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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) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks - Outcome of the European Parliament's first reading (Strasbourg, 10 to 13 June 2013)

I. INTRODUCTION

The Rapporteur, Mrs Diane DODDS (NA - UK), presented a report consisting of twenty-one amendments to the proposal for a Regulation, on behalf of the Committee on Fisheries.

II. VOTE

The Parliament voted, without a preceding plenary debate, on 11 June 2013 and adopted all twenty-one amendments tabled by the Committee on Fisheries. No other amendments had been tabled.

The text of the amendments adopted and the European Parliament's legislative resolution are set out in the Annex hereto.

Long-term plan for cod stocks and the fisheries exploiting those stocks - 2 *I**

European Parliament legislative resolution of 11 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (COM(2012)0498 – C7-0290/2012 – 2012/0236(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0498),
 - 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 (C7-0290/2012),
 - 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 13 December 2012¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0146/2013),
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.

¹ OJ C 44, 15.2.2013, p. 125.

Amendment 1

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Member States have used different methodologies to calculate effort during the reference years and to calculate reported effort consumption within the plan. This has allowed a higher level of deployed effort than intended by the plan, which should therefore be rectified.

Amendment

(2) Member States have used different methodologies to calculate effort during the reference years and to calculate reported effort consumption within the plan. This has allowed a higher level of deployed effort than intended by the plan, which should therefore be rectified ***by standardising the methodologies used by the Member States to calculate effort.***

Amendment 2

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Maintaining fishing mortality rates at a sustainable level, based on scientific advice, should allow fish stocks to recover. Member States should give priority to the development and promotion of measures and incentives that aim to avoid unwanted catches. Financial support should be provided for the use of selective gear measures.

Amendment 3

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Given the high levels of cod discards that have been observed during the period of implementation of the plan, it is necessary that Member States take appropriate action to minimise discards, inter alia by allocating their fishing opportunities amongst vessels in such a way as to match quotas to expected catches

Amendment

(8) Given the high levels of cod discards that have been observed during the period of implementation of the plan, it is necessary that Member States take appropriate action to minimise ***and, where possible, eliminate*** discards, inter alia by allocating their fishing opportunities amongst vessels in such a way as to match

to the greatest degree possible.

quotas to expected catches to the greatest degree possible.

Amendment 4

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 1342/2008

Article 4 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, the fishing effort deployed by a group of vessels shall be calculated as the sum of the products of capacity-values in kW for each vessel and the number of days each vessel has been present within an area set out in Annex I. A day present within an area shall be any continuous period of 24 hours or part thereof during which a vessel is present within the area and absent from port.

Amendment

1. For the purposes of this Regulation, the fishing effort deployed by a group of vessels shall be calculated as the sum of the products of capacity-values in kW for each vessel and the number of days each vessel has been present within an area set out in Annex I. A day present within an area shall be any continuous period of 24 hours or part thereof during which a vessel ***either*** is present within the area and absent from port ***or, as the case may be, has its fishing gear deployed within the area.***

Amendment 5

Proposal for a regulation

Article 1 – point 1

Regulation (EC) 1342/2008

Article 4 – paragraph 2

Text proposed by the Commission

2. ***When calculating a day*** present within an area ***Member States shall use the same method used to establish the effort baseline referred to*** in Article 12(2)(a).

Amendment

2. ***Member States shall calculate days*** present within an area in ***accordance with Article 26 of Regulation (EC) No 1224/2009.***

Amendment 6

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EC) No 1342/2008

Article 8 – paragraph 5 a (new)

(1a) In Article 8, the following paragraph is inserted:

'5a. Notwithstanding paragraphs 2 to 5, the Council may decide on an alternative TAC level when scientific advice indicates that that level would be more appropriate to meet the objectives of the plan.'

Amendment 7

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1342/2008

Article 9

(2) Article 9 is replaced by the following:

‘Article 9

Special procedure for setting TACs

1. Where there is insufficient information to set the TACs in accordance with Article 7, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level indicated by scientific advice. However, if the level indicated by scientific advice is more than 20 % greater than the TACs in the previous year, they shall be set at a level 20% greater than the TACs in the previous year, or if the level indicated by scientific advice is more than 25 % less than the TACs in the previous year they shall be set at a level 25 % less than the TACs in the previous year.

