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Subject: Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products
- Report from the European Parliament Committee on Fisheries, dated 27 June 2012

Delegations will find attached for their information the above-mentioned report from the European Parliament Committee on Fisheries.



EUROPEAN PARLIAMENT

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A7-0217/2012

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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

Committee on Fisheries

Rapporteur: Struan Stevenson

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0416),
 - having regard to Article 294(2) and Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0197/2011),
 - 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 28 march 2012¹,
 - having regard to the opinion of the Committee of the Regions of 4 may 2012²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0217/2012),
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.

¹ OJ C ..., ..., p.

² OJ C ..., ..., p.

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Fishing plays a particularly important role in the economies of the Union's coastal regions, including the outermost regions (ORs). Given that it provides fishermen in those regions with a livelihood, steps should be taken to foster market stability and a better correspondence between supply and demand.

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation.

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation. ***It must be stressed, however, that fish and shellfish are a common good and that fishing is therefore not like other industries. It should, in particular, be regulated by measures that satisfy environmental and ecosystemic criteria, irrespective of market requirements.***

Amendment 3

Proposal for a regulation

Recital 3a (new)

Text proposed by the Commission

Amendment

(3a) Since the WTO trading provisions that currently apply are working in a satisfactory way, any new proposal should seek to maintain the status quo whenever possible. However, the Commission should ensure that fisheries and aquaculture products imported from third countries fully respect sustainable fishing practices and the provisions of Union law, in order to ensure Union and imported products compete on a level playing field.

Justification

Reference to the "missing" part on international trade for which the Commission wants to introduce a separate legislative proposal.

Amendment 4

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In view of the large volumes of fishery and aquaculture products that are imported into the Union and the substantial proportion of overall Union consumption for which they account, it is essential for the common market organisation to form part of a commercial and customs policy geared to regulating imports and mitigating their effects on the first-sale prices paid to Union producers and the profitability of their activities.

Amendment 5

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The greatest possible degree of consistency needs to be achieved between the common fisheries policy and the common commercial policy, with the latter policy being used systematically to further the objectives of the former, both in WTO multilateral negotiations and in connection with bilateral and regional trade agreements.

Amendment 6

Proposal for a regulation

Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) All national agencies with responsibility for customs and health checks on fishery and aquaculture products imported into the Union should be given the human and financial resources and tools they require to do their job properly.

Amendment 7

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) iIn order for the Common Market Organisation to be a success, it is

essential that consumers are informed, through marketing and educational campaigns, about the value of eating fish and the wide variety of species available, and told of the importance of being able to understand the information contained on labels;

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Producer organisations are the key actors for the appropriate application of the Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, and collect economic information on aquaculture. When realising these objectives, producer organisations should take account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries.

Amendment

(7) Producer organisations are the key actors for the appropriate application of the Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives *and to provide the necessary financial support to allow them to play a more meaningful role in the day-to-day management of fisheries, acting within a framework defined by the CFP objectives. It is also necessary* to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, *see an improvement in their income* and collect information on aquaculture. When realising these objectives, producer organisations should take account *of* the different conditions of the fishery and aquaculture sectors prevailing in the Union, *especially as regards the outermost regions*, in particular the specificities of small-scale fisheries *and extensive aquaculture. It should be possible for Member States and regional governments to take responsibility for the implementation of those objectives, working closely with producer organisations on management issues, including, where appropriate, the allocation of quotas and the management of fishing effort, according to the needs of*

each particular fishery.

Amendment 9

Proposal for a regulation

Recital 7a (new)

Text proposed by the Commission

Amendment

(7a). In order to strengthen the competitiveness and viability of producer organisations, appropriate criteria for their establishment should be clearly defined, particularly those concerning the minimum number of members and their formal recognition.

Amendment 10

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The landing of all incidental catches and by-catches and the elimination of discards are two of the objectives of the reform of the common fisheries policy that is currently in progress. In order to attain those objectives, more widespread use needs to be made of selective fishing gear that will prevent under-size fish from being caught.

Amendment 11

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In view of the remoteness and geographical isolation of ORs, a special action programme that takes account of the specific features of such regions is possible under Article 349 of the Treaty.

Amendment 12

Proposal for a regulation

Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The Commission should lay down supportive measures to foster the participation of women in aquaculture producer organisations.

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) Producer organisations ***may create a collective fund*** to finance the production and marketing plans and the storage mechanism.

