

EUROPEAN PARLIAMENT

2004



2009

Committee on Fisheries

PROVISIONAL
2005/0205(CNS)

10.1.2006

*

DRAFT REPORT

on the proposal for a Council regulation repealing Regulation (EC) No 3690/93 establishing a Community system laying down rules for the minimum information to be contained in fishing licences
(COM(2005)0499 – C6-0354/2005 – 2005/0205(CNS))

Committee on Fisheries

Rapporteur: Iles Braghetto

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.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	8

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation repealing Regulation (EC) No 3690/93 establishing a Community system laying down rules for the minimum information to be contained in fishing licences
(COM(2005)0499 – C6-0354/2005 – 2005/0205(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2005)0499)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0354/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Legal Affairs (A6-0000/2006),
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 1 A (new)

(1a) Commission Regulation (EC) No 1281/2005 of 3 August 2005 on the management of fishing licences and the minimal information to be contained therein* modifies the provisions of Community law applying to fishing licences in order to adapt the minimum

¹ Not yet published in OJ.

information requirements and to clarify the role of the fishing license in the management of fleet capacity.

**** OJ L 203, 4.8.2005, p. 3.***

Justification

The minimal information contained in the fishing licenses had to be modified in order to harmonise it with the information and the terminology used in the regulation concerning the Community Fishing Fleet Register (Council Regulation 26/2004). The concept of a fishing licence had to be clarified in order to precisely define its role as a fleet management tool. This role was implicit in the previous legal framework, but it was not clearly formulated.

Amendment 2
RECITAL 1 B (new)

(1b) A number of stocks in Community waters have continued to decline and it is consequently necessary to improve and extend existing conservation measures; in this respect fishing licences provide a flexible and useful management technique.

Justification

To keep the stocks at sustainable levels is a fundamental issue, and the extension of existing conservation measures is of vital interest in view on the fact that a number of stocks are declining.

Amendment 3
RECITAL 1 C (new)

(1c) The objective should be to provide for rational and responsible exploitation of living aquatic resources, while recognising the interest of the fisheries sector in its long-term development and its economic and social conditions and the interest of consumers, taking into account the biological constraints with due respect for the marine eco-system.

Amendment 4
RECITAL 1 D (new)

(1d) Conservation decisions have important effects on the economic and social development of those regions of the Member States where fishing is an important industry.

Justification

It is high priority to find a balance between environmentally sustainable marine eco-systems and the socio-economic development of the fishery sector.

EXPLANATORY STATEMENT

Following the reform of the Common Fisheries Policy adopted by means of Council Regulation 2371/2002 it was necessary to adapt the old regulation on the fishing licences (Council Regulation 3690/93), which under the new legal framework, the Commission is able to do by means of Article 22(3).

Fishing licences constitute a relevant fleet management tool, in particular concerning the capacity limitations as laid down in Articles 12 and 13 of Regulation (EC) No 2371/2002 and in Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions.

There were two reasons that moved the Commission to adopt this new regulation:

- a) First, the minimal information contained in the fishing licences had to be modified in order to harmonise it with the information and the terminology used in the regulation concerning the Community Fishing Fleet Register (Council Regulation 26/2004).
- b) Secondly, the concept of a fishing licence had to be clarified in order to precisely define its role as a fleet management tool. This role was implicit in the previous legal framework, but it was not clearly formulated.

In fact, the licence is not only a document that proves that a vessel owner operating with a particular vessel has the right to exert fishing, but is also the expression of a capacity 'right', i.e. the right that the licence holder has to use a vessel of a certain capacity to fish.

The need to precisely delimit this concept arose from the provisions of Community law that forbid replacing the capacity of a vessel scrapped with public aid (Article 11(2) of Council Regulation 2371/2002). Similar provisions existed before 2002 in the FIGG regulation. This is why the new licence regulation obliges Member States not to issue fishing licences whose aggregated capacity would exceed the capacity ceilings established by the fleet management provisions.

A proposal for a Commission Regulation on this subject has received a favourable opinion in the Committee on Fisheries and Aquaculture on 6 July 2005 and has been adopted and shall apply from the date of repeal of Council Regulation 3690/93. The rapporteur is therefore in favour of the Commissions proposal that it is necessary to repeal the regulation without delay.

The rapporteur especially wants to underline that a number of stocks in the Community waters have continued to decline and it is consequently necessary to improve and extend existing conservation measures. The objective should be to provide for rational and responsible exploitation of living aquatic resources of aquaculture, while recognising the interest of the fisheries sector in its long-term development and its economic and social conditions and the interest of consumers taking into account the biological constraints with due respect for the marine eco-system.

Conservation decisions have important effects on the economic and social development of those regions of the Member States where fishing is an important industry.

