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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 (A6-0163/2007),
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

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) indicates that the cod stock in ICES Subdivisions 25 to 32 of the Baltic Sea has declined to levels where it is suffering from reduced reproductive capacity and that the stock is being harvested unsustainably.

(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) indicates that the cod stock in ICES Subdivisions 25 to 32 of the Baltic Sea has declined to levels ***outside safe biological limits***, where it is suffering from reduced reproductive capacity, and that the stock is being harvested unsustainably.

¹ Not yet published in OJ.

Justification

The Basic Regulation of the Common Fisheries Policy 2371/2002/EC defines safe biological limits and both Baltic cod stocks are below that level.

Amendment 2 Recital 2 a (new)

(2a) A sufficiently strong and sustainable multi-annual management plan for the cod fishery, based on the precautionary principle, would enable the establishment of a permanent, sustainable fishery much larger than at present.

Justification

The cod is important for the Baltic eco system as a whole. In the medium to long term, it is advantageous both for the fishery sector as well as the eco system to allow it to recover and take very strong measures to allow that to happen. If we do not take action urgently we risk facing the same problems as we have seen in Newfoundland.

Amendment 3 Recital 3

(3) Measures need to be taken to establish a multi-annual plan for fisheries management of the cod stocks in the Baltic Sea.

(3) A multi-annual management plan for the cod stocks in the Baltic Sea was adopted through the auspices of the International Baltic Sea Fishery Commission in 2003.

Amendment 4 Recital 3 a (new)

(3a) The Baltic Sea's division into a Western (ICES Subdivisions 22, 23 and 24) and an Eastern (ICES Subdivisions 25 to 32) part is determined by the fact that they are separate ecosystems with totally different properties.

Justification

It is important to keep the division of the Baltic Sea into two separate parts since they are two eco systems with totally different properties. Therefore the quotas need to be set for each of the two parts. If they are not kept separate there is a risk that the fishing predominantly takes place in one of the parts, and that that part of the Baltic risks a total depletion. The larger, eastern part, is unique and the cod stocks there are uniquely adapted to the Baltic Sea.

Amendment 5
Recital 3 b (new)

(3b) According to the latest information from ICES, approximately 35-45% of the cod landed in the eastern Baltic Sea is caught illegally.

Justification

This is the figure given by Hans Lassen of ICES during a presentation to the Fisheries Committee in February 2007.

Amendment 6
Recital 3 c (new)

(3c) According to the Food and Agriculture Organization International Plan of Action on illegal, unreported and unregulated Fishing: "States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing".

Justification

Citation from Paragraph 73 of the FAO Plan of Action on IUU Fishing.

Amendment 7
Recital 4 a (new)

(4a) Article 5(1) of Regulation (EC) No 2371/2002 requires the Council to adopt, as a priority, recovery plans for fisheries exploiting stocks which are outside safe biological limits.

Justification

Therefore, the plan for the cod stock in Subdivisions 25-32 should be a recovery plan with all of the requirements included in Regulation 2371/2003.

Amendment 8
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.

Justification

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

Amendment 9
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 10
Article 8, paragraph 1, introductory part

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 11
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

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 number of days allowed in the current year.

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.

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 12 Article 8, paragraph 6 a (new)

6a. By way of derogation from the rules on minimum landing size for cod laid down in Regulation (EC) No 2187/2005, the minimum landing size for cod in Subdivisions 22 to 32 shall be 40 cm.

Justification

To strengthen cod stocks in the Baltic Sea, it is necessary to amend the rules on the minimum size of cod in the Baltic Sea. By increasing the minimum size allowed to 40 cm, the cod are given further opportunities to breed and thereby strengthen the stock.

Amendment 13 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 14
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 15
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 16 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 17 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 18 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

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 **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.

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 19
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 the 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 of the relevant year.

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.

1.3.2007

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

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))

Draftsman: Christofer Fjellner

SHORT JUSTIFICATION

The situation of cod in the Baltic Sea is serious. Despite reductions in fishing quotas in recent years, sections of the cod stock are outside safe biological limits. This is a serious threat to the unique and extremely sensitive marine environment of the Baltic Sea. It is important, both from an environmental point of view and in terms of future access to cod, to conserve cod stocks throughout the Baltic Sea.

