



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 June 2013

10680/13

**Interinstitutional File:
2012/0162 (COD)**

**CODEC 1372
PECHE 249
PE 270**

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 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing - Outcome of the European Parliament's first reading (Strasbourg, 10 to 13 June 2013)

I. INTRODUCTION

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

II. DEBATE

The Rapporteur opened the debate, which took place on 11 June 2013, and:

- stressed the need not only to establish appropriate measures to tackle illegal, unreported and unregulated fishing ("IUU"), but also to ensure that they are actually implemented;

- welcomed the Commission's preliminary blacklist of eight countries (Belize, Cambodia, Fiji, Guinea, Panama, Sri Lanka, Togo and Vanuatu) carrying out damaging activities, but asked when a definitive list would be drawn up;
- expressed his concern that some countries might be omitted due to a number of reasons, for example the influence of a particular Member State of the EU; and
- suggested that other countries might be included on the list, for example Korea, Russia, Indonesia, the Philippines, Thailand, Papua New Guinea and China. Whilst the Korean government had begun to take action, it was nonetheless necessary to see how this would develop in practice.

Commissioner DAMANAKI:

- recognised the importance of combating illegal fisheries worldwide. It is one of the Commission's main priorities and will perhaps become the Commission's first priority once its work on the reform of the Common Fisheries Policy is on track;
- emphasised how much effort had been devoted to combating overfishing in the context of the CFP reform. The Commission's first priority has been to enforce the existing rules in European waters. The Commission had for example reduced the Spanish quota for mackerel by 65,000 tonnes in March 2103 because of overfishing. In recent years, deficiencies in the control systems had also led to administrative enquiries and action plans being agreed with Malta in 2011, Spain in 2012 and Latvia in 2013. Other actions were currently in the pipeline;
- recognised the need to tackle IUU fishing in the context of fish imports;
- recalled that, over the past three years, the Commission had undertaken a process of identifying non-cooperating third countries. This had resulted in the list of eight countries that received the equivalent of a yellow card six months earlier. The purpose of this exercise is to bring about fundamental reform of the fisheries control systems. The Commission wants to collaborate with third countries in order to have satellite controls, inspections and laws allowing effective sanctions;

- As regards the eight countries in question:
 - Fiji, Togo, Sri Lanka and Panama had made credible progress and would receive additional time to implement the necessary reforms and to adapt their fleets;
 - a mission was currently taking place in Vanuatu; and
 - Belize, Cambodia and Guinea had not so far proved cooperative. If their attitude did not change, the Commission would have to take further steps, which might take the form of trade measures to be adopted by the Council on a proposal from the Commission. The Commission was currently in the process of preparing these proposals.
- stated that the Commission is also investigating the situation in other countries, some of which had just been mentioned by the Rapporteur. If no concrete progress were achieved, the Commission would hand out further yellow cards in the autumn of 2013.

Speaking on behalf of the EPP political group, Mrs Carmen FRAGA ESTÉVEZ (EPP - ES):

- stated that she had no objections to the Rapporteur's report, but would have liked a much clearer message to be sent to the Commission and Council, particularly as regards the procedure for including and removing third countries from the list of non-cooperative countries;
- regretted the lack of clear political will. Countries that do not respect rules should be placed on the list; and
- called for codecision to be used to ensure that the Parliament is much more actively involved, though she also acknowledged that there was not a majority in the Parliament in favour of this.

Mr Jarosław WAŁĘSA (EPP - PL)

- stated that IUU fishing could constitute as much as 19% of total global fishing;
- noted that different Member States apply different approaches to countering IUU fishing, including import measures; and
- stressed the importance of targeting those countries that are particularly responsible for IUU fishing.

Mrs Dolores GARCÍA-HIERRO CARABALLO (S&D - ES):

- stressed the need to introduce more controls and to impose sanctions and fines; and
- stated that Spain applies strict controls. Spain's fines are 50% of EU's total fines. Other Member States are not so strict and permit the import of fish from third countries which are not scrupulous in applying the necessary controls against IUU fishing.

