Proposal for a regulation
Article 28 - paragraph 1 - point (i) a (new)

Text proposed by the Commission

Amendment

(ia) the technical specifications of the vessel concerned.

Or. nl

Justification

In order for the vessel to be identified properly, the technical specifications are also required.

Amendment 54
Carmen Fraga Estévez

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall take any measure necessary to ensure publicity of the European Community IUU vessels list, including by placing it on the DG Fisheries website.

2. The Commission ***shall publish the European Community IUU vessels list in the Official Journal of the European Union and*** shall take any measure necessary to ensure publicity of the European Community IUU vessels list, including by placing it on the DG Fisheries website.

Or. es

Justification

This will ensure that the list can be found in a specific official publication.

Amendment 55
Marie-Hélène Aubert

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

1. The Commission, in accordance with the procedure established in Article 52, shall identify the third states that it considers as non-cooperating states in fighting IUU fishing activities.

Amendment

1. The Commission, in accordance with the procedure established in Article 52, shall identify the third states that it considers as non-cooperating states in fighting IUU fishing activities, ***on the basis of clear, transparent and objective criteria.***

Or. en

Justification

Any listing of countries, which would have significant consequences, needs to be made on clear and objective criteria.

Amendment 56
Cornelis Visser

Proposal for a regulation
Article 30 – paragraph 5 – point (d)

Text proposed by the Commission

(d) for developing countries, the existing capacity of their competent authorities.

Amendment

(d) for developing countries ***which have been designated as such***, the existing capacity of their competent authorities.

Or. nl

Justification

In order to avoid confusion, it should be known which flag States are classified as developing countries.

Amendment 57
Marie-Hélène Aubert

Proposal for a regulation
Article 30 – paragraph 6 – point b (a) (new)

Text proposed by the Commission

Amendment

(ba) whether the state concerned has ever been the subject of trade restrictive measures for fishery products adopted by an RFMO;

Or. en

Justification

An important consideration when identifying countries, for example ICCAT has identified several countries for bans on various tuna imports when their vessels were conducting IUU activities.

Amendment 58
Marie-Hélène Aubert

Proposal for a regulation
Article 30 – paragraph 7

Text proposed by the Commission

Amendment

7. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article.

7. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article. ***The Commission shall, within three months of the entry into force of this Regulation, publish an analysis of its probable impact on developing countries and a proposal for the funding of specific programmes to support its implementation and eliminate possible negative impacts.***

Or. en

Justification

The proposal will have significant impacts on developing countries and the COM has promised to help in that regard. This amendment would require them to come up with a specific proposal.

Amendment 59 **Carmen Fraga Estévez**

Proposal for a regulation **Article 34**

Text proposed by the Commission

The Commission shall take any measure necessary to ensure publicity of *the* list of non-cooperating states, *in a manner consistent with any applicable confidentiality requirements*, including placing it on the DG Fisheries website. The list shall be regularly updated and the Commission shall provide for a system to automatically notify updates to Member States, Regional Fisheries Management Organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit list of non-cooperating states to the Food and Agriculture Organisation of the United Nations and to Regional Fisheries Management Organisations for the purposes of enhancing co-operation between the European Community and these organisations aimed at preventing, deterring and eliminating IUU fishing.

Amendment

The Commission *shall publish the list of non-cooperating states in the Official Journal of the European Union and* shall take any measure necessary to ensure publicity of *that* list of non-cooperating states, including placing it on the DG Fisheries website *in a manner consistent with any applicable confidentiality requirements*. The list shall be regularly updated and the Commission shall provide for a system to automatically notify updates to Member States, Regional Fisheries Management Organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit list of non-cooperating states to the Food and Agriculture Organisation of the United Nations and to Regional Fisheries Management Organisations for the purposes of enhancing co-operation between the European Community and these organisations aimed at preventing, deterring and eliminating IUU fishing.

Or. es

Justification

This will ensure that the list can be found in a specific official publication. The phrase concerning confidentiality requirements has been moved to make it clearer that these requirements concern all forms of publicity.

