



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

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) N° 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) N° 88/98
- Outcome of the European Parliament's first reading (Strasbourg, 15 to 18 April 2013)

I. INTRODUCTION

The Rapporteur, Mr Raül ROMEVA I RUEDA (Greens/EFA-ES), presented a report consisting of four amendments (amendments 1-4) to the proposal for a Regulation, on behalf of the Committee on Fisheries.

II. DEBATE

No debate took place.

III. VOTE

When it voted on 16 April 2013, the plenary adopted four amendments (amendments 1-4). The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex hereto.

Incidental catches of cetaceans *I**

European Parliament legislative resolution of 16 April 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98 (COM(2012)0447– C7-0213/2012 – 2012/0216(COD))
(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0447),
 - 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 (C7-0213/2012),
 - having regard to the opinion of the European Economic and Social Committee of 14 November 2012¹,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0042/2013),
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.

Amendment 1

Proposal for a regulation **Recital 3**

Text proposed by the Commission

Amendment

(3) In order to *apply certain provisions of*

(3) In order to *ensure the efficient*

¹ Not yet published in the Official Journal.

Regulation (EC) No 812/2004, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of technical specifications and conditions of use of acoustic deterrent devices.

adaptation of certain provisions to reflect technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of technical specifications and conditions of use of acoustic deterrent devices.

Amendment 2
Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In view of the requirement for Member States to take the necessary measures to establish a system of strict protection for cetaceans, in view of the shortcomings of Regulation (EC) No 812/2004 and its implementation, pointed out by the Commission in its Communication on Cetacean incidental catches in Fisheries¹ and by ICES in its related 2010 scientific advice, and in view of the lack of integration of Directive 92/43/EEC² ("the Habitats Directive"), the Commission should, before the end of 2015, submit a legislative proposal for a coherent, overarching legislative framework for ensuring the effective protection of cetaceans from all threats.

¹ ***Communication from the Commission to the European Parliament and the Council entitled "Cetacean incidental catches in Fisheries: Report on the implementation of certain provisions of Council Regulation (EC) No 812/2004 and on a scientific assessment of the effects of using in particular gillnets, trammel nets and entangling nets on cetaceans in the Baltic Sea as requested through Council Regulation (EC) No 2187/2005" (COM(2009)0368).***

² ***Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).***

Amendment 3

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EC) No 812/2004

Article 7 – paragraph 3 (new)

Text proposed by the Commission

Amendment

(1a) In Article 7, the following paragraph is added:

"3. The Commission shall no later than 31 December 2015 review the effectiveness of the measures laid down in this Regulation and accompany this review with an overarching legislative proposal for ensuring the effective protection of cetaceans."

Amendment 4

Proposal for a regulation

Article 1 – point 3

Regulation (EC) No 812/2004

Article 8a – paragraph 2

Text proposed by the Commission

Amendment

2. The ***delegation of*** power referred to in Article 3(1) shall be conferred for ***an indeterminate*** period of ***time***.

2. The power ***to adopt delegated acts*** referred to in Article 3(1) 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 identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

**** OJ: Please insert the date of entry into force of this Regulation.***