Mr Pat the Cope GALLAGHER (ALDE - IE) called on the Commission to tackle the overfishing of mackerel by both Iceland and the Faroe Islands.

Commissioner DAMANAKI once more took the floor and:

- stated that Regulation 1005/2008 is not just about sanctions - even though almost all the speakers in the debate had characterised it as such. The Regulation does indeed provide for sanctions, but it also provides for collaboration with third countries in order to establish institutions and mechanisms for permanent control. The Regulation has only been in force for just three years. Sanctions can be introduced, but only as a last resort and not yet;
- recalled the memoranda of understanding signed with the United States, Japan and other countries;
- noted that 96 countries are now working together to counter IUU fishing. Almost 99% of fish imported into the EU has to be certified. Loopholes do exist and not all certificates are justified by the facts, but the Commission has made some progress - and cannot be accused of a lack of political will;
- acknowledged that the Commission did not currently provide sufficient resources to apply the Regulation. She had therefore issued instructions to increase the number of personnel assigned to the anti-IUU fishing initiative once the CFP reform process had been completed;
- rebutted the claim that the Commission had done nothing to deal with those big countries that do not address IUU fishing;

- noted that the eight countries that had already received yellow cards collectively export fish to the EU to the value of €100,000,000. This corresponded to a significant physical volume of fish;
- recalled that the Commission had imposed sanctions and fines of over €4,000,000 on offending Korean vessels;
- recalled that the Commission had repeatedly sent missions to China and that she might herself go to China in the autumn in order to find a way to collaborate with China. The Commission cannot simply ban imports without giving China time to adjust. The same goes for Korea; and
- stated that the EU would proceed with trade sanctions against the Faroes with regard to herring. Regarding mackerel, there was an agreement in the Council (which many MEPs had supported) to discuss the issue with the new Icelandic government in order to give it the opportunity to find a common basis for negotiations. She herself had visited Iceland and entered into discussions with the Icelandic government, which was very willing to cooperate but was not willing to propose a concrete figure as soon as possible in order to start negotiations.

The Rapporteur once more took the floor and:

- stated that a majority in the Committee on Fisheries did not share Mrs Fraga Estévez' wish for codecision;
- expressed his concerns regarding loopholes. The Commission's reputation depends on the proper implementation of the Regulation;
- called for a list of fishing vessels, not just of third countries;
- stressed the impact that this issue would also have on the EU's credibility in negotiating trade agreements with other countries; and
- warned that, whilst smaller countries might be penalised, the big offenders would get away scot-free.

III. VOTE

When it voted on 12 June 2013, the plenary adopted in a single vote the two proposed amendments to the proposal for a Regulation.

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

Illegal, unreported and unregulated fishing *I**

European Parliament legislative resolution of 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2012)0332 – C7-0158/2012 – 2012/0162(COD))
(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0332),
 - 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 (C7-0158/2012),
 - 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 28 March 2012¹
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0144/2013),
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 4**

Text proposed by the Commission

(4) It is of particular importance that the Commission carry out appropriate

Amendment

(4) It is of particular importance that the Commission carry out appropriate

¹ OJ C 181, 21.6.2012, p. 183.

consultations during its preparatory work for the adoption of delegated acts, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

consultations during its preparatory work for the adoption of delegated acts, including at expert level, ***so that it has objective, rigorous, complete and up-to-date information.*** The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and ***to the*** Council.

Amendment 2

Proposal for a regulation

Article 1 – point 19

Regulation (EC) No 1005/2008

Article 54a – paragraph 2

Text proposed by the Commission

2. The ***delegation of powers*** referred to in Articles 6(3), 9(1), 12(5), 12(6), 16(1), 16(4) and 17(3) shall be conferred for ***an indeterminate*** period of ***time***.

Amendment

2. The ***power to adopt delegated acts*** referred to in Articles 6(3), 9(1), 12(5), 12(6), 16(1), 16(4) and 17(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.***

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