Amendment 60
Marie-Hélène Aubert

Proposal for a regulation
Article 36 – point h (a) (new)

Text proposed by the Commission

Amendment

(ha) Member States shall refuse to allow the export of a vessel flying their flag that is on the IUU list;

Or. en

Justification

An EU ship-owner should not be able to get around the effects of having a vessel listed simply by changing flag.

Amendment 61
Duarte Freitas

Proposal for a regulation
Article 36 – point j a) (new)

Text proposed by the Commission

Amendment

(j-A) The Member States may not under any circumstances grant support or subsidies to IUU vessels.

Or. pt

Amendment 62
Struan Stevenson

Proposal for a regulation
Article 36 – point j (a) (new)

Text proposed by the Commission

Amendment

(ja) Member States shall not grant public

aid or subsidies to IUU vessels.

Or. en

Justification

Vessels included in the IUU Vessels list should not receive public assistance or subsidies. Taxpayers' money should not be used to support IUU vessels.

Amendment 63

Carmen Fraga Estévez

Proposal for a regulation

Article 37 – point h)

Text proposed by the Commission

h) Member **States** shall inform importers, transhippers, buyers, equipment suppliers, bankers, and operators carrying out other services, of the risks associated with conducting business operations linked to fishing activities with nationals of any of such states;

Amendment

h) **Each** Member **State** shall inform importers, transhippers, buyers, equipment suppliers, bankers, and operators carrying out other services **established on its territory**, of the risks associated with conducting business operations linked to fishing activities with nationals of any of such states;

Or. es

Justification

It is necessary to clarify who is to inform whom.

Amendment 64

Carmen Fraga Estévez

Proposal for a regulation

Article 37 – point i)

Text proposed by the Commission

i) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership

Amendment

i) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership

agreements with such states;

agreements with such states *where the text of the agreement concerned includes commitments on combating IUU fishing;*

Or. es

Justification

The denunciation of an agreement must be linked to areas that have been subscribed to in that agreement. Where this is not the case, the Commission may make use of other instruments.

Amendment 65

Marie-Hélène Aubert

Proposal for a regulation

Article 39 – paragraph 4

Text proposed by the Commission

4. Without prejudice to other provisions laid down in Community law pertaining to public funds, Member States shall not grant any public aid under national aid regimes or under Community funds to operators involved in the operation, management or ownership of fishing vessels referred to in Article 26.

Amendment

4. Without prejudice to other provisions laid down in Community law pertaining to public funds, Member States shall not grant any public aid under national aid regimes or under Community funds to operators involved in the operation, management or ownership of fishing vessels referred to in Article 26. ***Any public aid granted during the previous 12 months to a vessel subsequently included in the list referred to in Article 26 shall be recovered by the Member State concerned.***

Or. en

Amendment 66

Carmen Fraga Estévez

Proposal for a regulation

Article 41 – point a)

Text proposed by the Commission

a) the activities considered to constitute

Amendment

a) the activities considered to constitute

IUU fishing activities in accordance with the criteria set out in Article 3;

IUU fishing activities in accordance with the criteria set out in Article 3 **and figuring on the list contained in annex (...) on ‘serious infringements’**;

Or. es

Justification

Article 3 only lays down criteria, which are moreover excessively wide in some cases. Greater precision is needed as regards which activities can be considered as IUU fishing and in what areas.

Amendment 67
Ioannis Gklavakis

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall include ***finest of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons.***

Amendment

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall include ***maximum sanctions depending on whether a natural or legal person is involved.***

Or. el

Justification

Fines should be imposed by Member States' administrations depending on the type of infringement and the effects on the marine ecosystem.

Amendment 68
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall include fines of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons.

Amendment

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall ***be proportional to the size of stocks of, and the fishing quotas set for, overfished species in the fishing zone concerned.***

Or. pl

Justification

The overriding aim of the proposed change is to ensure the best possible protection for threatened fish species.

Amendment 69
Carmen Fraga Estévez

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall include fines of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons.

Amendment

1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive ***administrative*** sanctions, which shall include fines of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons.