(12) Producer organisations ***should be allocated Community financial assistance under the European Maritime and Fisheries Fund*** to finance the production and marketing plans and the storage mechanism.

Amendment 14

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from different Member States. Therefore it is necessary ***to foresee*** also the possibility ***for the setting up of*** transnational producer organisations ***and associations of producer organisations, which*** remain subject to competition rules as foreseen in the present regulation.

Amendment

(14) As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from different Member States ***and different regions***. Therefore it is necessary also ***to encourage*** the possibility ***to*** set up transnational producer organisations and associations of producer organisations ***at transregional level, based, where appropriate, on biogeographical regions, and at transnational level.*** ***Such organisations should be intended to be partnerships that aim to produce common and binding rules, and to provide a level-playing field for all stakeholders that are engaged in the fishery. In setting up such organisations, it is necessary to ensure that they*** remain subject to competition rules as foreseen in the present regulation ***and that the need is respected to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited.***

Amendment 15

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) ***The widening variety of fishery and aquaculture products makes it essential to provide consumers with a minimum amount of mandatory*** information on the

Amendment

(16) ***It is necessary for consumers to be provided with clear and comprehensive*** information on, ***inter alia, the origin, method and date of production of the***

main characteristics of products. In order to promote differentiation of products, it is also necessary to take account of additional information that may be indicated on a voluntary basis.

products in order to enable them to make informed choices.

Amendment 16

Proposal for a regulation

Recital 16a (new)

Text proposed by the Commission

Amendment

(16a) The use of an eco-label for fisheries products, originating from both inside and outside the Union offers the possibility of providing clear information on the ecological sustainability of fisheries products. It is therefore necessary for the Commission to examine the possibility of developing and establishing minimum criteria for the development of a Union-wide ecolabel for fisheries products.

Justification

Auditing a fishery for the reward of an eco-label could be subcontracted by the Commission to the MSC and ASC or similar organisations who would apply the same standards, set by the EU, to fisheries within and out with the EU, thus achieving the level-playing field sought by the sector.

Amendment 17

Proposal for a regulation

Recital 16b (new)

Text proposed by the Commission

Amendment

(16b) In order to safeguard European consumers, Member State authorities responsible for monitoring and enforcing

the fulfillment of the obligations laid down in this Regulation should make full use of available technology, including DNA-testing, in order to deter operators from falsely labeling catches.

Amendment 18

Proposal for a regulation

Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) In view of the importance that consumers attach to origin and provenance, in the broad sense of those terms, when choosing between the fishery and aquaculture products available on the market, special care must be taken to ensure that the information they are given in that respect is as accurate, clear and comprehensive as possible.

Amendment 19

Proposal for a regulation

Recital 16 d (new)

Text proposed by the Commission

Amendment

(16d) With a view to ensuring consistency between the common fisheries policy – with particular reference to its common market organisation and consumer information provisions – and the common commercial policy, care should be taken to avoid excessively broad definitions of the preferential origin of fishery and aquaculture products, as well as any exceptions to the standard definitions that would undermine product traceability and cause confusion as to where and how a given product has been sourced.

Amendment 20

Proposal for a regulation

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards as Union producers have to meet.

Amendment 21

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific features of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish is a shared resource and the large extent of imports. For the sake of simplification, the relevant provisions of Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products should be incorporated into *the present regulation*. Regulation (EC) No 1184/2006 should therefore no longer apply to fishery and aquaculture products.

(18) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific features of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish is a shared resource and the large extent of imports, ***which should be governed by the same rules as Union fishery and aquaculture products***. For the sake of simplification, the relevant provisions of Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products should be incorporated into *this Regulation*. Regulation (EC) No 1184/2006 should therefore no longer apply to fishery and aquaculture products.

Amendment 22

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to be able to **supplement or amend the conditions and requirements for recognition of producer organisations, supplement or amend the content of the production and marketing plan, define and amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers**, 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 **Articles 24, 33, 41 and 46**.

Amendment

(20) In order to be able to **establish rules that concern the internal functioning of producer organisations**, 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 **Article 24**.

Justification

Apart from the rules concerning the internal functioning of producer organisations, the other decisions should be part of the ordinary legislative procedure.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 2 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) the external dimension.

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are marketed in the Union.

Amendment

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are ***produced or*** marketed in the Union.

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

The Common Market Organisation shall contribute to the achievement of the objectives laid down in ***Articles 2 and 3 of*** the Regulation on the Common Fisheries Policy.

