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*Committee on the Environment, Public Health and Food Safety*

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**2011/0195(COD)**

8.2.2012

## **DRAFT OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council  
on the Common Fisheries Policy  
(COM(2011)0425 – C7-0198/2011 – 2011/0195(COD))

Rapporteur: Chris Davies

PA\_Legam

## SHORT JUSTIFICATION

The urgent need for reform of the Common Fisheries Policy (CFP) could not be more clear. Fish stocks in European waters have declined dramatically over recent decades and there is a risk that some may collapse entirely. One in four of the fish that are caught is wasted entirely, being thrown overboard dead, yet more than 60% of the fish that Europe consumes is now imported. There are too many fishing boats chasing too few fish, but the capacity of Europe's fleet is still increasing by 3% each year. The fishing industry is hardly profitable, and in many instances is kept alive only by subsidies; the acute financial difficulties promote short term thinking and unsustainable bad practices that have severely damaged the marine environment.

We cannot continue like this.

Fish stocks were declining long before the CFP came into being in 1983. Historical evidence suggests that in some cases the wooden fishing fleets of 100 years ago, dependent on sail and wind, were landing a greater tonnage of fish than the high-tech vessels of today, and on average the fish were much larger in size.

Overfishing has a long history but the CFP has done little to curb it. The fault lies not with the idea of the EU having common rules but with the policy, and in particular with its application. Short term thinking has triumphed. Ministers meeting each year to set quotas are said on average to have exceeded scientific recommendations by as much as 48%. In consequence the number of fish has declined and the size of the fish caught has diminished. Current practices cannot provide a sustainable supply of food from the seas.

Fortunately, our waters are capable of supporting many more fish than they now possess, and not every policy decision has proven wrong. Declines in some fish stocks have been reversed. In a small but growing number of cases EU policy is succeeding in helping fish stocks recover to levels that exceed maximum sustainable yield. This must be our ambition for them all.

The European Commission is proposing far reaching reforms that include the following key elements:

- Establishment of long term management plans for all stocks, with the aim of achieving maximum sustainable yield by 2015;
- Annual allocation of fishing opportunities firmly based on scientific advice or, in its absence, on application of the precautionary principle;
- A ban on the discard, dead, of commercial species of fish;
- The introduction across Europe of rights-based management (transferable fishing concessions or TFCs) giving fishermen a commercial incentive to fish sustainably and addressing the problem of overcapacity;
- An end to micro-management from Brussels, with decentralisation of day-to-day decisions to regional bodies that can take account of local circumstances;

- Requirements that Europe's fleet will adhere to high standards when fishing in the waters of third parties;
- Encouragement for the development of aquaculture across Europe.

The European Commission is leading the demand for change, and the Opinion Writer welcomes and endorses the proposals it makes in this draft Regulation. But the text does not always make clear how the proposed arrangements will work in practice. There is a need for additional safeguards to ensure that the objectives are met and to promote sustainability, and for further measures to secure compliance.

Through his amendments the Opinion Writer seeks to achieve the following:

- Promote measures intended to restore fish stocks;
- Strengthen the primacy of long term management plans, and curb the ability of governments to ignore scientific advice when setting annual quotas;
- Pave the way for extending a discard ban to all fish species;
- Provide greater protection for the marine environment;
- Demonstrate that systems of rights-based management (TFCs) can be shaped by Member States to meet national priorities and protect particular interests;
- Create greater opportunities for small scale and low impact fishing practices;
- Tighten the standards required of EU vessels fishing in foreign waters;
- Address concerns about aquaculture development;
- Emphasise that fishing policy must be transparent and open to public scrutiny.

In drafting amendments the Opinion Writer has welcomed suggestions made by representatives of the following bodies: European Commission; governments of Denmark, France, Iceland, Norway, Sweden and the United Kingdom; Aquaculture Stewardship Council; BalticSea2020; Birdlife; Client Earth; Greenpeace; New Under Ten Fishermen's Association; Ocean 2012; Oceana; Pew Environment Group, UN FAO; WWF.

However, responsibility for the proposals made lies entirely with him.

## **AMENDMENTS**

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

## Amendment 1

### Proposal for a regulation

#### Article 1 – paragraph 1– point a

*Text proposed by the Commission*

(a) conservation, management and exploitation of marine biological resources; and

*Amendment*

(a) conservation, management and **sustainable** exploitation of marine biological resources; and

Or. en

#### *Justification*

*It is universally agreed that we must promote sustainable fishing practices. The amendment makes this clear in the first article and brings the wording into accord with the Marine Strategy Framework Directive.*

## Amendment

### Proposal for a regulation

#### Article 1 – paragraph 1– point b

*Text proposed by the Commission*

(b) **fresh water biological resources, aquaculture**, and the processing and marketing of fisheries and aquaculture products, in relation to measures on markets and financial measures in support of the Common Fisheries Policy.

*Amendment*

(b) **the promotion of sustainable aquaculture in marine waters**, and the processing and marketing of fisheries and aquaculture products, in relation to measures on markets and financial measures in support of the Common Fisheries Policy.

Or. en

#### *Justification*

*It is not appropriate to extend the CFP beyond marine waters to all fresh waters.*

### Amendment 3

#### Proposal for a regulation Article 2 – paragraph 1

*Text proposed by the Commission*

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities provide long-term sustainable environmental, economic and social conditions and contribute to the availability of food supplies.

*Amendment*

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities ***contribute to promoting a healthy marine environment***, provide long-term sustainable environmental, economic and social conditions and contribute to the availability of food supplies.

Or. en

*Justification*

*Maintaining the health of the marine environment is crucial if there are to be abundant fish stocks.*

### Amendment 4

#### Proposal for a regulation Article 2 – paragraph 2

*Text proposed by the Commission*

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall ***aim to ensure, by 2015, that exploitation of living marine biological resources restores and maintains*** populations of harvested species ***above levels*** which can produce the maximum sustainable yield.

*Amendment*

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries ***and aquaculture*** management, and shall ensure ***that*** populations of harvested species ***are restored to levels above those*** which can produce the maximum sustainable yield ***by 2015, and to levels which can produce maximum economic yield by 2022.***

Or. en

*Justification*

*To provide the maximum opportunities for fishermen and coastal communities the objective should be not only to halt the decline in fish stocks but to create the conditions for maximum economic benefit.*

**Amendment 5**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of **fishing** activities on the marine ecosystem are **limited**.

