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DRAFT REPORT

on the proposal for a Council regulation establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks (COM(2006)0411 – C6-0281/2006 – 2006/0134(CNS))

Committee on Fisheries

Rapporteur: Zdzisław Kazimierz Chmielewski

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 Council regulation establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks
(COM(2006)0411 – C6-0281/2006 – 2006/0134(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2006)0411)¹,
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0281/2006),
 - 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 the Environment, Public Health and Food Safety (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 Article 7

By way of derogation from Article 6, the Council may, where it considers this appropriate, adopt a TAC ***that is below*** the TAC that follows from applying Article 6.

By way of derogation from Article 6, the Council may, where it considers this appropriate, adopt a TAC ***other than*** the TAC that follows from applying Article 6.

¹ Not yet published in OJ.

Justification

To made the procedure for setting the size of the TAC more flexible.

Amendment 2 Article 8, heading

Procedure for setting periods when fishing with gear of a mesh size equal to or larger than 90 mm **or with bottom set lines** is allowed

Procedure for setting periods when fishing **for cod** with gear of a mesh size equal to or larger than 90 mm is allowed

Justification

It needs to be made clear that the restrictions set out in Article 8 apply only to cod fishing. Furthermore, it is inadvisable to restrict the use of bottom set lines. This gear is used by fishermen to fish other species as well (flatfish, turbot, salmon, sea trout, pikeperch and plaice).

Amendment 3 Article 8, paragraph 1

1. It shall be prohibited to fish with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, **or with bottom set lines**:

1. It shall be prohibited to fish with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm:

Justification

Bottom set lines are used by fishermen to fish other species as well (flatfish, turbot, salmon, sea trout, pikeperch and plaice).

Amendment 4 Article 8, paragraph 3

3. Where the fishing mortality rate for one of the cod stocks concerned has been estimated by the STECF to be at least 10% higher than the minimum fishing mortality rate defined in Article 4, the total number of days when fishing with the gear referred to in paragraph 1 is allowed shall be reduced by **10%** compared to the total

3. Where the fishing mortality rate for one of the cod stocks concerned has been estimated by the STECF to be at least 10% higher than the minimum fishing mortality rate defined in Article 4, the total number of days when fishing with the gear referred to in paragraph 1 is allowed shall be reduced by **8%** compared to the total

number of days allowed in the current year.

number of days allowed in the current year.

Justification

In the opinion of the fishing industry, as expressed within the Baltic Sea Regional Advisory Council, a 10% reduction in the number of fishing days appears excessive.

Amendment 5
Article 12, paragraph 1

1. By way of derogation from Article 6(4) of Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, the masters of all Community vessels of an overall length equal to or greater than eight metres shall keep a logbook of their operations in accordance with Article 6 of that Regulation.

1. By way of derogation from Article 6(4) of Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, the masters of all Community vessels of an overall length equal to or greater than eight metres ***fishing under a special permit for fishing for cod in the Baltic Sea, issued in accordance with Article 11 of this Regulation,*** shall keep a logbook of their operations in accordance with Article 6 of that Regulation.

Justification

This amendment takes account of the specific characteristics of fishing Subdivisions 29-32, in which there are virtually no cod; vessels fishing in that area can notify their catches on the basis of Article 6(4) of Regulation (EEC) No 2847/93.

Amendment 6
Article 13

Article 13
Electronic Recording and Transmission
of Catch Data

deleted

1. By way of derogation from Article 1 of Commission Regulation (EEC) No 2807/83 of 22 September 1983, laying down detailed rules for recording information on Member States catches of fish, vessels equipped with VMS may have installed on board operational computerised means, approved by the competent authorities of the flag Member State, for electronic recording and reporting of information relating to

fishing activities which is required to be recorded in a logbook.

2. The vessels referred to in paragraph 1 shall transmit all the information recorded relating to fishing activities which is required to be recorded in a logbook to the Fisheries Monitoring Centre (FMC) of the flag Member State. The FMCs of the flag Member States shall ensure that such data are recorded in a computer readable form and kept for a period of three years.