Amendment

The Common Market Organisation shall contribute to the achievement of the objectives laid down in the Regulation on the Common Fisheries Policy ***and, in particular, provide market incentives to support more sustainable production practices, improve the market position of Union products, devise production strategies with a view to adapting the policy to structural market changes and short-term fluctuations, and enhance the market potential of Union products.***

Justification

The wording of Articles 2 and 3 of the proposal for the new CFP framework regulation is confusing and, given the EU's importance as a producer and importer, wider reference should be made to the CMO's concordance with the whole of the CFP, by rewording the Article on the basis of the objectives of the CMO which the Commission itself includes in the explanatory memorandum.

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

The Common Market Organisation shall be guided by the principles of good governance ***laid down in Article 4 of the Regulation on the Common Fisheries Policy.***

Amendment

The Common Market Organisation shall be guided by the principles of good governance ***which it shall achieve by means of a clear definition of responsibilities at Union, national, regional and local levels, a long-term perspective, the broad involvement of operators, the responsibility of the flag State, and consistency with integrated maritime , trade and other Union policies.***

Justification

Article 4 of the proposal for a framework regulation contains a reference that is irrelevant for the CMO, whilst there are no references to trade policy, for example, which is crucial here. There is no reason why the principles of good governance should not be adequately reflected in text of the CMO Regulation.

Amendment 27

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

For the purposes of this Regulation, the definitions referred to in Article 3 of the Regulation on the Common Fisheries Policy shall apply. The following definitions shall also apply:

Amendment

For the purposes of this Regulation, the definitions referred to in Article 3 of the Regulation on the Common Fisheries Policy ***and those referred to in Council Regulation (EC) No 1224/2009 and Commission Implementing Regulation (EU) No 404/2011*** shall apply. The following definitions shall also apply:

Amendment 28

Proposal for a regulation

Article 5 – paragraph 1 – point (d a) (new)

Text proposed by the Commission

Amendment

(da) ‘unwanted catches’, as defined in the Regulation on the Common Fisheries Policy.

Justification

It is proposed that this definition be added, as there are references to unwanted catches in Articles 7 and 8. It is also important that the concept of ‘unwanted catches’ be perfectly aligned with the intentions of the future framework regulation.

Amendment 29

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When setting up fishery producer organisations, the specific situation of small-scale inshore fishery and non-industrial fishery producers shall be taken into account, and, in particular, those producers should benefit from positive discrimination as regards access to aid for the establishment of producer organisations.

Amendment 30

Proposal for a regulation

Article 7 – paragraph 1 – point (a)

Text proposed by the Commission

Amendment

(a) promoting viable fishing activities of their members in full compliance with the conservation policy laid down in the

(a) promoting viable ***and sustainable*** fishing activities of their members in full compliance with the conservation

Regulation on the Common Fisheries Policy and environmental legislation;

management and exploitation policy laid down in the Regulation on the Common Fisheries Policy and *in* environmental legislation;

Amendment 31

Proposal for a regulation

Article 7 – paragraph 1 – point (aa) (new)

Text proposed by the Commission

Amendment

(aa) planning the production of their members and advising Member States and regional authorities concerning fisheries management issues as well as sharing the best practices developed by EU vessels.

Amendment 32

Proposal for a regulation

Article 7 – point (ab) (new)

Text proposed by the Commission

Amendment

(ab) contributing to food supply and maintaining and creating jobs in coastal and rural areas, including vocational training and cooperation programmes to encourage young people to enter the sector and ensuring a fair standard of living for those engaged in fisheries.

Amendment 33

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) **handling** unwanted catches of commercial stocks;

Amendment

(b) **avoiding, minimising and making the best use of** unwanted catches of commercial stocks **without creating a substantial market for such catches.**

Amendment 34

Proposal for a regulation

Article 7 – paragraph 1 – point (b a) (new)

Text proposed by the Commission

Amendment

(ba) contributing towards the elimination of IUU fishing practices by applying such internal controls on members as may be necessary.

Amendment 35

Proposal for a regulation

Article 7 – paragraph 1 – point (b b) (new)

Text proposed by the Commission

Amendment

(bb) reducing the environmental impact of fishing, including implementing measures to improve the selectivity of fishing gears, to control effort and to avoid unwanted and unauthorised catches.