*Amendment*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries **and aquaculture** management to ensure that the impacts of **these** activities on the marine ecosystem are **kept to a minimum and do not compromise the achievement of a good environmental status by 2020**.

Or. en

*Justification*

*Confirms the necessary link with the requirements of the Marine Strategy Framework Directive.*

**Amendment 6**

**Proposal for a regulation**  
**Article 2 – paragraph 4**

*Text proposed by the Commission*

4. The Common Fisheries Policy shall **integrate** the Union environmental legislation requirements.

*Amendment*

4. The Common Fisheries Policy shall **comply with** the Union environmental legislation requirements **and contribute to the achievement of their goals**.

Or. en

## Amendment 7

### Proposal for a regulation Article 3 – point (-a) (new)

*Text proposed by the Commission*

*Amendment*

***(-a) ensure that by 2016 the management and exploitation of fish stocks is conducted within the framework of multiannual plans intended to maintain a healthy marine environment and create the conditions for the maximisation of economic benefit;***

Or. en

#### *Justification*

*Confirms that the objective of the CFP will in future be to take a long term approach towards the good management of fisheries.*

## Amendment 8

### Proposal for a regulation Article 3 – point a

*Text proposed by the Commission*

*Amendment*

(a) eliminate unwanted catches of commercial stocks and gradually ***ensure*** that all catches ***of such stocks*** are landed;

(a) eliminate unwanted catches, ***starting with*** commercial stocks and gradually ***ensuring*** that catches ***of all fish species*** are landed ***except unwanted species that can survive being discarded;***

Or. en

#### *Justification*

*The long-term ambition must be not only to end the discard of commercial fish but of all fish, unless they are exempted species such as those that have a high chance of survival if returned to the sea.*

## Amendment 9

### Proposal for a regulation

#### Article 3 – point b

*Text proposed by the Commission*

(b) provide conditions for efficient fishing activities within an economically viable and competitive fishing industry;

*Amendment*

(b) provide conditions for efficient **and sustainable** fishing activities within an economically viable and competitive fishing industry;

Or. en

## Amendment 10

### Proposal for a regulation

#### Article 3 – point c

*Text proposed by the Commission*

(c) promote the development of **Union** aquaculture activities to contribute to food security and employment in coastal and rural areas;

*Amendment*

(c) promote the development of **sustainable and ecosystem-based** aquaculture activities to contribute to food security and employment in coastal and rural areas;

Or. en

#### *Justification*

*Aquaculture has great potential but we must ensure that its development does not have adverse environmental consequences, especially if these may damage fish stocks elsewhere.*

## Amendment 11

### Proposal for a regulation

#### Article 3 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) complement the objectives of other legislative measures intended to protect the marine environment and the variety of**

*life that it supports.*

Or. en

## **Amendment 12**

### **Proposal for a regulation Article 4 – point b**

*Text proposed by the Commission*

(b) establishment of measures in *accordance* with the best available scientific advice;

*Amendment*

(b) establishment of measures that ***conform and comply*** with the best available scientific advice;

Or. en

#### *Justification*

*A fundamental failing of the CFP has been the annual fixing of TACs and quotas that have often far exceeded the scientific recommendations. Future policy must be science-led with the scope for interference by ministers much reduced.*

## **Amendment 13**

### **Proposal for a regulation Article 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) transparency and public access to information in accordance with the Aarhus Convention of 25 June 1998 on access to information, public participation in decision-making and access to justice in environmental matters, including the external dimension;***

Or. en

*Justification*

*Confirming a long held principle of Parliament.*

**Amendment 14**

**Proposal for a regulation  
Article 4 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

***(fb) decentralisation and regionalisation of day to day decisions necessary to meet the objectives and requirements of multiannual plans.***

Or. en

*Justification*

*Supporting the widely held desire to reduce micro-management from Brussels*

**Amendment 15**

**Proposal for a regulation  
Article 4 – point f c (new)**

*Text proposed by the Commission*

*Amendment*

***(fc) parity between the internal and external dimension of the Common Fisheries Policy, so that standards and enforcement mechanisms applied domestically are also applied externally when applicable.***

Or. en

*Justification*

*Common standards should apply to the EU fishing fleet wherever vessels may fish.*

## Amendment 16

### Proposal for a regulation Article 5 – indent 6

*Text proposed by the Commission*

- 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely;

*Amendment*

- 'maximum sustainable yield' means the maximum **average** catch that may be taken from a fish stock indefinitely **without having a lasting impact on the population age and size distribution that is indicative of a healthy stock**;

Or. en

*Justification*

*Overfishing has much reduced the average size of fish in the sea, and also their ability to reproduce.*

## Amendment 17

### Proposal for a regulation Article 5 – indent 7

*Text proposed by the Commission*

– 'precautionary approach to fisheries management' means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;

*Amendment*

- 'precautionary approach to fisheries management' means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve, **or prevent damage, to** target species, associated or dependent species and non-target species and their environment, **according to which the burden of proof to demonstrate that a proposed activity will not cause such damage rests with the proponent of that activity**;

Or. en

*Justification*

*The proposed new elements come from the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organisation of the United Nations'. The burden of proof language has a legal precedent in Council Regulation 345/1992 regarding driftnets.*

**Amendment 18**

**Proposal for a regulation  
Article 5 – indent 8**

*Text proposed by the Commission*

- 'ecosystem-based approach to fisheries management' means an approach ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are **low** and not detrimental to the future functioning, diversity and integrity of those ecosystems;

*Amendment*

- 'ecosystem-based approach to fisheries management' means an approach ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are **minimised and, where possible, eliminated, and are not** detrimental to the future functioning, diversity and integrity of those ecosystems;

Or. en

*Justification*

*It is not good enough for the impact of fishing simply to be 'low', the onus on operators must be to work to minimise such impacts.*

**Amendment 19**

**Proposal for a regulation  
Article 5 – indent 32 a (new)**

*Text proposed by the Commission*

*Amendment*

- '**maximum economic yield' is the point at which there is the largest possible difference in value between total revenues and total costs of fishing, with all inputs valued at their opportunity costs.**

*Justification*

*The goal should be to move beyond MSY to a state where the seas are stocked to their maximum and where the sustainable yield of fish is also at a maximum. At this point the social, economic and environmental concerns about fishing will be addressed most effectively, and fishermen will have maximum profit.*

**Amendment 20**

**Proposal for a regulation**

**Article 7 – introductory part**

*Text proposed by the Commission*

Measures for the conservation of marine biological resources may include the following:

*Amendment*

Measures for the conservation **and sustainable management** of marine biological resources may include the following:

*Justification*

*The objective is not only to safeguard fish stocks but also to give sustainable economic opportunities to the fishing fleet.*

**Amendment 21**

**Proposal for a regulation**

**Article 7 – point d**

*Text proposed by the Commission*

(d) establishing incentives, including those of an economic nature, to promote more selective or low impact fishing;

*Amendment*

(d) establishing incentives, including those of an economic nature, to promote more selective or low impact fishing **or to encourage compliance with regulatory requirements**;

*Justification*

*EU financial incentives can be used to purchase CCTV equipment, to assist with data collection, to help with the purchase of selective gear and for many other appropriate purposes.*

**Amendment 22**

**Proposal for a regulation**  
**Article 7 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) setting targets and providing incentives for measures to improve the marine environment and to increase the health of fish stocks, including the removal of 'ghost nets', clearing marine litter, and promoting the restoration of sea beds that may have been damaged through fishing activities.***

Or. en

**Amendment 23**

**Proposal for a regulation**  
**Article 8 – point c**

*Text proposed by the Commission*

*Amendment*

(c) prohibitions of the use of certain fishing gears in certain areas or seasons;

(c) prohibitions of the use of certain **types of technical equipment including** fishing gears in certain areas or seasons;

Or. en

*Justification*

*In some cases, for example, it may also be appropriate to ban the use of sonar equipment.*

## Amendment 24

### Proposal for a regulation Article 8 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) actions intended to reduce by-catch;***

Or. en

## Amendment 25

### Proposal for a regulation Article 8 – point d b (new)

*Text proposed by the Commission*

*Amendment*

***(db) actions intended to protect the benthic zone and the sea-floor;***

Or. en

## Amendment 26

### Proposal for a regulation Article 8 – point f

*Text proposed by the Commission*

*Amendment*

(f) specific measures to reduce the impact of fishing activities on marine eco-systems and non target species;

(f) specific measures to reduce the impact of fishing activities on marine eco-systems and non-target species, ***and to reduce the discard of fishing gear, litter associated with basic fish processing, and other forms of pollution;***

Or. en

### *Justification*

*Regional bodies may wish to introduce measures to reduce fishing litter, especially items such as ghost nets that may prove detrimental to fish stocks and fishing activities.*

## Amendment 27

### Proposal for a regulation Article 8 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) spatial management measures, such as no-take zones, on a temporary or long term basis.***

Or. en

#### *Justification*

*It is sometimes necessary to introduce particular requirements to protect specific geographical areas, such as spawning grounds.*

## Amendment 28

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Multiannual plans providing for conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield shall be established ***as a priority***.

1. Multiannual plans providing for conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield shall be established:

***(i) by (2014) for all stocks of harvested species already included within recovery or management plans;***

***(ii) by (2015) for all stocks of harvested species in the Baltic;***

***(iii) by (2015) for all stocks of harvested species in the North East Atlantic;***

***(iv) by (2015) for all stocks of harvested species in the Black Sea;***

***(v) by (2015) for all stocks of harvested***

*species in the Mediterranean.*

Or. en

*Justification*

*A clear timetable for preparation of multiannual plans must be agreed. The exact dates and details can be the subject of negotiation during the law-making process and the Commission should be asked to come forward with a specific proposal that can replace this text.*

**Amendment 29**

**Proposal for a regulation  
Article 9 – paragraph 4**

*Text proposed by the Commission*

4. Multiannual plans shall be based on the precautionary approach to fisheries management and shall take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner.

*Amendment*

4. Multiannual plans shall be based on the precautionary approach to fisheries management ***and the priority of achieving the maximum sustainable yield of all stocks***, and shall take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner ***and shall comply fully with Article 4(b)***.

Or. en

*Justification*

*Multiannual plans must be determined in line with the best available scientific advice (article 4(b)) and with the object of achieving MSY.*

**Amendment 30**

**Proposal for a regulation  
Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Multiannual plans shall be reviewed (biennially), in consultation with***

*stakeholders, to assess progress made towards reaching their objectives; proposals for their modification may be made when there is scientific evidence that this is appropriate or where there is reasoned concern about lack of progress in achieving agreed objectives.*

Or. en

*Justification*

*Arrangements for the review of multiannual plans need to be confirmed. The exact frequency of such reviews can be determined through negotiation during the law-making process.*

**Amendment 31**

**Proposal for a regulation  
Article 9 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. In the period prior to adoption or renewal of multiannual plans, all parties shall comply with the objectives and principles of this Article and of Article 10.***

Or. en

**Amendment 32**

**Proposal for a regulation  
Article 9 – paragraph 4c (new)**

*Text proposed by the Commission*

*Amendment*

***4c. The Commission shall ensure that the objectives of multiannual plans are being met in accordance with the targets and indicators referred to in Article 11. If it considers that this is not the case, or that the necessary measures are unduly***

*delayed, the Commission shall be empowered to adopt delegated acts, in accordance with Article 55, introducing such conservation and technical measures as may be necessary.*

Or. en

*Justification*

*Intended to ensure that the Commission has powers to act in the rare instance that a regional body fails to demonstrate commitment to meeting the objectives of multiannual plans.*

**Amendment 33**

**Proposal for a regulation  
Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Multiannual plans shall provide **for adaptations of the fishing mortality rate**, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum sustainable yield by 2015.

*Amendment*

1. Multiannual plans shall provide **the basis for the sustainable exploitation of fish stocks**, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum sustainable yield by 2015.

Or. en

*Justification*

*Intended to emphasise that long term management plans lie at the heart of the Regulation and must take priority over short term political adjustments to TACs and quotas.*

**Amendment 34**

**Proposal for a regulation  
Article 10 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum

*Amendment*

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum

sustainable yield by 2015.

sustainable yield by 2015.

***No agreement shall be concluded that provides for total allowable catches and quotas of any species in any one year, or part of year, that exceed a level necessary to achieve this objective.***

Or. en

*Justification*

*Fish stocks have been destroyed by short term thinking and by the repeated failure of governments to abide by scientific advice.*

**Amendment 35**

**Proposal for a regulation  
Article 10 – paragraph 2**

*Text proposed by the Commission*

2. In cases where the determination of a fishing mortality rate ***that restores and maintains stocks above levels capable of producing maximum sustainable yield*** is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks.