3. Member States shall ensure that its FMC receives the information referred to in paragraph 2 at least on a daily basis or, if the FMC requires so on a shorter time intervals.

4. The flag Member States shall transmit the information received in accordance with paragraph 2 to the FMC of the Coastal State on a daily basis during the time their fishing vessels are in the waters of that Coastal State. The FMC of the Coastal State may decide to require the information at shorter time intervals.

Justification

The proposed measures require further consultation of the fishing industry, particularly on the issues of the target group (with reference to vessel length) and the cost of introducing measures of this kind. Those consultations should result in a separate regulation governing electronic recording and transmission of catch data.

Amendment 7 Article 16

By way of derogation from Article 5(2) of Regulation (EEC) No 2807/83, the permitted margin of tolerance in estimating quantities, in kilograms, of fish subject to a TAC that are retained on board vessels shall be **8%** of the logbook figure. For catches which are landed unsorted the permitted margin of tolerance in estimating quantities shall be **8%** of the total quantity that are retained on board.

By way of derogation from Article 5(2) of Regulation (EEC) No 2807/83, the permitted margin of tolerance in estimating quantities, in kilograms, of fish subject to a TAC that are retained on board vessels shall be **10%** of the logbook figure. For catches which are landed unsorted the permitted margin of tolerance in estimating quantities shall be **10%** of the total quantity that are retained on board.

Justification

Both the Baltic Sea Regional Advisory Council and Member States recommend increasing the margin of tolerance to 10%.

Amendment 8 Article 17, paragraph 2

2. When a fishing vessel exits from either Area A, B or Subdivision 28-32 (Area C) with more than 100 kg of cod on board, ***it shall:***

***(a) go directly to port within the Area it has been fishing and land the fish, or
(b) go directly to port outside the Area where it has been fishing and land the fish.***

(c) When leaving the Area where the vessel has been fishing, the nets shall be stowed in accordance with the following conditions so that they may not readily be used:

(i) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes,

(ii) nets which are on or above deck shall be securely lashed to some part of the superstructure.

2. When a fishing vessel exits from either Area A, B or Subdivision 28-32 (Area C) with more than 100 kg of cod on board, ***the vessel's master shall immediately notify the appropriate fisheries inspectorate of the size of the catch in the area the vessel has left.***

Justification

The complicated provisions set out by the Commission would be extremely difficult to implement and would unnecessarily complicate fishing on the boundaries of the areas concerned.

Amendment 9 Article 20, paragraph 1

1. Fishing vessels with more than ***100*** kg of cod on board shall not commence discharging until authorised by the competent authorities of the place of discharge.

1. Fishing vessels with more than ***300*** kg of cod on board shall not commence discharging until authorised by the competent authorities of the place of discharge.

Justification

Both the Baltic Sea Regional Advisory Council and Member States take the view that the cod weight limit in respect of which notification is required should be raised to 300 kg.

Amendment 10 Article 22, paragraph 1

1. Transit within areas closed for cod fishing is prohibited unless fishing gear on board is securely lashed and stowed ***in accordance with Article 17, paragraph 2, and subparagraph c.***

1. Transit within areas closed for cod fishing is prohibited unless fishing gear on board is securely lashed and stowed ***so that it may not readily be used; accordingly:***

***(a) nets, weights and similar gear shall be disconnected from their trawl boards and towing and hauling wires and ropes,
(b) nets which are on or above deck shall be securely lashed to some part of the superstructure.***

Justification

Following the deletion of Article 17, to which Article 22 refers, the relevant provisions of Article 17 need to be incorporated into Article 22.

Amendment 11 Article 27, paragraph 1

1. The Commission shall, on the basis of advice from STECF and the Baltic Regional Advisory Council (RAC), evaluate the impact of the management measures on the stocks concerned and on the fisheries exploiting those stocks in the ***third*** year of application of this Regulation and in each of the following years.