Amendment 36

Proposal for a regulation

Article 7 – paragraph 1 – point (b c) (new)

Text proposed by the Commission

Amendment

(bc) managing the resource access rights assigned to their members in accordance with the provisions of Chapter IV of the Common Fisheries Policy Regulation;

Amendment 37

Proposal for a regulation

Article 7 – paragraph 1 – point (e)

Text proposed by the Commission

Amendment

(e) improving ***producer's*** profitability.

(e) improving ***producers'*** profitability ***and improving the income of fishing operators;***

Amendment 38

Proposal for a regulation

Article 7 – paragraph 1 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) ensuring the traceability of fishery products and improving the access to clear and comprehensive information for consumers in order to help enhance the understanding of the conservation status of marine ecosystems and fishery resources, as well as educating consumers as to the wide variety of species available

for consumption.

Amendment 39

Proposal for a regulation

Article 7 – paragraph 1 – point (e b) (new)

Text proposed by the Commission

Amendment

Article 7 a

(eb) promoting the use of Information Communications Technology to ensure improved marketing and higher prices for fisheries products

Justification

The use of Information Communications Technology is desirable, in order for POs to be able to exploit an EU wide market for the sale of their products, and thus achieve the highest price possible, and compete against large supermarket chains, who have massive buying power.

Amendment 40

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Measures ***deployable*** by fishery producer organisations

Measures ***to be deployed*** by fishery producer organisations

Amendment 41

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Fishery producer organisations **may make use** of the following measures to achieve the objectives set out in Article 7:

Amendment

Fishery producer organisations **shall make use, *inter alia***, of the following measures to achieve the objectives set out in Article 7:

Amendment 42

Proposal for a regulation

Article 8 – paragraph 1 – point (a)

Text proposed by the Commission

(a) planning the fishing activities of their members;

Amendment

(a) planning ***the management of*** the fishing activities of their members, ***including developing and implementing measures to improve the selectivity of fishing activities and advising the Member States and regional authorities of the aforementioned management plans, in a manner that complies fully with such measures, thereby ensuring, for each Member State, relative stability of fishing activities.***

Amendment 43

Proposal for a regulation

Article 8 – paragraph 1 – point (b)

Text proposed by the Commission

(b) making the best use of unwanted catches of commercial stocks **by:**

- disposing of landed products which do not conform to the minimum marketing

Amendment

(b) making the best use of ***and assisting their members to avoid and minimise*** unwanted catches of commercial stocks.

sizes referred to in Article 39 (2)(a) for uses other than human consumption;

- placing on the market of landed products which conform to the minimum marketing sizes referred to in Article 39 (2)(a);

- distributing landed products free of charge to philanthropic or charitable purposes.

Amendment 44

Proposal for a regulation

Article 8 – point b – indent 3

Text proposed by the Commission

Amendment

- distributing landed products free of charge to philanthropic or charitable purposes.

deleted

Amendment 45

Proposal for a regulation

Article 8 – paragraph 1 – point (d)

Text proposed by the Commission

Amendment

(d) **channelling** the supply and the marketing of members' products;

(d) **concentrating** the supply and the marketing of their members' products;

Amendment 46

Proposal for a regulation

Article 8 – paragraph 1 – point (f a) (new)

Text proposed by the Commission

Amendment

(fa) improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable fisheries products

Amendment 47

Proposal for a regulation

Article 8 – paragraph 1 – point (f b) (new)

Text proposed by the Commission

Amendment

(fb) sending information voluntarily to the competent Member State authorities on the conservation status of marine ecosystems and fishery resources at such intervals, and by such means, as are considered to be appropriate;

Amendment 48

Proposal for a regulation

Article 8 – paragraph 1 – point (f c) (new)

Text proposed by the Commission

Amendment

(fc) managing their members' fishing opportunities on a collective basis.

Amendment 49

Proposal for a regulation

Article 8 – paragraph 1 – point (f d) (new)

Text proposed by the Commission

Amendment

(fd) promoting consumer access to clear and comprehensive information on fisheries products;

Amendment 50

Proposal for a regulation

Article 8 – paragraph 1 – point (f e) (new)

Text proposed by the Commission

Amendment

(fe) granting floor-rate financial compensation to help meet the costs of landing unwanted catches in cases where the proceeds of sales would be insufficient to cover those costs;

Amendment 51

Proposal for a regulation

Article 10 – paragraph 1 – point (a)

Text proposed by the Commission

Amendment

a) promoting sustainable aquaculture activities of their members by providing opportunities for their development;