It is our common responsibility to make it possible also to fish for cod in the Baltic Sea in the future. The existing regulations are a step in the right direction but they will not help unless there is compliance with them. Even though the threats to cod, and therefore the Baltic Sea, are multiple and complex, the greatest threat, nevertheless, is illegal fishing. The International Council for the Exploration of the Sea (ICES) estimates that illegal fishing of cod accounts for between 35% and 45% of the cod landed from the eastern stock. The most important method of protecting cod stocks is not, therefore, the introduction of new rules for cod fishing but rather guarantees that there is compliance with existing regulations and this area must, therefore, be given priority.

It is the responsibility of the Member States to ensure compliance with this regulation. At the present time, there are evidently serious shortcomings in how they bear this responsibility. This situation is detrimental for both cod stocks and the environment of the Baltic Sea. As the Community is not able itself to control the fishing activities, or to impose penalties for illegal fishing, its efforts must focus on various methods of inducing the Member States to enforce this regulation.

Cod stocks are also affected by the fact that far too much cod has been landed while it is still young and has only managed to spawn once, and sometimes not even at all. A direct consequence of this is that the growth of stocks suffers and the ability of stocks to recover is

reduced. It is also noteworthy that the market value of the fish finally landed is lower because the cod landed is far too young.

In order to prevent a collapse in cod stocks in the Baltic Sea, a strict allocation of quotas must be maintained. It must be possible to follow the annual scientific assessments of the cod stock, on which the Council's decisions are made, without restriction. The environment and the long-term view are the primary concerns, not short-term social and political objectives.

All in all, in order to manage the environment and cod fishing in the Baltic Sea, a new fisheries policy is needed, a policy that makes fishermen throughout the Union themselves feel and take responsibility for the survival of the stock. One system which has proved effective in protecting fish stocks and enabling fishermen to continue with their livelihood, is ITQ (individually transferable quotas). ITQ give individual rights to fish by giving fishermen an individual quota per species, fishing ground and year. Initially, the total quota is set by an appropriate authority, e.g. the Scientific Technical and Economic Committee for Fisheries (STECF), and is subsequently set in accordance with proposals from fishermen's own organisations.

ITQ provide fishermen with incentives not to catch too much fish since that has directly detrimental consequences in the long term. It is directly in the fishermen's own interests to comply with the rules, monitor and combat illegal fishing and protect spawning grounds. Since ITQ can be sold, there is also a realistic possibility for any fisherman wishing to abandon the profession to establish a platform to start a new career. ITQ have been used with good results in New Zealand, Alaska and Iceland.

Cod fishing in the Baltic Sea could be used as a pilot project for ITQ in the EU. It is a limited fishing ground with two cod stocks but with relatively short distances for fishermen to move between the fishing grounds and the stocks.

In summary, the proposals for measures are as follows:

1. In Subdivisions 25-32, the fishing mortality rate is set to 0. This means that no fishing is permitted at all.
2. Introduce stricter requirements for Member States' control and penalties for illegal cod fishing, and instruct the Commission to name and publish a list of those States which are found wanting in this respect.
3. Increase the minimum permissible size for landed cod to 40 cm, thereby giving cod further opportunities to breed and thus to strengthen the stock.
4. Allow science to determine the size of cod quotas and not allow the Member States to ignore the environmental aspects when setting quotas.
5. In making its assessment, the Commission should explore the possibilities of introducing ITQ for cod fishing in the Baltic Sea and, thereby, increase the incentives for individual fishermen to conserve stocks.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission ¹	Amendments by Parliament
Amendment 1 Recital 1	
(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) indicates that the cod stock in ICES Subdivisions 25 to 32 of the Baltic Sea has declined to levels where it is suffering from reduced reproductive capacity and that the stock is being harvested unsustainably.	(1) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) indicates that the cod stock in ICES Subdivisions 25 to 32 of the Baltic Sea has declined to levels <i>outside safe biological limits</i> , where it is suffering from reduced reproductive capacity, and that the stock is being harvested unsustainably.
Justification <i>The Basic Regulation of the Common Fisheries Policy 2371/2002/EC defines safe biological limits and both Baltic cod stocks are below that level.</i>	
Amendment 2 Recital 2 a (new)	
	<i>(2a) A sufficiently strong and sustainable multi-annual management plan for the cod fishery, based on the precautionary principle, would enable the establishment of a permanent, sustainable fishery much larger than at present.</i>
Justification <i>The cod is important for the Baltic eco system as a whole. In the medium to long term, it is advantageous both for the fishery sector as well as the eco system to allow it to recover and take very strong measures to allow that to happen. If we do not take action urgently we risk facing the same problems as we have seen in Newfoundland.</i>	
Amendment 3 Recital 3	
<i>(3) Measures need to be taken to establish a multi-annual plan for fisheries</i>	<i>(3) A multi-annual management plan for the cod stocks in the Baltic Sea was adopted</i>