*Amendment*

2. In cases where the determination of a fishing mortality rate ***consistent with paragraph 1*** is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks ***and shall set a target of the earliest biologically possible date for the achievement of stock levels above maximum sustainable yield.***

Or. en

*Justification*

*Intended to clarify the procedure in instances when it may prove not possible to achieve MSY by 2015.*

### **Amendment 36**

#### **Proposal for a regulation Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Multiannual plans shall take full account of legislative requirements to maintain and restore the marine ecosystem.***

Or. en

### **Amendment 37**

#### **Proposal for a regulation Article 11 – point c – point ii a (new)**

*Text proposed by the Commission*

*Amendment*

***(ii) age and size distribution;***

Or. en

#### *Justification*

*The average age of fish is crucial to determine their reproductive ability, while catching fish before they have reached their full size potential reduces their economic yield.*

### **Amendment 38**

#### **Proposal for a regulation Article 11 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(ia) measures to restore and maintain the functioning of food webs adversely affected by fishing activities;***

Or. en

*Justification*

*Intended to strengthen the conservation requirements of the multiannual plans.*

**Amendment 39**

**Proposal for a regulation  
Article 11 – point i b (new)**

*Text proposed by the Commission*

*Amendment*

***(ib) measures to protect species listed in Annex IV of Directive 92/43/EEC and Directive 2009/147/EC from the impact of fishing;***

Or. en

*Justification*

*Intended to strengthen the conservation requirements of the multiannual plans.*

**Amendment 40**

**Proposal for a regulation  
Article 11 – point i c (new)**

*Text proposed by the Commission*

*Amendment*

***(ic) an assessment of the environmental impact of fishing activities, including any consequences for biodiversity and the marine environment and, if that assessment reveals an adverse impact, a plan to address that impact and minimise such consequences;***

Or. en

*Justification*

*Intended to strengthen the conservation requirements of the multiannual plans.*

**Amendment 41**

**Proposal for a regulation**

**Article 11 – paragraph 1a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In accordance with point b of Article 4, the quantifiable targets referred to in point c of subparagraph 1 of this Article, shall be based on and shall comply with the best available scientific advice or, in the absence of such advice, shall be based on the precautionary approach, and shall remain within the limits that can be considered, on the basis of scientifically valid approach, to ensure the attainment and maintenance of stocks above levels capable of producing maximum sustainable yield in accordance with Article 10(1).***

Or. en

*Justification*

*The amendment has been drafted with the assistance of Parliament's legal services. It is intended to ensure that multiannual plans provide the basis for meeting the objectives of this Regulation, and that the requirements they impose cannot be altered except to a marginal degree by the Council when it meets annually to set TACS and quotas.*

**Amendment 42**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. On the basis of evidence of a serious threat to the conservation of marine biological resources, or to the marine ecosystem and requiring immediate action, the

1. On the basis of evidence of a serious threat to the conservation of marine biological resources, or to the marine ecosystem and requiring immediate action, the

Commission, upon a reasoned request of a Member State or on its own initiative, *may* decide on temporary measures to alleviate the threat.

Commission, upon a reasoned request of a Member State or on its own initiative, ***shall adopt delegated acts, in accordance with Article 55, laying down*** temporary measures to alleviate the threat. ***Such measures shall have immediate effect.***

Or. en

*Justification*

*If there is a serious threat then action must be taken, and taken immediately.*

**Amendment 43**

**Proposal for a regulation  
Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The measures referred to in paragraph 1 shall be of the minimum duration necessary and in any case shall not last more than six months. If the serious threat persists the Commission may, after consultation with stakeholders, renew them for successive periods of no more than six months.***

Or. en

*Justification*

*Intended to clarify the meaning of 'temporary.'*

**Amendment 44**

**Proposal for a regulation  
Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 13 a***

### *Member State emergency measures*

- 1. If there is evidence of a serious and unforeseen threat to the conservation of living aquatic resources, or to the marine ecosystem resulting from fishing activities, in waters falling under the sovereignty or jurisdiction of a Member State where any undue delay would result in damage that would be difficult to repair, that Member State may take emergency measures, the duration of which shall not exceed three months.*
- 2. Member States intending to take emergency measures shall notify their intention to the Commission, the other Member States and the Regional Advisory Councils concerned by sending a draft of those measures, together with an explanatory memorandum, before adopting them.*
- 3. The Member States and Regional Advisory Councils concerned may submit their written comments to the Commission within five working days of the date of notification. The Commission shall confirm, cancel or amend the measure within 15 working days of the date of notification.*
- 4. The Commission decision shall be notified to the Member States concerned. It shall be published in the Official Journal of the European Union.*
- 5. The Member States concerned may refer the Commission decision to the Council within 10 working days of notification of the decision.*
- 6. The Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.*

Or. en

*Justification*

*While Article 13(1) provides the Commission with powers, this Article provides Member States with such powers to take emergency action. The text reinstates Article 8 of the former CFP Regulation.*

**Amendment 45**

**Proposal for a regulation**  
**Article 14 –point c**

*Text proposed by the Commission*

(c) reduce catches of unwanted marine organisms;

*Amendment*

(c) reduce **to a minimum** catches of unwanted marine organisms **and seabirds**;

Or. en

**Amendment 46**

**Proposal for a regulation**  
**Article 14 –point d**

*Text proposed by the Commission*

(d) **mitigate** the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats.

*Amendment*

(d) **minimise** the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats, **particularly the sea floor**;

Or. en

*Justification*

*The sea floor is enormously rich in biodiversity but also extremely vulnerable to damage by some fishing practices*

## Amendment 47

### Proposal for a regulation Article 14 –point d a

*Text proposed by the Commission*

*Amendment*

***(da) contribute towards the achievement by 2020 of a good environmental status as provided by the Marine Strategy Framework Directive.***

Or. en

## Amendment 48

### Proposal for a regulation Article 15 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. All fish species caught during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought on board the fishing vessels and recorded in full, without exception.***

Or. en

#### *Justification*

*If sensible policies and quotas are to be adopted in future it is essential that scientists know exactly what fish are being caught, including those species that at present have no commercial value. So they must be recorded even if they are then discarded.*

## Amendment 49

### Proposal for a regulation Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. All catches of the following fish stocks ***subject to catch limits*** caught during fishing activities in Union waters or by

1. All catches of the following fish stocks caught during fishing activities in Union waters or by Union fishing vessels outside

Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and landed, except when used as live bait, in accordance with the following timeframe:

Union waters shall be brought and retained on board the fishing vessels and recorded and landed, except when used as live bait, in accordance with the following timeframe:

Or. en

*Justification*

*If all required fish are to be landed, there is no need to make reference to catch limits which become irrelevant.*

**Amendment 50**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks set out in paragraph 1. The sale of catches of such fish stocks below the minimum conservation reference size shall be restricted **for** reduction to fish meal or pet food only.