(a) promoting **viable and economically, socially and environmentally** sustainable aquaculture activities of their members, and the benefits of aquaculture, by providing opportunities for their development; in close cooperation with the Member States and regional authorities and in accordance with

Directive 2008/56/EC and Council Directive 92/43/EEC, within the legal framework established within each Member State, or part thereof;

Amendment 52

Proposal for a regulation

Article 10 – paragraph 1 – point (a a) (new)

Text proposed by the Commission

Amendment

(aa) ensuring that aquaculture feed products of fishery origin come from fisheries that are sustainably managed

Amendment 53

Proposal for a regulation

Article 10 – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

(b) contributing to food supply and employment in coastal and rural areas;

(b) contributing to food supply, **observing high food quality and safety standards, whilst contributing to** employment in coastal and rural areas;

Amendment 54

Proposal for a regulation

Article 10 – paragraph 1 – point (d a) (new)

Text proposed by the Commission

Amendment

(da) stabilising the markets;

Justification

This objective is included in Article 7 for fishery producer organisations and should also be included for the important aquaculture sector.

Amendment 55

Proposal for a regulation

Article 10 – paragraph 1 – point (e)

Text proposed by the Commission

(e) improving *producer's* profitability.

Amendment

(e) improving *producers'* profitability ***and the income of workers in the sector while improving their working conditions;***

Amendment 56

Proposal for a regulation

Article 10 – paragraph 1 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) undertaking programmes to promote the continuous improvement of environmental and sustainable aquaculture products and activities, as well as professional and vocational training and actions to ensure a fair standard of living for those engaged in aquaculture activities and to reduce and minimise harmful impacts over the entire production chain.

Amendment 57

Proposal for a regulation

Article 10 – point (e b) (new)

Text proposed by the Commission

Amendment

(eb) promoting any other activities that are in the interests of members of the producer organisation and developing or improving the operation of the sector to allow producer organisations to pursue objectives not specified in this Article.

Amendment 58

Proposal for a regulation

Article 10 – paragraph 1 – point (e c) (new)

Text proposed by the Commission

Amendment

(ec) facilitating consumer access to information on aquaculture products;

Amendment 59

Proposal for a regulation

Article 10 - paragraph 1 - point (e d) (new)

Text proposed by the Commission

Amendment

(ed) using, where possible, Information Communications Technology (ICT) to ensure that the best possible price for products is achieved;

Amendment 60

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Aquaculture producer organisations make use of the following measures to achieve the objectives referred to in Article 10:

Amendment

Aquaculture producer organisations **may** make use, ***inter alia***, of the following measures to achieve the objectives referred to in Article 10:

Justification

One of the objectives of the CMO is to strengthen the role of the producer organisations in both the fisheries and aquaculture sectors, so it should not be ruled out that these may in future implement new measures, particularly bearing in mind the worldwide growth in aquaculture production.

Amendment 61

Proposal for a regulation

Article 11 – paragraph 1 – point (a)

Text proposed by the Commission

(a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare;

Amendment

(a) promotion of responsible, ***extensive*** and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare;

Amendment 62

Proposal for a regulation

Article 11 – paragraph 1 – point (a a) (new)

Text proposed by the Commission

Amendment

(aa) planning the management of the aquaculture activities of their members;

Amendment 63

Proposal for a regulation

Article 11 – paragraph 1 – point (c)

Text proposed by the Commission

(c) channelling the supply and the marketing of members' products;

Amendment

(c) channelling the supply, **price stabilisation** and the marketing of members' products;

Amendment 64

Proposal for a regulation

Article 11 – paragraph 1 – point (c a) (new)

Text proposed by the Commission

Amendment

(ca) managing temporary storage for aquaculture products in accordance with Articles 35 and 36.

Amendment 65

Proposal for a regulation

Article 11 – paragraph 1 – point (e)

Text proposed by the Commission

(e) collecting information on the marketed products including economic information on first sales, and on production forecasts.

Amendment

(e) collecting **environmental information** and information on the marketed products including economic information on first sales, and on production forecasts.

Amendment 66

Proposal for a regulation

Article 11 – paragraph 1 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable aquaculture products.

Amendment 67

Proposal for a regulation

Article 11 – paragraph 1 – point (e b) (new)

Text proposed by the Commission

Amendment

(eb) promoting consumer access to clear and comprehensive information on aquaculture products;

Amendment 68

Proposal for a regulation

Article 11 – paragraph 1 – point (ec) (new)

Text proposed by the Commission

Amendment

(ec) promoting aquaculture products by exploiting the potential of certification, in particular of protected designations of origin and sustainability merits.

