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Committee on Fisheries

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on certain measures in relation to countries allowing non-sustainable fishing
for the purpose of the conservation of fish stocks
(COM(2011)0888 – C7-0508/2011 – 2011/0434(COD))

Committee on Fisheries

Rapporteur: Pat the Cope Gallagher

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks

(COM(2011)0888 – C7-0508/2011 – 2011/0434(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0888),
 - having regard to Article 294(2) and Articles 207(2) and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0508/2011),
 - 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 ...¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 0, 0.0.0000, p. 0.

Amendment 1

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Such measures should aim **at removing** incentives for the fleets of the country allowing non-sustainable fishing to fish on the stock of common interest. This can be achieved by, for example, restricting imports of fish products **caught by vessels conducting fisheries on a stock of common interest under the responsibility of** a country allowing non-sustainable fishing, restricting the provision of port services to **those** vessels or **avoiding that** Union fishing vessels or Union fishing equipment **may be** used for fishing the stock of common interest under the responsibility of the country allowing non-sustainable fishing.

Amendment

(6) Such measures should aim **to** remove incentives for the fleets of the country allowing non-sustainable fishing to fish on the stock of common interest. This can be achieved by, for example, restricting imports of **all fish and fishery** products **originating from** a country allowing non-sustainable fishing, restricting the provision of port services to vessels **flying the flag of that country** or **preventing** Union fishing vessels or Union fishing equipment **from being** used for fishing the stock of common interest under the responsibility of the country allowing non-sustainable fishing.

Or. en

Justification

This act has to provide the EU with a strong tool, allowing the widest possible action, not limited to the "stocks of common interest" or "associated species".

Amendment 2

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) **It is necessary that the adoption of such measures be preceded by an evaluation of their expected environmental, trade, economic and social effects.**

Amendment

(deleted)

Justification

Such an elaborate evaluation is not deemed essential, particularly as it might slow the process of applying trade sanctions.

Amendment 3

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down ***the*** framework for the adoption of certain measures regarding fisheries-related activities and policies by third countries ***with*** the aim of ensuring long-term sustainability of fish stocks of common interest between the European Union and those third countries.

Amendment

1. This Regulation lays down ***a*** framework for the adoption ***by the Commission*** of certain measures regarding ***the*** fisheries-related activities and policies ***of*** third countries ***and has*** the aim of ensuring ***the*** long-term sustainability of fish stocks of common interest between the European Union and those third countries.

Justification

Linguistic AM for clarification.

Amendment 4

Proposal for a regulation

Article 2 –point b

Text proposed by the Commission

(b) "associated species" means any fish species that occur in a mixed fishery with a stock of common interest;

Amendment

(deleted)

Justification

In line with amendments to Recital 6 and Article 4 (c) and (d).

Amendment 5

Proposal for a regulation

Article 2 – point c

Text proposed by the Commission

Amendment

(c) "mixed fishery" means a fishery where more than one species are present in the area being fished and are vulnerable to being caught in the fishing gear.

(deleted)

Or. en

Justification

This definition is not needed anymore, in line with amendments 1 and 3.

Amendment 6

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of paragraph 1(b) (ii), the stock levels that can produce maximum sustainable yield ***shall be determined on the basis of best available scientific advice.***

2. For the purposes of paragraph 1(b) (ii), ***best available scientific advice shall determine*** the stock levels that can produce maximum sustainable yield.

Or. en

Justification

Amendment 7

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) impose quantitative restrictions on importations into the Union of fish, and fishery products made of or containing such fish, stemming from the stock of common interest and that had been caught under the control of the country allowing non-sustainable fishing;

(deleted)

Or. en

Justification

This paragraph becomes redundant, as the measures are defined in Article 4(1)(d).

Amendment 8

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) impose quantitative restrictions of importations into the Union of fish of any associated species, and fishery products made of or containing such fish, when caught while conducting fisheries on the stock of common interest under the control of the country allowing non-sustainable fishing; in such a case, the Commission shall define appropriate means to determine which catches fall within the scope of the measure;

(d) impose quantitative restrictions on importations into the Union of all fish and fishery products of any species originating from a country allowing non-sustainable fishing;

Or. en

Justification

This act has to provide the EU with the strongest possible tool allowing a fast and widest possible action, not limited to measures affecting the "stocks of common interest" or

"associated species".