¹ Not yet published in OJ.

management of the cod stocks in the Baltic Sea.

through the auspices of the International Baltic Sea Fishery Commission (IBSFC) in 2003.

Amendment 4
Recital 3 a (new)

(3a) The Baltic Sea's division into a Western (ICES Subdivisions 22, 23 and 24) and an Eastern part (ICES Subdivisions 25 to 32) is determined by the fact that they are separate ecosystems with totally different properties.

Justification

It is important to keep the division of the Baltic Sea into two separate parts since they are two eco systems with totally different properties. Therefore the quotas need to be set for each of the two parts. If they are not kept separate there is a risk that the fishing predominantly takes place in one of the parts, and that that part of the Baltic risks a total depletion. The larger, eastern part, is unique and the cod stocks there are uniquely adapted to the Baltic Sea.

Amendment 5
Recital 4 a (new)

(4a) The provisions in the 2003 IBSFC plan concerning the setting of TACs have not been followed in the decisions taken by the Council.

Justification

Council has consistently adopted TACs that have been too high.

Amendment 6
Recital 4 b (new)

(4b) Although climate change and pollution have caused significant changes in the Baltic Sea ecosystem, the most serious threats to sustainable management in the Baltic Sea are the excessively generous fishing quotas allocated in the past and illegal fishing, the latter being due to a lack of control of fishing activities and reluctance to prosecute infringements of

current regulations.

Justification

Illegal fishing is a serious problem, but generous quotas as well. For the eastern management area (in ICES Subdivisions 25 to 32) a temporary ban on fishing seems to be the only safe option for stocks to recover. In 2005, the catches in the western part were 25 000 tonnes and in the eastern part 40 000 tonnes. The researcher's opinion is however that it should have been zero in the eastern part. The relation between legal and illegal fishing tells us that the illegal fishing represents around 40% of the total fishing.

Amendment 7
Recital - 5 (new)

(-5) Article 5(1) of Regulation (EC) No 2371/2002 requires the Council to adopt, as a priority, recovery plans for fisheries exploiting stocks which are outside safe biological limits.

Justification

Therefore, the plan for the cod stock in Subdivisions 25-32 should be a recovery plan with all of the requirements included in Regulation 2371/2003.

Amendment 8
Recital 5

(5) Regulation (EC) No 2371/2002 requires inter alia that, to achieve that objective, the Community is to apply the precautionary approach in taking measures to protect and conserve the stock, to provide for its sustainable exploitation and to reduce to a minimum the impact of fishing on marine ecosystems. It should aim at a progressive implementation of an ecosystem-based approach to fisheries management, and should contribute to efficient fishing activities within an economically viable and competitive fisheries industry, providing a fair standard of living for those who depend on fishing Baltic cod and taking the interests of consumers into account.

(5) Article 5(3) of Regulation (EC) No 2371/2002 requires inter alia that the recovery plans (i) shall be drawn up on the basis of the precautionary approach, (ii) shall ensure the sustainable exploitation of stocks and that the impact of fishing activities on marine eco-systems is kept at sustainable levels and (iii) shall be multi-annual and indicate the expected time frame for reaching the targets established.

Amendment 9

Recital 9

(9) To ensure stability in the fishing possibilities, it is appropriate to limit the variation in the TACs from one year to the next.

(9) In order to prevent a collapse of the fishery and facilitate a quick recovery to stock levels able to support a larger TAC, it is important that the setting of TACs be consistent with the advice from ICES.

Justification

The EU claims to follow scientific advice and the scientific advice from ICES has been consistently exceeded, resulting in today's depleted stock.