Amendment 69

Proposal for a regulation

Article 13 – paragraph 1 – point (a)

Text proposed by the Commission

(a) performing in a more efficient manner any of the objectives of the member producer organisations laid down in Articles 7 and 10;

Amendment

(a) performing, in a more ***sustainable and*** efficient manner, any of the objectives of the member producer organisations laid down in Articles 7 and 10;

Amendment 70

Proposal for a regulation

Article 13 – paragraph 1 – point (b)

Text proposed by the Commission

(b) coordinating and developing activities of common interest for the member producer organisations.

Amendment

(b) coordinating and developing activities of common interest for the member producer organisations, ***including the improved marketing of products for consumers.***

Amendment 71

Proposal for a regulation

Article 13 – paragraph 1 – point (b a) (new)

Text proposed by the Commission

Amendment

(ba) complying with all measures aimed at ensuring, for each Member State, relative stability of fishing activities for each fish stock or fishery.

Amendment 72

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Financing of associations of producer organisations.

1. The European Maritime and Fisheries Fund may financially contribute towards the establishment and/or development of associations of producer organisations.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, laying down detailed rules concerning such financial support.

Justification

Community financial support is a necessary pre-requisite to the establishment and/or development of associations of producer organisations. Without such financial support it is unlikely that they will become a reality.

Amendment 73

Proposal for a regulation

Article 16 – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

(b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using the potential of certification, in particular designations of origin, quality seals, geographical designations and sustainability merits;

(b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using the potential of certification, in particular ***of*** designations of origin, quality seals, geographical designations and sustainability merits, ***providing for Union products to be clearly identified by comparison with imported products;***

Amendment 74

Proposal for a regulation

Article 16 – paragraph 1 – point (d)

Text proposed by the Commission

(d) improving quality, knowledge of and the transparency of production and the market;

Amendment

(d) improving quality, knowledge of and the transparency of production and the market, ***as well as providing professional and vocational training programmes to encourage and promote product quality, traceability, food safety and R&D initiatives.***

Amendment 75

Proposal for a regulation

Article 16 – paragraph 1 – point (f a) (new)

Text proposed by the Commission

Amendment

(fa) promoting, among consumers, species obtained from healthy fish stocks with appreciable nutritional value that are currently not marketable;

Amendment 76

Proposal for a regulation

Article 17 – paragraph 1 – point (d)

Text proposed by the Commission

(d) they comply with the competition rules laid down in Chapter ***VI***;

Amendment

(d) they comply with the competition rules laid down in Chapter ***V***;

Justification

Competition rules are covered in Chapter V not Chapter VI.

Amendment 77

Proposal for a regulation

Article 17 – paragraph 1 – point (e)

Text proposed by the Commission

Amendment

(e) they may not hold a dominant position on a given market unless necessary in pursuance of the goals of article 39 of the Treaty.

deleted

Amendment 78

Proposal for a regulation

Article 17 – paragraph 1 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) they demonstrate transparency with regard to the details of their membership, governance and sources of funding;

Amendment 79

Proposal for a regulation

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may set additional conditions for the recognition of a producer organisation.

Amendment 80

Proposal for a regulation

Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Producer organisations recognised under Regulation (EC) No 104/2000 are deemed to be recognised under this Regulation.

Justification

The situation of producer organisations already in existence needs to be borne in mind.

Amendment 81

Proposal for a regulation

Article 17 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Measures should be taken to ensure that the participation of small scale fisheries in producer organisations is appropriate and representative.

Amendment 82

Proposal for a regulation

Article 18 – paragraph 1 – point (a)

Text proposed by the Commission

Amendment

(a) they represent ***a significant share of at least two of the following activities*** in a given area or areas: production, ***marketing and*** processing of fishery and aquaculture products or products processed from

(a) they represent, in a given area, ***a significant share of the*** production, processing ***or marketing*** of fishery and aquaculture products or products processed from fishery and

fishery and aquaculture products;

aquaculture products *that are being fished by Union vessels or aquacultivated within Member States*;

Amendment 83

Proposal for a regulation

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Existing interbranch organisations that fulfil all of the conditions set out in this Article may also be recognised,, even if established by executive act or by operation of law ;

Amendment 84

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall carry out checks at regular intervals to ascertain whether producer organisations and inter-branch organisations comply with the conditions for recognition laid down in Articles 17 and 18 and shall, where appropriate, withdraw recognition of producer organisations or inter-branch organisations.