1. The Commission shall, on the basis of advice from STECF and the Baltic Regional Advisory Council (RAC), evaluate the impact of the management measures on the stocks concerned and on the fisheries exploiting those stocks in the ***second*** year of application of this Regulation and in each of the following years.

Justification

Implementation of the regulation will have far-reaching consequences for both Baltic cod stocks and the fishing industry. Information on the management measures' impact on stocks should therefore be made available as soon as possible.

Amendment 12
Article 27, paragraph 2

2. The Commission shall seek scientific advice from STECF on the rate of progress towards the targets specified in Article 4 in the **third** year of application of this Regulation and each **third** successive year of its application. Where the advice indicates that the targets are unlikely to be met, the Council shall decide by a qualified majority on a proposal from the Commission on additional and/or alternative measures required to ensure that the objectives are met.

2. The Commission shall seek scientific advice from STECF on the rate of progress towards the targets specified in Article 4 in the **second** year of application of this Regulation and each **second** successive year of its application. Where the advice indicates that the targets are unlikely to be met, the Council shall decide by a qualified majority on a proposal from the Commission on additional and/or alternative measures required to ensure that the objectives are met.

Justification

Implementation of the regulation will have far-reaching consequences for both Baltic cod stocks and the fishing industry. Information on the management measures' impact on stocks should therefore be made available as soon as possible.

Amendment 13
Article 27 a (new)

Article 27a
Monitoring the socio-economic impact of application of the Regulation

The Commission shall draft a report on the socio-economic impact of application of this Regulation on the fisheries sector, particularly on employment and the economic situation of fishermen, shipowners and firms engaged in cod fishing and processing. The Commission shall produce this report in the second year of application of this Regulation and in each subsequent year of its application, for submission to the European Parliament by 30 April.

Justification

Given the regulation's far-reaching consequences for the fishing industry, ongoing monitoring of its implementation and of any adverse socio-economic effects is essential.

EXPLANATORY STATEMENT

The Council regulation before us is an important, long-awaited, legislative proposal seeking to find solutions to long-standing, vital needs in one of Europe's most distinctive fisheries. In this respect, the authors deserve our sincere congratulations for taking on the truly difficult task of framing a long-term programme for the restocking and fishing of Baltic cod, the most important fish species in that sea. The formulation of an appropriate plan guaranteed to achieve the desired effects called for the collection of comprehensive initial (scientific) data and careful consideration of the likely socio-economic effects. As an essential corollary to this, truly open and broad-based consultations with stakeholders – fishermen, researchers and politicians – needed to be held. The question remains whether this requirement has been adequately met.

The primary focus of this regulation is the cod themselves, and this is reflected in the way in which the proposal is written. The drafting is so hermetic as to shroud this fundamental legislative proposal in a protective layer intended to shield it against 'unwarranted' insertions. Given that we are talking about cod here – i.e. a fish on which many families' livelihoods depend – any such insertions could not fail to concern the socio-economic impact of the proposed fishing restrictions. Restrictions of this kind are causing serious concern among the thousands of people whose livelihoods are linked to the Baltic. The fishing industry is made all the more keenly aware of this issue by the fact that the proposal's explanatory statement makes no reference to any funding being made available under the European Fisheries Fund to compensate for any adverse economic effects caused by the proposed plan. Furthermore, it is difficult to see any sign of biological data on the Baltic in the regulation itself. The plan appears to treat the Baltic cod fishery as a uniform area, taking no account of its specific inshore fisheries.