Amendment 10

Article 4, point 2

2) 0.3 on ages 4 to 7 years for the cod stock in Subdivisions 25 to 32.

2) 0 on ages 4 to 7 years for the cod stock in Subdivisions 25 to 32.

Justification

The scientific expertise has expressed serious concern about the fast depletion of the cod stocks in the eastern management area and proposed a total ban on fishing for the time being to enable the stocks to recover. It is better to have a total ban for all countries at the same time, rather than different periods for different countries, to allow the cod to recover. During a total ban, the illegal fishing is made impossible in practice.

Amendment 11

Article 6

1. The Council shall adopt the TAC for the cod stocks concerned that, according to a scientific evaluation carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF), ***is the higher of:***

1. The Council shall adopt the TAC for the cod stocks concerned that, according to a scientific evaluation carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF), ***would result in the quantities of mature fish in the sea being greater than the amounts defined in Article 4(1).***

If the scientific evaluation shows that this would be the case, the Council shall adopt the TAC that would result in the level of fishing mortality rate defined in Article 4(2).

If the scientific evaluation shows that this would not be the case, the Council shall

adopt the lowest possible TAC.

(a) the TAC that would result in a 10% reduction in the fishing mortality rate in its year of application compared to the fishing mortality rate estimated for the preceding year.

(b) the TAC that would result in the level of fishing mortality rate defined in Article 4.

2. Where the application of paragraph 1 would result in a TAC that exceeds the TAC for the preceding year by more than 15%, the Council shall adopt a TAC which is 15% greater than the TAC of that year.

3. Where the application of paragraph 1 would result in a TAC that is more than 15% below the TAC of the preceding year, the Council shall adopt a TAC which is 15% less the TAC of that year.

4. Paragraph 3 shall not apply where a scientific evaluation carried out by the STECF shows that the fishing mortality rate in the year of application of the TAC will exceed a value of 1 per year from the ages 3 to 6 years for the cod stock in Subdivisions 22, 23 and 24 or a value of 0.6 per year for the ages 4 to 7 years for the cod stock in Subdivisions 25 to 32.

2. Where the application of paragraph 1 would result in a TAC that exceeds the TAC for the preceding year by more than 15%, the Council shall adopt a TAC which is 15% greater than the TAC of that year.

Justification

The Commission proposes that TACs should not decrease by more than 15% in a year, but in cases where stocks are depleted and in need of urgent conservation measures, waiting too long can serve to increase the risk to the stock.

Amendment 12 *Article 8, paragraph 1, point (b)*

(b) from 15 June to 14 September in Subdivisions 25 to 27.

In Subdivisions 25 to 32 no fishing shall be permitted at all.

Justification

This amendment is related to the amendment of Ms Brepoels and Mr Wijkman on article 4, point 2.

Amendment 13
Article 8, paragraph 6 a (new)

6a. By way of derogation from the rules on minimum landing size for cod laid down in Regulation (EC) No 2187/2005, the minimum landing size for cod in Subdivisions 22 to 32 shall be 40 cm.

Justification

To strengthen cod stocks in the Baltic Sea, it is necessary to amend the rules on the minimum size of cod in the Baltic Sea. By increasing the minimum size allowed to 40 cm, the cod are given further opportunities to breed and thereby strengthen the stock.

Amendment 14
Article 11, paragraph 2

2. Member States shall issue the special permit for fishing for cod referred to in paragraph 1 only to Community vessels holding in 2005 a special permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1 of Annex III to Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required. However, a Member State may issue a special permit for fishing for cod to a Community vessel, flying the flag of that Member State, not holding a special fishing permit in 2005 if it ensures that at least ***an*** equivalent capacity, measured in kilowatts (kW), is prevented from fishing in the Baltic Sea with any gear referred to in paragraph 1.

2. Member States shall issue the special permit for fishing for cod referred to in paragraph 1 only to Community vessels holding in 2005 a special permit for fishing for cod in the Baltic Sea in accordance with point 6.2.1 of Annex III to Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required. However, a Member State may issue a special permit for fishing for cod to a Community vessel, flying the flag of that Member State, not holding a special fishing permit in 2005 if it ensures that at least ***1.2 times the*** equivalent capacity, measured in kilowatts (kW), is prevented from fishing in the Baltic Sea with any gear referred to in paragraph 1.