Member States shall carry out checks at regular intervals to ascertain whether producer organisations, *associations of producer organisations* and inter-branch organisations comply with the conditions for recognition laid down in Articles 17 and 18 and shall, where appropriate, withdraw recognition of producer organisations, *associations of producer organisations* or inter-branch organisations.

Amendment 85

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

Member States whose nationals are members of a producer organisation or inter-branch organisation established in the territory of another Member State and those Member States hosting the official headquarters of an association of producer organisations recognised in different Member States shall set up, in collaboration with the relevant Member States, the administrative cooperation needed to carry out checks on the activities of the organisation or the association concerned.

Amendment

Member States whose nationals are members of a producer organisation, ***association of producer organisations*** or inter-branch organisation established in the territory of another Member State and those Member States hosting the official headquarters of an association of producer organisations recognised in different Member States shall set up, in collaboration with the relevant Member States, the administrative cooperation needed to carry out checks on the activities of the organisation or the association concerned.

Amendment 86

Proposal for a regulation

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Regional Advisory Council for the Outermost Regions

In accordance with the Commission guidelines on the principles of regionalisation and subsidiarity, a Regional Advisory Council for the Outermost Regions shall be established with the aim of ensuring an ecosystem-based approach, taking account of the sensitive nature of their specific characteristics.

Amendment 87

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Communication to the Commission

Amendment

Communication to the Commission **and publication of the list of producer organisations**

Amendment 88

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Member States shall communicate to the Commission by electronic means any decision to grant or withdraw the recognition.

Amendment

The Commission **shall publish at the beginning of every year the list of the producer organisations recognised in the preceding year and of the organisations whose recognition was withdrawn during that year.**

Amendment 89

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

In order to ensure that the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 17 and 18 are complied with, the Commission may carry out checks and **may**, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations.

Amendment

In order to ensure that the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 17 and 18 are complied with, the Commission may carry out checks and **shall**, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations.

Amendment 90

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 50 *to*

Amendment

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, ***laying down rules which concern the internal functioning of producer organisations or inter-branch organisations, their rules of association, financial and budgetary provisions, obligations for their members and enforcement of the application of the rules including penalties;***

Justification

Decisions to amend or supplement the conditions for recognition should not be a matter for delegated acts.

Amendment 91

Proposal for a regulation

Article 24 – paragraph 1 – point (a)

Text proposed by the Commission

(a) amend or supplement the conditions for the recognition referred to in Articles 17 and 18. Those rules may concern the internal functioning of producer organisation or inter-branch organisations, their rules of association, financial and budgetary provisions, obligations for their members and enforcement of the application of their rules including penalties;

Amendment

deleted

Justification

Result of the new wording for the introductory part of Article 24.

Amendment 92

Proposal for a regulation

Article 24 – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

(b) lay down rules concerning the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20 and 21.

deleted

Justification

These decisions should be part of Article 25 dealing with implementing acts.

Amendment 93

Proposal for a regulation

Article 25 – paragraph 1 – point (b a) (new)

Text proposed by the Commission

Amendment

(ba) the laying down of rules on the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20.

Justification

This is a result of deleting point (b) of Article 24, it being felt that these decisions belong to the implementing acts.

Amendment 94

Proposal for a regulation

Article 26 – title

Text proposed by the Commission

Extension of rules of producer organisations

Amendment

Extension of rules of producer organisations ***and associations of producer organisations***

Amendment 95

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. A Member State may make the rules agreed within a producer organisation binding on producers who are not members of the organisation and who market any of the products within the area in which the producer organisation is representative on condition that:

Amendment

1. A Member State may make the rules agreed within a producer organisation ***or association of producer organisations*** binding on producers who are not members of the organisation ***or association*** and who market any of the products within the area in which the producer organisation ***or association of producer organisations*** is representative on condition that:

Amendment 96

Proposal for a regulation

Article 26 – paragraph 1 – point (a)

Text proposed by the Commission

(a) the producer organisation is considered to be representative of production and marketing in one Member State and makes an application to the competent national authorities;

Amendment

(a) the producer organisation ***or association of producer organisations*** is considered to be representative of production and marketing ***, including, where relevant, the small scale and artisanal sector,*** in one Member State and makes an application to the competent national authorities;

Amendment 97

Proposal for a regulation

Article 26 – paragraph 1 – point (b a) (new)

Text proposed by the Commission

Amendment

(ba) the rules governing free competition between undertakings are upheld.