*Amendment*

2. Minimum conservation reference sizes based on the best available scientific advice **but not exceeding any dimensions and sizes set by current Union legislation** shall be established for the fish stocks set out in paragraph 1. The sale of catches of such fish stocks below the minimum conservation reference size shall be restricted **to the licensed** reduction to **commercial** fish meal **and oil** or pet food only.

Or. en

*Justification*

*Necessary to curb illegitimate and black market sales of small fish. There may be pressure to change the size rules so as to permit the sale to the public of more small fish. In order to promote the recovery of fish stocks this must be resisted.*

## Amendment 51

### Proposal for a regulation Article 15 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. In the event of infringement of the requirements laid down in points (a), (b) and (c) of paragraph 1 Member States shall suspend the allocation of fishing opportunities to the vessel in question for a period of up to three years;***

Or. en

#### *Justification*

*It must be made clear that the discard of commercial fish is unacceptable. Infringements may prove hard to detect but will carry a severe penalty when demonstrated.*

## Amendment 52

### Proposal for a regulation Article 15 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Member States shall adopt measures to prohibit the sale for human consumption of fish below the minimum reference size, and provide for penalties that are effective, dissuasive and proportionate;***

Or. en

#### *Justification*

*Member States are responsible for applying criminal sanctions.*

## Amendment 53

### Proposal for a regulation Article 15 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

***6b. With effect from 1 January 2020, all fish species shall be landed unless specific provision for their discard is made on a register that the Commission shall publish and maintain after consultation with stakeholders.***

Or. en

#### *Justification*

*The requirement to land all commercial species must eventually be followed by one requiring the landing of all fish unless there is a good prospect for their survival. It is not acceptable or sustainable to throw fish back into the sea, dead, when use might be made of them.*

## Amendment 54

### Proposal for a regulation Article 16 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. The Council, acting on a proposal from the Commission under Article 43(3) TFEU, shall decide on fishing opportunities and on the allocation of those fishing opportunities among Member States. The Commission proposal and Council decision shall comply fully with Article 4(b).***

***Such fishing opportunities shall not provide for catches of any species to exceed in any one year, or part of a year, the level necessary to achieve the objective set out in Article 10(1).***

Or. en

*Justification*

*While the setting of multiannual plans should be on the basis of codecision, the subsequent allocation of fishing allocations needs to be undertaken by the Council. But the setting of TACs and quotas must not be allowed to exceed the requirements necessary to achieve maximum sustainable yield within the timescale envisaged.*

**Amendment 55**

**Proposal for a regulation**

**Article 16 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Council shall only deviate from these targets, time frames and margins on the basis of recent, validated scientific advice from an established scientific committee or institution, and in accordance with Article 4 (b).***

Or. en

*Justification*

*This allows the Council discretion to adjust fishing opportunities where up-to-date scientific advice shows the limits in the multiannual plan no longer to be in line with the objective of achieving maximum sustainable yield.*

**Amendment 56**

**Proposal for a regulation**

**Article 16 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Member States shall be responsible for apportioning their allocated fishing opportunities between different segments of their fishing fleets, and, in determining priorities, Member States may take into account social and environmental factors including the potential benefits to be derived from increasing the share***

*awarded to small-scale and low impact fishing practices.*

Or. en

*Justification*

*Member States should consider giving an increased share of fishing allocations to small scale fishermen*

**Amendment 57**

**Proposal for a regulation**

**Article 16 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall present to the European Parliament and to the Council an annual report assessing whether current fishing opportunities are proving effective in restoring and maintaining populations of harvested species at levels above those which can produce the maximum sustainable yield.***

Or. en

*Justification*

*Fishing opportunities are determined by Council. The Parliament and the public must have the opportunity to assess whether they are contributing to the achievement of maximum sustainable yield.*

## Amendment 58

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States may be authorised to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities.

*Amendment*

1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States may be authorised to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities **and to all vessels fishing within the territorial waters of the Member State.**

Or. en

#### *Justification*

*Conservation efforts risk being entirely undermined if they do not also apply to vessels that have historic rights to fish in the 6-12 mile zone. There can be no certainty that other Member States will agree to impose the necessary restrictions on vessels flying their flag, and the failure of some vessels to respect conservation requirements gives rise to huge resentment amongst those that do. In this instance the authority of Member States needs to be strengthened beyond the role proposed in Article 26.*

## Amendment 59

### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

In a technical measures framework established pursuant to Article 14 Member States may be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels **flying their flag** in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall ensure

*Amendment*

In a technical measures framework established pursuant to Article 14 Member States may be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to **all vessels operating** in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall

that such technical measures:

ensure that such technical measures:

Or. en

*Justification*

*In inshore waters the requirements of the Member State must apply to all fishing vessels, whatever nationality. No other approach can be regarded as fair to all.*

**Amendment 60**

**Proposal for a regulation**  
**Article 25 – point a**

*Text proposed by the Commission*

*(a) apply **solely** to **fishing** vessels **flying the flag of that Member State or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the territory;***

*Amendment*

*(a) apply to **all** vessels **operating in relation to stocks in their waters for which they have been allocated fishing opportunities***

Or. en

*Justification*

*In inshore waters the requirements of the Member State must apply to all fishing vessels of whatever nationality. No other approach can be regarded as fair to all.*

**Amendment 61**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after **consulting** the Commission, the relevant Member States and relevant Advisory Councils **on a draft** of the measures accompanied by an

*Amendment*

2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after **notifying** the Commission, the relevant Member States and relevant Advisory Councils of the measures accompanied by an explanatory memorandum **that also demonstrates that**

explanatory memorandum.