2. Where there is insufficient information to set the TACs in accordance with paragraph 1, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level corresponding to:

(a) a 25 % reduction compared to the TAC in the previous year,

(2) Article 9 is replaced by the following:

‘Article 9

Special procedure for setting TACs

1. Where there is insufficient information to set the TACs in accordance with Article 7, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level indicated by scientific advice. However, if the level indicated by scientific advice is more than 20 % greater than the TACs in the previous year, they shall be set at a level 20% greater than the TACs in the previous year, or if the level indicated by scientific advice is more than 20 % less than the TACs in the previous year they shall be set at a level 20 % less than the TACs in the previous year.

2. By way of derogation from paragraph 1, where scientific advice indicates that there should be no directed fisheries and that:

(i) by-catch should be minimised or reduced to the level advised by STECF or ICES, and/or

or, if scientific advice so recommends,

(b) a reduction not exceeding 25 %, compared to the TAC in the previous year, together with other appropriate measures.

3. Where there is insufficient information to set the TACs in accordance with Article 8, the TACs for the cod stock in the North Sea, the Skagerrak and the eastern Channel shall be set by applying mutatis mutandis paragraphs 1 and 2 of this Article, unless consultations with Norway result in agreement on a different level of the TAC.’

(ii) the catches of cod should be reduced to the level advised by STECF or ICES,

the Council shall decide not to apply annual adjustments to the total allowable catch in the subsequent year on condition that the TAC set is for by-catch only.

3. Where there is insufficient information to set the TACs in accordance with Article 8, the TACs for the cod stock in the North Sea, the Skagerrak and the eastern Channel shall be set by applying mutatis mutandis paragraphs 1 and 2 of this Article, unless consultations with Norway result in agreement on a different level of the TAC.’

Amendment 9

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11a – paragraph 1– introductory phrase

Text proposed by the Commission

1. Fishing effort deployed by a vessel during a trip may be excluded by the Member States *when counting the deployed effort against the maximum allowable fishing effort if:*

Amendment

1. Fishing effort deployed by a vessel during a trip may be excluded by the Member States *for as long as one of the following conditions is met:*

Amendment 10

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11a – paragraph 1 – point c

Text proposed by the Commission

(c) during that trip the fishing vessel concerned *has only one* regulated gear on board and that gear is listed in accordance with paragraph 2.

Amendment

(c) during that trip the fishing vessel concerned *uses one type of* regulated gear on board and that gear is listed in accordance with paragraph 2; *if the vessel carries other gear on board during the fishing trip, it shall be stowed in accordance with Article 47 of Regulation*

Amendment 11

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11a – paragraph 2

Text proposed by the Commission

2. Based on the information provided by Member States pursuant to paragraph 3, and in accordance with scientific advice, the Council shall establish a list of areas outside cod-distribution and a list of gears the technical attributes of which result in cod catches of less than 1,5 % of the total catches measured by weight.

Amendment

2. Based on the information provided by Member States pursuant to paragraph 3, and in accordance with scientific advice, the Council shall establish a list of areas outside cod-distribution and a list of gears the technical attributes of which result in cod catches of less than 1,5 % of the total catches measured by weight. ***Once a gear or area, submitted by a Member State, is approved, it shall be possible for other Member States to use it.***

Amendment 12

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11b – paragraph 2

Text proposed by the Commission

2. Requests for the adjustment of the baseline referred to in paragraph 1 shall be submitted by Member States to the Commission by ***[within one year from adoption of this amendment - will be filled with concrete date].***

Amendment

2. Requests for the adjustment of the baseline referred to in paragraph 1 shall be submitted by Member States to the Commission by ***31 December of each year.***

Amendment 13

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11c – paragraph 2

Text proposed by the Commission

Amendment

2. When paragraph 1 is applied, Member States shall adjust the maximum allowable fishing effort set pursuant to Article 12(1) for the effort group concerned **by deducting an amount of effort equivalent to the amount of effort deployed by the participating vessel in the year before its exclusion from the fishing effort regime.**

