



**COUNCIL OF
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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 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 September 2013)

I. INTRODUCTION

The Committee on Fisheries tabled eight amendments to the proposal for a Regulation. No other amendments were tabled.

II. VOTE

When it voted (without a plenary debate) on 10 September 2013, the Parliament in plenary voted to adopt the eight amendments proposed by the Committee on Fisheries.

The text of the Parliament's legislative resolution is annexed to this note.

Amendment of Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms *I**

European Parliament legislative resolution of 10 September 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (COM(2012)0432 – C7-0211/2012 – 2012/0208(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0432),
 - 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 (C7-0211/2012),
 - 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 14 November 2012¹,
 - having regard to its resolution of 22 November 2012 on the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0256/2013),
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 11, 15.1.2013, p. 86.

² Texts adopted, P7_TA(2012)0448.

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to **apply certain provisions of Regulation (EC) No 850/98**, 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 the following:

- the division of regions into geographical areas;
- **to amend** rules concerning the conditions for the use of certain mesh size combinations;
- **to adopt** detailed rules for obtaining the percentage of target species taken by more than one fishing vessel, in order to ensure that such percentages are respected by all the vessels involved in the fishing operation;
- **to adopt** rules concerning the technical descriptions and method of use of authorised devices that might be attached to the fishing net, and which do not obstruct or diminish the effective mesh opening of the net;
- conditions under which vessels exceeding eight meters length overall shall be permitted to use beam trawls within certain waters of the Union;
- measures designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of fish stocks, with immediate effect.

Amendment

(3) In order to **enable certain provisions of this Regulation to be updated efficiently 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 the following:

- the division of regions into geographical areas;
- **the amendment of** rules concerning the conditions for the use of certain mesh size combinations;
- **the adoption of** detailed rules for obtaining the percentage of target species taken by more than one fishing vessel, in order to ensure that such percentages are respected by all the vessels involved in the fishing operation;
- **the adoption of** rules concerning the technical descriptions and method of use of authorised devices that might be attached to the fishing net, and which do not obstruct or diminish the effective mesh opening of the net;
- conditions under which vessels exceeding eight meters length overall shall be permitted to use beam trawls within certain waters of the Union;
- measures designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of fish stocks, with immediate effect;
- **acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of certain provisions for gillnets, entangling nets and trammel nets, with a very low level of shark by-catches and of discards.**

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work **for the adoption of delegated acts, including** at expert level.

Amendment

(4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, **especially** at expert level, **in order to obtain objective, rigorous, complete and up-to-date information.**

Amendment 3

Proposal for a regulation

Article 1 – point 1

Regulation (EC) N° 850/98

Article 2 – paragraph 3

Text proposed by the Commission

3. The regions referred to in paragraph 1 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 48a concerning the division of regions **into geographical areas** for the purpose of identifying geographical areas where specific technical conservation measures apply.

Amendment

3. The regions referred to in paragraph 1 may be divided into geographical areas, in particular on the basis of the definitions referred to in paragraph 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 48a concerning the division of regions for the purpose of identifying geographical areas where specific technical conservation measures apply.

Amendment 4

Proposal for a regulation

Article 1 – point 8 a (new)

Regulation (EC) N° 850/98

Article 34b – paragraph 11

Text proposed by the Commission

Amendment

(8a) In Article 34b, paragraph 11 is replaced by the following:

"11. After consulting STECF, the Commission shall be empowered to adopt delegated acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of paragraphs 1 to 9, where information provided by Member States shows that those fisheries result in a very low level of shark by-catches and of discards."

Amendment 5

Proposal for a regulation

Article 1 – point 9

Regulation (EC) No 850/98

Article 45 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to establish, by means of delegated acts adopted in accordance with Article 48a, technical conservation measures on the use of towed or fixed gear or on fishing activities in certain areas or during certain periods in addition to or by way of derogation to this Regulation. Those measures shall be designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of *fish* stocks, with immediate effect.

Amendment

1. The Commission shall be empowered to establish, by means of delegated acts adopted in accordance with Article 48a, technical conservation measures on the use of towed or fixed gear or on fishing activities in certain areas or during certain periods in addition to or by way of derogation to this Regulation. Those measures shall be designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of stocks *of marine organisms*, with immediate effect.

Amendment 6

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 2

Text proposed by the Commission

2. The *delegation of powers* referred to in Articles 2(3), 4(4)*c*, 4(5)*b*, 16(2), 29(6) and 45(1) shall be conferred for *an indeterminate* period of *time*.

Amendment

2. The *power to adopt delegated acts* referred to in *Article* 2(3), *point (c) of Article* 4(4), *point (b) of Article* 4(5), *Article* 16(2), *Article* 29(6), *Article 29d(7)*, *Article 34b(11)* and *Article* 45(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 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.*

Amendment 7

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in *Articles* 2(3), 4(4)*c*, 4(5)*b*, 16(2), 29(6) and 45(1) may be revoked at any time by the European Parliament or by the Council. A decision *of revocation* shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of powers referred to in *Article* 2(3), *point (c) of Article* 4(4), *point (b) of Article* 4(5), *Article* 16(2), *Article* 29(6), *Article 34b(11)* and *Article* 45(1) may be revoked at any time by the European Parliament or by the Council. A decision *to revoke* shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 8

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 850/1998

Article 48a – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to **Articles 2(3), 4(4)c, 4(5)b, 16(2), 29(6) and 45(1)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to **Article 2(3), point (c) of Article 4(4), point (b) of Article 4(5), Article 16(2), Article 29(6), Article 34b(11) or Article 45(1)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or **of** the Council.