*they are non-discriminatory.*

Or. en

*Justification*

*In the interests of conservation, and to promote equity between all fishing vessels, the role of Member States needs to be strengthened in this regard.*

**Amendment 62**

**Proposal for a regulation**

**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Prior to the allocation of transferable fishing concessions, each Member State shall publish a statement of its policy in doing so, indicating its purpose, outlining how trade in transferable fishing concessions will be undertaken, and providing details of the rules and regulations that will apply. Such statement shall make reference to the requirements of good practice with which holders of transferable fishing concessions must comply.***

Or. en

*Justification*

*Member States must explain their policy in order to promote its effective application and ensure that its operation can later be appraised.*

**Amendment 63**

**Proposal for a regulation**

**Article 27 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. In designing the system of***

*transferable fishing concessions that they shall adopt, Member States may take account of social, economic and environmental criteria, and may:*

*(a) limit the proportion of fishing opportunities to be allocated to any one holder;*

*(b) limit the number of transferable fishing concessions that can be registered on a single vessel;*

*(c) limit or prohibit the transfer of transferable fishing concessions between specific segments of the fishing fleet;*

*(d) limit or prohibit the transfer of transferable fishing concessions between defined geographic areas in order to protect coastal communities;*

*(e) limit or prohibit the leasing of annual fishing allocations to ensure that holders have a direct and long-term stake in the fishery;*

*(f) limit the degree to which transferable fishing concessions may be divided, and require vessels to have a minimum number in order to be permitted to fish;*

*(g) limit the transfer of transferable fishing concessions to parties that can demonstrate a direct economic link to the fishery;*

*(h) require the scrapping of a vessel that, as a result of sales, has fewer transferable fishing concessions than a minimum specified;*

*(i) reserve a proportion of fishing opportunities for distribution to new entrants;*

Or. en

#### *Justification*

*It is important to make clear that Member States have enormous opportunity to shape the policy in such a way that can best protect their interests. The shaping of transferable fishing*

*concessions could be considered the strongest single instance of "regionalisation", allowing Member States to determine their own policy priorities and achieve capacity reduction.*

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 27 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. The Commission may adopt delegated acts, in accordance with Article 55, refusing to recognise a system of transferable fishing concessions established by a Member State if it believes that that system is unable to contribute to the achievement of capacity reductions necessary to meet the objective set out in Article 10(1), and in such instances may apply the financial penalties indicated in Article 50(2) unless satisfactory adjustments are made.***

Or. en

#### *Justification*

*A system of transferable fishing concessions can be designed to protect many fishing interests and address many concerns, but too restrictive a trading system may prevent the achievement of capacity reductions necessary to promote the recovery of stocks above maximum sustainable yield.*

## **Amendment 65**

### **Proposal for a regulation**

#### **Article 27 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. Transferable fishing concessions shall remain in the ownership of the Member State responsible for their allocation. A***

***Member State may revoke a holder's transferable fishing concessions if the objectives or requirements of its allocations policy are not being fulfilled and if the holder has failed to comply with that Member State's reasonable requests for compliance.***

Or. en

*Justification*

*Transferable fishing concessions are not property but an entitlement to use that is subject to compliance with the requirements of the Member State.*

**Amendment 66**

**Proposal for a regulation**

**Article 27 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

***2e. The Commission may adopt delegated acts, in accordance with Article 55, authorising, initially on a time-limited basis, well-justified requests by Member States or regional bodies for specific regional variations to be made to the 12 meters definition.***

Or. en

*Justification*

*Given the wide difference in sea conditions and national practices across Europe it is important to ensure that the details of the Regulation are capable of being interpreted flexibly so long as its objectives are maintained.*

## Amendment 67

### Proposal for a regulation Article 28 – paragraph 4

*Text proposed by the Commission*

4. Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, or to legal or natural persons for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer organisations. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.

*Amendment*

4. Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, or to legal or natural persons for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer organisations **or similar bodies**. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.

Or. en

*Justification*

*Many small-scale fishermen are not members of producer organisations.*

## Amendment 68

### Proposal for a regulation Article 28 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. Member States may allocate transferable fishing concessions free of charge, or may require payment of a fee, or may allocate such concessions by auction to holders that comply with all other requirements.***

Or. en

## Amendment 69

### Proposal for a regulation Article 28 – paragraph 7

*Text proposed by the Commission*

7. Notwithstanding paragraph 5 and 6, Member States may recall transferable fishing concessions that have not been used on a fishing vessel for a period of three consecutive years.

*Amendment*

7. Notwithstanding paragraph 5 and 6, Member States may recall ***and reallocate*** transferable fishing concessions that have not been used on a fishing vessel for a period of three consecutive years.

Or. en

## Amendment 70

### Proposal for a regulation Article 29 – paragraph 1

*Text proposed by the Commission*

1. Member States shall allocate individual fishing opportunities to holders of transferable fishing concessions, as referred to in Article 28, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.

*Amendment*

1. Member States shall allocate individual fishing opportunities to holders of transferable fishing concessions, as referred to in Article 28, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006, ***in a fair, equitable and transparent manner, particularly with regard to the small scale fishing fleet when operating within a system of transferable fishing concessions.***

Or. en

*Justification*

*The small scale fishing fleet is the largest employer, and often has the least environmental impact, but rarely has the resources or organisation to press its case for a distribution of opportunities that reflects its role.*

**Amendment 71**

**Proposal for a regulation**

**Article 29 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Such fishing opportunities shall not lay down catches of any species that exceed, in any one year or part of a year, the level necessary to achieve the objective of Article 10(1).***

Or. en

*Justification*

*Fish stocks have been destroyed by short term thinking and by the failure of governments to abide by scientific advice. The objective of restoring stock levels above maximum sustainable yield must be the priority.*

**Amendment 72**

**Proposal for a regulation**

**Article 29 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States may reserve up to **5%** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. ***Those fishing opportunities may only be allocated to eligible holders of transferable fishing concessions as set out in Article 28(4).***

4. Member States may reserve up to **10 %** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities.

*Justification*

*Member States may wish to provide encouragement for particular fishing practices, such as low-impact fishing, as well as providing additional opportunities for small-scale fishing practices.*

**Amendment 73**

**Proposal for a regulation  
Article 29 – paragraph 5**

*Text proposed by the Commission*

5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels deploying selective fishing gear that eliminates unwanted by-catch within the fishing opportunities assigned to that Member State.

*Amendment*

5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels ***employing low impact fishing methods and/or*** deploying selective fishing gear that eliminates unwanted by-catch within the fishing opportunities assigned to that Member State.