Or. es

Justification

The original wording does not distinguish between administrative and penal sanctions when there are still legal doubts as to the Commission's powers in relation to penal sanctions and there are some Member States whose legal system makes no provision for applying penal sanctions in the field of fisheries.

Amendment 70 **Ioannis Gklavakis**

Proposal for a regulation **Article 43 – paragraph 2**

Text proposed by the Commission

2. Member States may apply a system whereby the fine is proportionate to the prejudice caused to the fishery resources or the marine environment concerned, to the financial advantage achieved or envisaged by the commission of an offence, or to any other value indicating the financial situation of the natural or legal person, provided that such system allows for maximum fines, ***which are at least equivalent to EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons.***

Amendment

2. Member States may apply a system whereby the fine is proportionate to the prejudice caused to the fishery resources or the marine environment concerned, to the financial advantage achieved or envisaged by the commission of an offence, or to any other value indicating the financial situation of the natural or legal person, provided that such system allows for maximum fines.

Or. el

Justification

Fines should be imposed by Member States' administrations depending on the type of infringement and the effects on the marine ecosystem.

Amendment 71
Carmen Fraga Estévez

Proposal for a regulation
Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Member States may also opt for penal sanctions provided that the amount of such sanctions is at least equivalent to that of the administrative sanctions.

Or. es

Justification

Notwithstanding the statement made in the justification to the amendment to paragraph 1, provision should also be made for the possibility of applying penal sanctions if the legal system of the Member State in question so permits.

Amendment 72
Ioannis Gklavakis

Proposal for a regulation
Article 45 – point f)

Text proposed by the Commission

Amendment

f) the temporary ***or permanent*** exclusion from the right to obtain new fishing rights;

f) the temporary exclusion from the right to obtain new fishing rights,;

Or. el

Justification

The measure is considered excessive and is not consistent with the corrective/deterrent nature which such measures should have.

Amendment 73
Ioannis Gklavakis

Proposal for a regulation
Article 45 – point g)

Text proposed by the Commission

Amendment

g) temporary **or permanent** ban on access to public assistance or subsidies

g) temporary ban on access to public assistance or subsidies

Or. el

Justification

The measure is considered excessive and is not consistent with the corrective/deterrent nature which such measures should have.

Amendment 74
Struan Stevenson

Proposal for a regulation
Article 45 – point g (a) (new)

Text proposed by the Commission

Amendment

(ga) The sanctions provided for in this Chapter shall be accompanied by other sanctions or measures, in particular a temporary ban for at least the duration of the programming period, or a permanent ban on access to public aid or subsidies.

Or. en

Justification

IUU vessels must be barred from public assistance or subsidies for at least the period of the operational programme. Removal from the list of eligible beneficiaries should also be made mandatory so that taxpayers do not subsidise vessels and operators convicted of criminal activity.

Amendment 75
Struan Stevenson

Proposal for a regulation
Article 45 – point g (b) (new)

Text proposed by the Commission

Amendment

(gb) The sanctions provided for in this Chapter shall be accompanied by other sanctions or measures, in particular the repayment of public aid or subsidies received by IUU vessels during the relevant financial period.

Or. en

Justification

IUU vessels should not receive taxpayer support and vessels that have received taxpayers' money during the operational programme period should repay that money.

Amendment 76
Zdzisław Kazimierz Chmielewski

Proposal for a regulation
Article 53 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. During the first year following the entry into force of this Regulation, six-monthly checks shall be carried out to determine Member States' preparedness fully to comply with its provisions; should any instances of non-compliance be identified, the Member State(s) concerned shall be required to make the necessary adjustments.

Or. pl

Justification

Full implementation of the proposed rules will require appropriate adjustments to be made in

individual Member States as regards national law, inspection systems, funding requirements, training, etc.

Amendment 77
Carmen Fraga Estévez

Proposal for a regulation
Annex II

Text proposed by the Commission

Amendment

This annex is deleted.

Or. es

Justification

Consistency with the amendment aimed at deleting Article 20.