Amendment 9

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) impose restrictions **of** the use of Union ports by vessels flying the flag of the country allowing non-sustainable fishing **that fish the stock of common interest and by vessels transporting fish and fishery products stemming from the stock of common interest that had been caught either by vessels flying the flag of the country allowing non-sustainable fishing or by vessels authorised by it while flying another flag**; such restrictions shall not apply in cases of force majeure or distress within the meaning of Article 18 of the UNCLOS (force majeure or distress) for services strictly necessary to remedy those situations;

Amendment

(e) impose restrictions **on** the use of Union ports by vessels flying the flag of the country allowing non-sustainable fishing; such restrictions shall not apply in cases of force majeure or distress within the meaning of Article 18 of the UNCLOS (force majeure or distress) for services strictly necessary to remedy those situations;

Or. en

Justification

Simplification of the proposed measure.

Amendment 10

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) made effective in conjunction with restrictions on fishing by Union vessels or on production or consumption within the

Amendment

(b) made effective in conjunction with restrictions on fishing by Union vessels or on production or consumption within the

Union applicable to fish, and fishery products made of or containing such fish, of the species for which the measures have been adopted pursuant to this Regulation.
These restrictions, in the case of associated species, may apply only when these are caught while conducting fisheries on the stock of common interest.

Union applicable to fish, and fishery products made of or containing such fish, of the species for which the measures have been adopted pursuant to this Regulation.

Or. en

Justification

In line with the deletion of "associated species" in Article 4(1)(d).

Amendment 11

**Proposal for a regulation
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. In adopting measures in accordance to this Regulation, the Commission shall evaluate the environmental, trade, economic and social effects of those measures in the short and long terms and the administrative burden associated to their implementation.

(deleted)

Or. en

Justification

In line with the amendment to Recital 8.

Amendment 12

**Proposal for a regulation
Article 6 – paragraph 3**

Text proposed by the Commission

Amendment

3. Prior to adopting measures pursuant to

3. Prior to adopting measures pursuant to

Article 4, the Commission shall provide the third country concerned with *a reasonable* opportunity to respond to the notification in writing and to remedy the situation.

Article 4, the Commission shall provide the third country concerned with *the* opportunity to respond to the notification in writing and to remedy the situation *before a clear deadline*.

Or. en

Justification

It appears important to request clear deadlines to prevent unnecessary delays in the process of applying the measures.

EXPLANATORY STATEMENT

Repeated infringements to the UN Convention on the Law of the Sea and the UN Fish Stocks Agreement, as well as unilateral actions in disregard of cooperation requirements imposed by Regional Fisheries Management Organizations (RFMOs) upon coastal States for the responsible management of straddling and highly migratory fish stocks, call for a proper legal tool allowing the EU to react to uncooperative behaviour by States concerned.

Any blatant lack of good will in working towards agreed measures has to be met with firm action, as it may not only adversely affect EU fisheries, but also lead to considerable depletion of fish stocks, in spite of other coastal States engaging in a moderation of their fishing effort.

The EU being a lucrative market of destination for fisheries products, it has a particular responsibility in ensuring sustainable fishing and the respect of obligations deriving from the common management of straddling and migratory stocks. It is therefore necessary to provide the EU with effective means to take action against any State unwilling to assume such a responsibility, or not cooperating in the adoption and implementation of agreed management measures, in order to disincentive unsustainable fishing.

Your rapporteur therefore fully supports the Commission proposal to use trade and other type of measures in situations like the ones described above, but calls for an unmistakable political message, including a more clear-cut approach and strong, effective measures. Trade measures to be applied should not be limited to imports of the "stocks of common interest" and "associated species" only, but applicable to all imports of fish and fishery products of all species originating from countries allowing non-sustainable fishing.