*Justification*

*Extension of the same principle, with particular regard to small scale fishing vessels.*

**Amendment 74**

**Proposal for a regulation  
Article 30 – paragraph 1a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that the register, and details of the terms and conditions under which transferable fishing concessions and fishing***

*opportunities have been allocated, are made publicly available.*

Or. en

*Justification*

*It is unacceptable that the public should not be able to establish the identity of holders of allocations, and the conditions with which they are expected to comply.*

**Amendment 75**

**Proposal for a regulation**

**Article 31 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Transferable fishing concessions shall only be transferred with the permission of the Member State that owns them. There shall be a presumption in favour of the transfer of such fishing concessions provided that the Member State concerned is satisfied that they do not conflict with the objectives of its allocations policy.***

Or. en

*Justification*

*The value of a transferable fishing concession will in part depend upon good stewardship of the fishing opportunities and part on the ability of the holder to be able to transfer it for financial gain. There should therefore be a presumption in favour of such transfers, but Member States may wish to have the right to intervene.*

**Amendment 76**

**Proposal for a regulation**

**Article 31 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Member States may make the***

*permission for the transfer conditional upon the vessel selling its fishing rights being taken out of service and scrapped.*

Or. en

*Justification*

*The capacity of Europe's fishing fleets must be reduced. Transfers of this kind will provide vessel owners with substantial financial gain, while the scrapping of vessels may also be profitable.*

**Amendment 77**

**Proposal for a regulation  
Article 33 – paragraph 1**

*Text proposed by the Commission*

1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag. It shall inform the Commission of the allocation method.

*Amendment*

1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag, ***including small-scale fishing vessels***. It shall inform the Commission of the allocation method.

Or. en

**Amendment 78**

**Proposal for a regulation  
Article 36 – paragraph 4**

*Text proposed by the Commission*

4. The information contained in the Union fishing fleet register shall be made available to all Member States. The Commission shall be empowered to adopt

*Amendment*

4. The information contained in the Union fishing fleet register shall be made available to all Member States ***and the public***. The Commission shall be

delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

Or. en

*Justification*

*Openness and transparency.*

**Amendment 79**

**Proposal for a regulation  
Article 37 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem based fisheries management, manage them and make them available to end users of scientific data, including bodies designated by the Commission. Those data shall in particular enable the assessment of:

*Amendment*

1. Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem based fisheries **and aquaculture** management, manage them, make them **publically** available **and supply them as required** to end users of scientific data, including bodies designated by the Commission. Those data shall **be collected at least biennially for stocks which are below levels capable of producing maximum sustainable yield. They shall** in particular enable the assessment of:

Or. en

*Justification*

*Every effort should be made to ensure that data reflects the current situation. There should be a presumption in favour of data being publicly available other than in exceptional circumstances. Data is needed to establish that aquaculture management is not proving detrimental to the marine environment.*

## Amendment 80

### Proposal for a regulation

#### Article 37 – paragraph 1 – point a

*Text proposed by the Commission*

(a) the state of exploited marine biological resources,

*Amendment*

(a) the **current** state of exploited marine biological resources,

Or. en

## Amendment 81

### Proposal for a regulation

#### Article 37 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the level of fishing **and** the impact that fishing activities have on the marine biological resources and on the marine ecosystems and

*Amendment*

(b) the **current** level of fishing **including by-catch**, the impact that fishing **and aquaculture** activities have on the marine biological resources and on the marine ecosystems and **the achievement of good environmental status as provided by Directive 2008/56/EC, and**

Or. en

## Amendment 82

### Proposal for a regulation

#### Article 37 – paragraph 1 – point c

*Text proposed by the Commission*

(c) the socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.

*Amendment*

(c) the **current** socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.

### Amendment 83

#### Proposal for a regulation Article 37 – paragraph 2 – point d

*Text proposed by the Commission*

(d) ensure that the collected data are accurate and reliable;

*Amendment*

(d) ensure that the collected data are accurate, reliable ***and comprehensive***;

Or. en

### Amendment 84

#### Proposal for a regulation Article 37 – paragraph 2 – point f

*Text proposed by the Commission*

(f) ensure safe storage of collected data ***and where applicable appropriate protection and confidentiality of collected data***;

*Amendment*

(f) ensure safe storage of collected data, ***making it publicly available other than in exceptional circumstances when appropriate protection and confidentiality may be required and when the reasons for such restrictions shall be declared***;

Or. en

### Amendment 85

#### Proposal for a regulation Article 37 – paragraph 2 – point g

*Text proposed by the Commission*

(g) ensure that the Commission, or bodies designated by it, have access to the national databases and systems used for processing the collected data for the purpose of verification of the existence and

*Amendment*

(g) ensure that the Commission, or bodies designated by it, have access to ***all*** the national databases and systems used for processing the collected data for the purpose of verification of the existence and

quality of the data.

quality of the data.

Or. en

## Amendment 86

### Proposal for a regulation

#### Article 37 – paragraph 2 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) make the allocation of transferable fishing concessions conditional upon holders annually submitting to Member States the required economic and social data.***

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 37 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. The collection, management and use of data shall be done in the framework of a multi-annual programme as of 2014. Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.

5. The collection, management and use of data shall be done in the framework of ***Council Regulation 2008/199/EC of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy<sup>1</sup>, which shall be reviewed and/or amended, or, if necessary, replaced with a framework of at least equivalent standard, implementing the provisions of this Article. A new multi-annual programme shall govern the collection, management and use of data as of 2014, which shall be subject to the provisions of***

*this Article and Regulation 2008/199/EC.*  
Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.

*Regulation 2008/199/EC shall continue to apply to the national programmes adopted for the collection and management of data for the years 2011, 2012 and 2013.*

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<sup>1</sup>. *OJ L 60, 5.3.2008, p. 1.*

Or. en

## **Amendment 88**

### **Proposal for a regulation Article 37 – paragraph 6**

#### *Text proposed by the Commission*

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5.

#### *Amendment*

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5, ***and to ensure the coordination between Member States of data collection and its presentation.***

Or. en

## Amendment 89

### Proposal for a regulation Article 38 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. In accordance with Article 50 the Commission shall withhold financial assistance if a Member State fails to provide scientific data that it is responsible for collecting and fails to comply with reasonable demands that it should do so.**

Or. en

#### *Justification*

*Member States have been required to collect scientific data for many years but some have failed to do so. As scientific evidence is essential to the effective working of the Regulation the Commission must have sanctions available.*

## Amendment 90

### Proposal for a regulation Article 39 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Union shall **participate in** the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.