The rapporteur has the following specific remarks to make:

1. The very title of the regulation may be called into question. The following change has been put forward: 'Council Regulation (EC) establishing a multi-annual plan for management of the cod stocks in the Baltic Sea and the fisheries exploiting those stocks'. It should be noted in passing that the proposal is based on the traditional three-pronged approach taken to fisheries management to date, namely lower quotas, less fisheries expenditure and more inspections.
2. The proposal was drafted in 2006 and needs to be brought up to date, with, for example a reference to the Johannesburg Declaration, which requires that, as far as is possible, stocks be rebuilt and fished at MSY levels by 2015. Furthermore, following the decisions taken by the Council in Luxembourg, Article 16 of Chapter V should be updated: the margin of tolerance in the logbook has been changed from 8% to 10%, which is something that the majority of Member States have been seeking for a long time. This issue is dealt with in Amendment 7 above.
3. Given the proposal's importance and its factual soundness, the following statement appearing on page 2 of the explanatory statement is dismaying. It reads: 'Because of uncertainty in the assessment of the size of the stocks ICES is not in the position to produce

catch forecasts with the accuracy required to implement the plan'. It was precisely the ICES data that were supposed to provide the decisive scientific evidence justifying the drafting of the regulation in its current form.

4. It is difficult to avoid the impression that the belief that the Baltic fleet's cod fishing capacity is, as things currently stand, unquestionably too high in relation to the fishing quotas available had a significant influence on the recovery programme set out in the proposal. However, no one at EU or Member State level has yet put forward a systemic solution to this problem. It is increasingly being argued that one should be extremely wary of automatic decisions on fleet scrapping. Efforts should instead be made to find means of maintaining a given fishing capacity until such time as stocks are replenished, since we will need to have something to fish with when that time comes.

5. As regards his amendments to the regulation, the rapporteur has not taken a final decision on whether to address the issue of the length of summer closed periods. It should be noted that in the Member States that are looking for a means of further restricting fishing effort by introducing additional days on which cod fishing is prohibited, a tendency in favour of a 'days-at-sea' approach and against the closed-period approach followed to date is emerging. There can be no doubt that this issue will sooner or later be included in the discussions on the plan.

6. Among the other issues not covered in the amendments, attention should be drawn to the following:

(a) on page 3 of the proposal's explanatory statement, it is stressed that use of the Bacoma trawl has led to a significant reduction in catches of undersized cod. It is a pity that no mention was made of the equally effective T90 net, which we have also discussed at great length during our committee meetings;

(b) consideration should be given to the problem arising in Articles 15 and 17 of the regulation. With regard to the former article, Latvia and Lithuania are recommending, for example, that the final sentence in paragraph 2 and all of paragraph 3 be deleted on the grounds of the excessively high and unwarranted administrative costs to which they would give rise. The Baltic Sea Regional Advisory Council is, on the other hand, recommending that consideration be given to applying Article 17 also to Subdivision 28-2 (Latvia) in Area A;

(c) the following issues have been raised by fishermen in the southern Baltic:

- the extremely serious threat posed to the safety of cod stocks by the use of stow nets and hooks;
- the unfair playing down of the threat that anglers pose to cod stocks;
- the pressing need for the actual powers of Regional Advisory Councils to be increased; this view is also being voiced in other countries;
- the need to take due account of the limited access fishermen have to communications systems, owing to technical problems.

7. The rapporteur has taken advantage of the opportunity afforded by the rules on the drafting of reports to table 13 amendments to the proposal for a regulation. He wishes to win his

fellow Members' support for these amendments, the aim of which is to rationalise Community policy on cod and attempt to maintain an appropriate balance between the need to rebuild stocks and the need to maintain the basic conditions required for fishing communities to continue fishing, and thus to survive. This is why the rapporteur is proposing, among other things, to bring the reduction in fishing days down from 10% to 8% and increase the notification threshold from 100 kg to 300 kg, and is putting forward a means of simplifying fishing on the boundaries of the areas concerned. He is proposing that Article 13 be put out to further consultation and has inserted a final article requiring the Commission continuously to monitor any adverse socio-economic effects.

To wind up, the rapporteur would point out that the intention of the earlier Council Regulation (EC) No 2371/2002, which is referred to in the proposal before us, was to maintain a precautionary approach during the introduction of fundamental changes to fisheries policy; a precautionary approach to both stock management and the assessment of the socio-economic impact of the changes made. Following the accession of the four Baltic countries, that principle should continue to remain applicable.