



**COUNCIL OF  
THE EUROPEAN UNION**

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from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea - Outcome of the European Parliament's first reading (Strasbourg, 14 to 17 January 2013)

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**I. INTRODUCTION**

The Rapporteur, Mrs Anna ROSBACH (ECR, DK), presented a report consisting of 28 amendments (amendments 1-28) to the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea on behalf of the Committee on Fisheries.

No negotiations with the Council took place on this proposal.

As the proposal was placed on the agenda under Rule 138 of the European Parliament's Rules of Procedure, no debate was held.

## **II. VOTE**

When it voted in plenary on 16 January 2013, the European Parliament adopted amendments 1-28.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

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## **Sustainable exploitation of fishery resources in the Mediterranean Sea \*\*\*I**

**European Parliament legislative resolution of 16 January 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (COM(2011)0479 – C7-0216/2011 – 2011/0218(COD))**  
**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0479),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0216/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 7 December 2011<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0180/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 43, 15.2.2012, p. 56.

## Amendment 2

### Proposal for a regulation Recital -1 (new)

*Text proposed by the Commission*

*Amendment*

***(-1) It is necessary to carry out a general alignment of Council Regulation (EC) No 1967/2006<sup>1</sup> in order to reflect the changes brought about by the entry into force of the Treaty on the Functioning of the European Union.***

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<sup>1</sup> *OJ L 409, 30.12.2006, p.11.*

## Amendment 3

### Proposal for a regulation Recital 3 – introductory part

*Text proposed by the Commission*

*Amendment*

(3) In order to ***apply some of the provisions*** of Regulation (EC) No 1967/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

(3) In order to ***supplement or amend certain non-essential elements*** of Regulation (EC) No 1967/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

## Amendment 4

### Proposal for a regulation Recital 3 – indent -1 (new)

*Text proposed by the Commission*

*Amendment*

***– the designation of a fishing protected area in a Member State's territorial waters or the laying down of fisheries management measures in respect of the waters concerned if the Member State's fisheries management measures are not sufficient to ensure a high level of protection of resources and of the environment;***

## **Amendment 5**

### **Proposal for a regulation**

#### **Recital 3 – indent -1 a (new)**

*Text proposed by the Commission*

*Amendment*

*– the decision to confirm, cancel or amend a designation of a fishing protected area that is liable to affect the vessels of another Member State;*

## **Amendment 6**

### **Proposal for a regulation**

#### **Recital 3 – indent 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*– the amendment of the derogation which authorises the use of trawl nets;*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 3 – indent 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*– the amendment of a Member State's management plan if that management plan is not sufficient to ensure a high level of protection of resources and of the environment;*

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 3 – indent 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*– the decision to confirm, cancel or amend a Member State's management plan that is liable to affect the vessels of another Member State;*

## Amendment 9

### Proposal for a regulation

#### Recital 3 – indent 1 d (new)

*Text proposed by the Commission*

*Amendment*

*– the distribution of the surplus of available fishing capacity between the Member States in the 25-mile management zone around Malta, and*

## Amendment 10

### Proposal for a regulation

#### Recital 3 – indent 3

*Text proposed by the Commission*

*Amendment*

*– the adoption of detailed rules for further technical specifications of square mesh panels to be inserted into towed nets;*

*deleted*

## Amendment 11

### Proposal for a regulation

#### Recital 3 – indent 4

*Text proposed by the Commission*

*Amendment*

*– the adoption of technical specifications limiting the maximum dimension of float line, ground rope, circumference or perimeter of trawl nets along with the maximum number of nets in multi-rig trawl nets, and*

*deleted*

## Amendment 12

### Proposal for a regulation

#### Recital 3 – indent 5

*Text proposed by the Commission*

*Amendment*

*– the amendments to the Annexes to Regulation (EC) No 1967/2006.*

*deleted*

## Amendment 13

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

*Amendment*

***(6) Further technical and scientific information is needed to duly take into account the specificities of the Mediterranean fisheries to enable the Commission to establish possible technical specifications limiting the maximum dimension of trawl nets and the maximum number of nets in multi-rig trawl nets, as mentioned above;***