1. The Union shall **actively contribute to and support** the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.

Or. en

#### *Justification*

*The EU must be proactive in promoting best practice in fisheries management across the globe.*

## **Amendment 91**

### **Proposal for a regulation Article 41 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Sustainable Fisheries Agreements shall provide that EU fishing vessels can operate in the waters of a third country only if they are in possession of a fishing authorisation which has been issued in accordance with a procedure agreed by both parties to the agreement.***

Or. en

*Justification*

*Intended to ensure that EU vessels can fish only if compliant with the terms and conditions of the agreement, and may not enter into private arrangements that may impose less stringent conditions.*

## **Amendment 92**

### **Proposal for a regulation Article 41 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Fishing authorisation under the terms of a Sustainable Fishing Agreement shall not be granted to fishing vessels previously flagged in the Union in the 24 months prior to an application being made.***

Or. en

*Justification*

*There are said to have been numerous cases of EU vessels changing their flag in order to circumvent the rules of fisheries partnerships agreements. So far as possible this practice must be curbed.*

### **Amendment 93**

#### **Proposal for a regulation**

#### **Article 41 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. Respect for democratic principles, the rule of law, and human rights as laid down in the Universal Declaration of Human Rights, shall constitute an essential element of Sustainable Fisheries Agreements that shall include specific provisions regarding human rights.***

Or. en

### **Amendment 94**

#### **Proposal for a regulation**

#### **Article 41 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. From 1 January 2015, Union fishing vessels shall not undertake any fishing activities in third country waters except in compliance with the terms of a Sustainable Fisheries Agreement.***

Or. en

#### *Justification*

*Important to ensure that the EU sets an example by ensuring that its presence in global waters is rule based and legitimate.*

## Amendment 95

### Proposal for a regulation

#### Article 43 – paragraph 1 – point a

*Text proposed by the Commission*

(a) improving the competitiveness of the aquaculture industry and supporting its development and innovation;

*Amendment*

(a) improving the **quality, sustainability and** competitiveness of the aquaculture industry and supporting its development and innovation;

Or. en

*Justification*

*Demonstrating the quality and sustainability of aquaculture is essential if the public is to have confidence and the industry is to be successful. Issues such as the food chain, use of antibiotics, and discharges must be addressed.*

## Amendment 96

### Proposal for a regulation

#### Article 43 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) limiting the quantities of aquaculture feed obtained from wild capture fisheries to levels that pose no threat to meeting the objectives set out in Article 10, or to the sustainability of fishing practices elsewhere in the world.***

Or. en

*Justification*

*The guidelines must address the strongest criticism of aquaculture, viz. that its use of feed requiring a greater weight of fish than is produced by the end product may not contribute to*

*sustainability. In particular the guidelines must ensure that the demands of aquaculture do not threaten the achievement of MSY in conventional fisheries.*

## **Amendment 97**

### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) ensuring that aquaculture operations are compatible with the objectives of Directive 2008/56/EC.***

Or. en

#### *Justification*

*Pollution from fish farms is a major cause of concern, and can threaten the marine ecosystem and the health of conventional fisheries. Compliance with the requirements of the Marine Strategy Framework Directive is essential.*

## **Amendment 98**

### **Proposal for a regulation**

#### **Article 43 – paragraph 1 – point d c (new)**

*Text proposed by the Commission*

*Amendment*

***(dc) preventing adverse changes to related eco-systems.***

Or. en

#### *Justification*

*Discharges from aquaculture can be detrimental to both the marine and freshwater environment and must be controlled.*

## Amendment 99

### Proposal for a regulation

#### Article 43 – paragraph 4 – point c

*Text proposed by the Commission*

(c) indicators for environmental, economic and social sustainability;

*Amendment*

(c) indicators for **quality and** environmental, economic and social sustainability;

Or. en

#### *Justification*

*Demonstrating the quality and sustainability of aquaculture is essential if the public is to have confidence and the industry is to be successful. Issues such as the food chain, use of antibiotics, and discharges must be addressed.*

## Amendment 100

### Proposal for a regulation

#### Article 49 – paragraph 1

*Text proposed by the Commission*

Union financial assistance **may** be granted **to contribute to the achievement of the** objectives set out in Articles 2 and 3.

*Amendment*

Union financial assistance **shall** be granted **only to actions and initiatives in compliance with** objectives set out in Articles 2 and 3.

Or. en

#### *Justification*

*Union financial assistance must be conditional on compliance with the Regulation's objectives*

## Amendment 101

### Proposal for a regulation Article 50 – paragraph 2

*Text proposed by the Commission*

2. Non-compliance by Member States with the rules of the Common Fisheries Policy **may** result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

*Amendment*

2. Noncompliance by Member States with the rules of the Common Fisheries Policy **shall** result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

Or. en

#### *Justification*

*Union financial assistance must be conditional on compliance with the rules set out in the Regulation.*

## Amendment 102

### Proposal for a regulation Article 51 – paragraph 1

*Text proposed by the Commission*

1. Union financial assistance toward operators shall be conditional upon compliance with the rules of the Common Fisheries policy by operators.

*Amendment*

1. Union financial assistance toward operators shall be conditional upon compliance with **the objectives** and rules of the Common Fisheries policy by operators.

Or. en

## Amendment 103

### Proposal for a regulation Article 51 – paragraph 2

*Text proposed by the Commission*

2. Serious infringements by operators of the rules of the Common Fisheries Policy shall result in temporary or permanent bans on access to the Union financial assistance **and/or** application of financial penalties. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

*Amendment*

2. Serious infringements by operators of the rules of the Common Fisheries Policy ***in the three years following the granting of Union financial assistance*** shall result in temporary or permanent bans on access to the Union financial assistance, application of financial penalties ***and the repayment, in whole or in part, of that previously granted Union financial assistance***. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

Or. en

*Justification*

*Public aid should not be granted to operators who seriously infringe the rules of the CFP.*

## Amendment 104

### Proposal for a regulation Article 51 – paragraph 3

*Text proposed by the Commission*

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been imposed to the concerned operator within a period of ***1 year*** prior to the date of application for Union financial assistance.

*Amendment*

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been imposed to the concerned operator within a period of ***three years*** prior to the date of application for Union financial assistance.

Or. en

*Justification*

*By definition 'serious infringements' are indeed serious, and if sanctions are warranted then these must be genuinely dissuasive.*

**Amendment 105**

**Proposal for a regulation**

**Article 51 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Where aid for decommissioning a vessel is paid by a Member State or the Commission, any Union financial assistance paid within the previous three years in respect of the modernisation or improvement of that vessel shall be repaid.***

Or. en

*Justification*

*The Commission is proposing that aid for decommissioning should no longer be paid and if this is agreed the amendment becomes irrelevant. If not, it helps to ensure that the use of public funds will be protected.*