2. When paragraph 1 is applied, Member States shall adjust the maximum allowable fishing effort set pursuant to Article 12(1) for the effort group concerned. **The Commission shall adopt implementing acts laying down detailed rules concerning the adjustment of the maximum allowable fishing effort referred to in the first sentence. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32.**

Amendment 14

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11c – paragraph 4

Text proposed by the Commission

Amendment

4. Transfers of cod quota to and from the vessels excluded from the fishing-effort regime in accordance with paragraph 1 shall be prohibited.

deleted

Amendment 15

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11d – title

Text proposed by the Commission

Amendment

Transitional measures on exclusions

Measures on exclusions **previously obtained.**

Amendment 16

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1342/2008

Article 11 d – introduction

Text proposed by the Commission

Exclusions from the fishing effort regime that were already in force prior to [___ - ***will be filled with concrete date***] shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

Amendment

Exclusions from the fishing effort regime that were already in force prior to ...* shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.

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

Amendment 17

Proposal for a regulation

Article 1 – point 5 – point a

Regulation (EC) No 1342/2008

Article 12 – paragraph 4

Text proposed by the Commission

(a) Paragraph 4 is replaced by the following:

‘4. For aggregated effort groups where the percentage cumulative catch calculated according to paragraph 3(d) is equal to or exceeds 20 %, annual adjustments shall apply. The maximum allowable fishing effort of the groups concerned shall be calculated as follows:

(a) where Articles 7 or 8 apply, by applying to the baseline the same percentage adjustment as that set out in those Articles for fishing mortality;

(b) where ***Article 9(1)*** applies, by applying the same percentage adjustment in fishing effort as the adjustment of the TAC compared with the previous year;

(c) where Article 9(2) applies, by applying a reduction not exceeding 25 %, compared to the maximum allowable fishing-effort for the effort groups concerned in the

Amendment

(a) Paragraph 4 is replaced by the following:

‘4. For aggregated effort groups where the percentage cumulative catch calculated according to paragraph 3(d) is equal to or exceeds 20 %, annual adjustments shall apply. The maximum allowable fishing effort of the groups concerned shall be calculated as follows:

(a) where Articles 7 or 8 apply, by applying to the baseline the same percentage adjustment as that set out in those Articles for fishing mortality;

(b) where ***Article 9*** applies, by applying the same percentage adjustment in fishing effort as the adjustment of the TAC compared with the previous year.

previous year, together with other appropriate measures.'

Amendments 8 and 18

Proposal for a regulation

Article 1 – point 5 a (new)

Regulation (EC) No1342/2008

Article 12 a (new)

Text proposed by the Commission

Amendment

(5a) The following Article is inserted:

'Article 12a

In order to obtain sustainable fishing mortality rates, based on scientific advice, a gradual elimination of discards shall be implemented. Selective gears and other measures for this purpose shall be introduced by Member States with financial support from the European Maritime and Fisheries Fund. Member States shall consult the relevant Regional Advisory Council as well as ICES and/or STEFC and relevant stakeholders on the measures to be adopted.'

Amendment 19

Proposal for a regulation

Article 1 – point 7

Regulation (EC) No1342/2008

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the scientific data indicate that ***more than 10 % of the total cod catches*** for a particular ***effort group consist of discards, or where the quota allocation does not correspond to the expected catches and is likely to result in cod discards***, the Member State concerned shall take immediate measures to minimise cod discards.

5. Where the scientific data indicate that, for a particular ***gear, large volumes of cod are discarded throughout the management period***, the Member State concerned shall take immediate measures to minimise cod discards.

Amendment 20

Proposal for a regulation

Article 1 – point 7 a (new)

Regulation (EC) No1342/2008

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

(7a) In Article 16(3), the words "in 2009" are deleted.

Amendment 21

Proposal for a regulation

Article 1 – point 7 b (new)

Regulation (EC) No1342/2008

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

(7b) In Article 17, paragraph 4 is replaced by the following:

'Where the cpue of the donor gear group is lower than the cpue of the receiving gear group, the Member State shall apply a correction factor to the amount of effort in the receiving gear group so that the latter's higher cpue is compensated for. The Member States shall not perform this adjustment where they can demonstrate that the transfer is made with the aim of avoiding cod catches or limiting discards in compliance with Union legislation on the use of fishing gear.'