***deleted***

## Amendment 14

### Proposal for a regulation

#### Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) The conservation of fishery resources in the Mediterranean Sea is of particular importance and should therefore be mentioned in the title of Regulation (EC) No 1967/2006.***

## Amendment 1

### Proposal for a regulation

#### Article 1 – point -1 (new)

Regulation (EC) No 1967/2006

Title

*Text proposed by the Commission*

*Amendment*

***(-1) The title of Regulation (EC) No 1967/2006 is replaced by the following:***

***"Council Regulation (EC) No 1967/2006 concerning management measures for the conservation and sustainable exploitation of fishery resources in the Mediterranean Sea"***

## Amendment 15

### Proposal for a regulation

#### Article 1 – point 1 a (new)

Regulation (EC) No 1967/2006

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(1a) In Article 6, paragraph 2 is replaced by the following:***

***"2. After the period laid down in paragraph 1 and until 30 November 2009, the Council may designate additional fishing protected areas, or change their delimitation and management rules established therein, on the basis of new relevant scientific information.***

***From 1 December 2009, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, on a proposal from the Commission, shall designate additional fishing protected areas, or change their delimitation and management rules established therein, on the basis of new relevant scientific information."***

## Amendment 16

### Proposal for a regulation

#### Article 1 – point 1 b (new)

Regulation (EC) No 1967/2006

Article 7 – paragraphs 4 and 5

*Text proposed by the Commission*

*Amendment*

***(1b) Article 7 is amended as follows:***

***(a) Paragraph 4 is replaced by the following:***

***"4. If the Commission considers that the fisheries management measures notified pursuant to paragraph 3 are not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the measure within three months from the date of notification of the request.***



*If the Commission considers that the Member State's fisheries management measures have not been changed, or have been amended inappropriately, and are still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts, in accordance with Article 30a, designating a fishing protected area or laying down fisheries management measures in respect of the waters concerned."*

*(b) Paragraph 5 is replaced by the following:*

*"5. Where a Member State proposes to designate a fishing protected area within its territorial waters that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that designation.*

*The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed designation within 30 working days from the date of notification of the proposed designation.*

*After considering any such comments submitted, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the designation within 60 working days from that date of notification of the proposed designation."*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 1 – point 2 – point b a (new)**

Regulation (EC) No 1967/2006

Article 13 – paragraph 11 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

*(ba) In paragraph 11, subparagraph 4 is replaced by the following:*

*"If the Commission, on the basis of the notifications provided by Member States*

in accordance with subparagraphs 2 and 3, or of new scientific advice, considers that the conditions for a derogation are not met, it may, after having consulted the Member State concerned, *request it to amend the derogation within three months from the date of the notification of the request. If the Commission considers that the Member State has not amended that derogation, or has amended it inappropriately, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, amending that derogation in order to ensure the protection of resources and of the environment.*"

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 1 – point 2 a (new)**

Regulation (EC) No 1967/2006

Article 14 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***(2a) In Article 14, paragraph 3 is deleted.***

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 1 – point 2 b (new)**

Regulation (EC) No 1967/2006

Article 18 – paragraph 1 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

***(2b) In the first subparagraph of Article 18(1), the introductory part is replaced by the following:***

***"1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, on a proposal from the Commission, shall adopt management plans for specific Mediterranean fisheries, in particular, in areas totally or partially beyond the territorial waters of Member States. These plans may, in particular, include:"***

## Amendment 20

### Proposal for a regulation

#### Article 1 – point 2 c (new)

Regulation (EC) No 1967/2006

Article 19 – paragraphs 8 and 9

*Text proposed by the Commission*

*Amendment*

*(2c) Article 19 is amended as follows:*

*(a) Paragraph 8 is replaced by the following:*

*"8. If the Commission, on the basis of the notification referred to in paragraph 7 or of new scientific advice, considers that a management plan adopted under either paragraph 1 or paragraph 2 is not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the plan within three months from the date of notification of the request.*