Justification

This would reduce the excessive capacity in the Baltic fleets that target cod.

Amendment 15
Article 11, paragraph 2 a (new)

2a. The equivalent capacity mentioned in

paragraph 2 may not include vessels decommissioned with public financial aid.

Justification

The fleets in the Baltic that target cod are too large, so this would be a way to decrease capacity.

Amendment 16
Article 25, paragraph 4 a (new)

4a. The Commission shall each year carry out a detailed assessment of the various Member States' control and monitoring activities and sanctions imposed on fishermen who infringe the provisions of this Regulation. This report shall be made public and it shall clearly indicate how successful the various Member States have been in applying this Regulation and where Member States' measures have met with success or failure.

Justification

It is the Member States' responsibility to ensure compliance with this regulation. There are evidently serious shortcomings with their controls at the present time, which are harmful to the fish stock and the sensitive environment of the Baltic Sea. As the Commission is not directly able to control how Member States comply with this regulation, the method of naming those Member States which acquit themselves well and those that do not may push developments in the right direction.

Amendment 17
Article 27, paragraph 2 a (new)

2a. The Commission shall examine the possibility of the Baltic Sea becoming a pilot area for testing the individual transferable quota system for cod with a view to developing a long-term sustainable system for cod fishing. This shall be done in conjunction with the assessment of this Regulation, three years after its entry into force. The result of this examination shall be taken into account when any new plan is established.

Justification

The individually transferable quota (ITQ) system has proved effective in protecting fish stocks and enabling fishermen to continue their livelihood. ITQ gives individual rights to fish by giving fishermen an individual quota per species, fishing ground and year. The total quota is initially set by an appropriate authority and subsequently set in accordance with a proposal from fishermen's own organisations. This strengthens fishermen's own incentives to manage cod stocks in a sustainable manner.

PROCEDURE

Title	Multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks
References	COM(2006)0411 - C6-0281/2006 - 2006/0134(CNS)
Committee responsible	PECH
Opinion by Date announced in plenary	ENVI 7.9.2006
Drafts(wo)man Date appointed	Christofer Fjellner 5.10.2006
Discussed in committee	20.11.2006 27.2.2007
Date adopted	27.2.2007
Result of final vote	+: 53 -: 1 0: 0
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jens Holm, Dan Jørgensen, Christa Klač, Eija-Riitta Korhola, Holger Krahmer, Urszula Krupa, Jules Maaten, Linda McAvan, Alexandru-Ioan Morțun, Riitta Myller, Péter Olajos, Miroslav Ouzký, Antonyia Parvanova, Frédérique Ries, Guido Sacconi, Daciana Octavia Sârbu, Carl Schlyter, Richard Seeber, Kathy Sinnott, Bogusław Sonik, María Sornosa Martínez, Thomas Ulmer, Anja Weisgerber, Åsa Westlund, Anders Wijkman
Substitute(s) present for the final vote	Christofer Fjellner, Milan Gaľa, Jutta Haug, Karin Jöns, Henrik Lax, Jiří Maštálka, Andres Tarand, Radu Țîrle
Substitute(s) under Rule 178(2) present for the final vote	Elisa Ferreira, Catherine Stihler

PROCEDURE

Title	Multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks
References	COM(2006)0411 - C6-0281/2006 - 2006/0134(CNS)
Date of consulting Parliament	1.9.2006
Committee responsible Date announced in plenary	PECH 7.9.2006
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 7.9.2006
Rapporteur(s) Date appointed	Zdzisław Kazimierz Chmielewski 27.9.2006
Discussed in committee	10.4.2007
Date adopted	3.5.2007
Result of final vote	+: 12 -: 4 0: 3
Members present for the final vote	Stavros Arnaoutakis, Marie-Hélène Aubert, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Hélène Goudin, Heinz Kindermann, Philippe Morillon, Seán Ó Neachtain, Struan Stevenson, Daniel Varela Suanzes-Carpegna
Substitute(s) present for the final vote	Paolo Costa, Carl Schlyter, Thomas Wise
Substitute(s) under Rule 178(2) present for the final vote	Iratxe García Pérez