*If the Commission considers that the Member State's management plan has not been changed, or has been amended inappropriately, and is still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts, in accordance with Article 30a, amending the management plan in order to ensure the protection of the resources and of the environment."*

*(b) Paragraph 9 is replaced by the following:*

*"9. Where a Member State proposes to adopt a management plan that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that management plan.*

*The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed management plan within 30 working days from the date of*

*notification of the proposed adoption.*

*After considering any such comments submitted, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the plan within 60 working days from that date of notification of the proposed management plan."*

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 1 – point 4 a (new)**

Regulation (EC) No 1967/2006

Article 28

*Text proposed by the Commission*

*Amendment*

*(4a) Article 28 is deleted.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 1 – point 4 b (new)**

Regulation (EC) No 1967/2006

Article 29

*Text proposed by the Commission*

*Amendment*

*(4b) Article 29 is deleted.*

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 1 – point 5**

Regulation (EC) No 1967/2006

Article 30

*Text proposed by the Commission*

*Amendment*

*(5) Article 30 is replaced by the following:*

*(5) Article 30 is deleted.*

*The Annexes shall be amended by means of delegated acts adopted in accordance with Article 30a.*

## Amendment 24

### Proposal for a regulation

#### Article 1 – point 6

Regulation (EC) No 1967/2006

Article 30a – paragraph 2

#### *Text proposed by the Commission*

2. The ***delegation of powers*** referred to in Articles 4(5), 13(5) and (10), the first subparagraph of Article 26(3), the second subparagraph of Article 27(3), ***Article 30, Annex I(B)(3) and Annex II(7)*** shall be conferred for ***an indeterminate*** period of ***time*** from ***the date of the entry into force of this Regulation***.

#### *Amendment*

2. The ***power to adopt delegated acts*** referred to in Articles 4(5), ***7(4) and (5)***, 13(5) and (10), ***the fourth subparagraph of Article 13(11), Article 19(8) and (9)***, the first subparagraph of Article 26(3) ***and*** the second subparagraph of Article 27(3) shall be conferred ***on the Commission*** for a period of ***three years*** from ...\*. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

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***\* OJ please insert the date of entry into force of this Regulation.***

## Amendment 25

### Proposal for a regulation

#### Article 1 – point 7

Regulation (EC) No 1967/2006

Annex I – section B – point 3

#### *Text proposed by the Commission*

3. Square mesh panels may be inserted into any towed net and shall be placed in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end. It shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes

#### *Amendment*

3. Square mesh panels may be inserted into any towed net and shall be placed in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end. It shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes

remain fully open at all times while fishing. ***Detailed rules for further technical specifications of square mesh panels shall be established by means of delegated acts adopted in accordance with Article 30a.***

remain fully open at all times while fishing.

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 1 – point 7 a (new)**

Regulation (EC) No 1967/2006

Annex I – section B – point 4

*Text proposed by the Commission*

*Amendment*

***(7a) In Annex I, point 4 of section (B) is deleted.***

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 1 – point 7 b (new)**

Regulation (EC) No 1967/2006

Annex I – section B – point 5

*Text proposed by the Commission*

*Amendment*

***(7b) In Annex I, point 5 of section (B) is replaced by the following:***

***"5. The carrying on board or the use of any towed net the cod-end of which is constructed wholly or in part of any type of netting material made of meshes other than square mesh or diamond mesh shall be prohibited."***

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 1 – point 8**

Regulation (EC) No 1967/2006

Annex II – point 7

*Text proposed by the Commission*

*Amendment*

***(8) In Annex II, point 7 is replaced by the following:***

***7. Technical specifications limiting the maximum dimension of floatline,***

***(8) In Annex II, point 7 is deleted.***

*groundrope, circumference or perimeter of trawl nets along with the maximum number of nets in multi-rig trawl nets may be established by the Commission by means of delegated acts adopted in accordance with Article 30a.*