Justification

It is important to ensure that any measures affecting producers not belonging to an organisation do not restrict application of the rules on free competition between undertakings.

Amendment 98

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of paragraph 1(a) a fishery producer organisation is deemed representative where it accounts for at least **65 %** of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules.

2. For the purposes of paragraph 1(a) a fishery producer organisation is deemed representative where it accounts for at least **30 %** of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules

Amendment 99

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of paragraph 1(a) an aquaculture producer organisation is considered to be representative where it covers at least 40 % of the quantities

deleted

marketed of the relevant product during the previous year in the area where it is proposed to extend the rules.

Amendment 100

Proposal for a regulation

Article 26 – paragraph 4

Text proposed by the Commission

4. The rules to be extended to non-members shall apply for a period between **90** days and 12 months.

Amendment

4. The rules to be extended to non-members shall apply for a period between **30** days and 12 months.

Amendment 101

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Member States shall notify the Commission of the rules which they *intend* to make binding on all producers or operators in a specific area or in specific areas pursuant to Articles 26 and 27.

Amendment

1. Member States shall notify the Commission of the rules which they *decide* to make binding on all producers or operators in a specific area or in specific areas pursuant to Articles 26 and 27.

Amendment 102

Proposal for a regulation

Article 29 – paragraph 3

Text proposed by the Commission

3. Within *two months* of receipt of the notification, the Commission shall take a

Amendment

3. Within **15 days** of receipt of the notification, the Commission shall take a

decision authorising or refusing to authorise the extension of rules and shall inform the Member States. Where the Commission has not taken a decision within the **two-month** period, the extension of rules shall be deemed to have been authorised by the Commission.

decision authorising or refusing to authorise the extension of rules and shall inform the Member States. Where the Commission has not taken a decision within the **15-day** period, the extension of rules shall be deemed to have been authorised by the Commission.

Amendment 103

Proposal for a regulation

Article 32 - paragraph 1

Text proposed by the Commission

1. Each producer organisation shall submit a production and marketing plan to their competent national authorities to fulfil the objectives laid down in Article 3.

Amendment

1. ***In accordance with guidelines received from the Commission***, each producer organisation shall submit a production and marketing plan to their competent national authorities to fulfil the objectives laid down in ***Articles 3, 7 and 10***.

Amendment 104

Proposal for a regulation

Article 32 - paragraph 5

Text proposed by the Commission

5. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article.

Amendment

5. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article; ***a finding of non-compliance may result in the withdrawal of recognition***.

Amendment 105

Proposal for a regulation

Article 35 – paragraph 1 - introductory phrase

Text proposed by the Commission

Producer organisations may **finance** the storage of fishery products listed in Annex II to this Regulation, provided that:

Amendment

Producer organisations may **co-finance** the storage of fishery products listed in Annex II to this Regulation, provided that:

Justification

Co-financing a possible EMFF intervention is seen as important.

Amendment 106

Proposal for a regulation

Article 35 – paragraph 1 – point (d a) (new)

Text proposed by the Commission

Amendment

(da) the minimum and maximum period for financing the storage of fishery products listed in Annex II to this Regulation shall be clearly laid down.

Amendment 107

Proposal for a regulation

Article 36 – paragraph 1

Text proposed by the Commission

1. Before the beginning of each year, each producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 35 for fishery products listed in Annex II.

Amendment

1. Before the beginning of each year, each producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 35 for fishery products listed in Annex II, ***as well as for aquaculture products.***

Amendment 108

Proposal for a regulation

Article 38 – paragraph -1(new)

Text proposed by the Commission

Amendment

-1. The creation, restructuring and implementation of plans to improve the standards of producer organisations and their associations shall be funded from the European Maritime and Fisheries Fund.

Justification

It is important to incentivise the creation of plans to improve the standards of POs, and to follow this up.

Amendment 109

Proposal for a regulation

Article 38 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Each producer organisation may create a collective fund, which shall be used only to finance the following measures:

The European Maritime and Fisheries Fund may be used to finance the following measures:

Justification

The new CFP and COM proposals recognise the central role that POs will play in achieving the objectives of both proposals and it replaces considerable more responsibility and work load on the POs. In light of this it is essential to provide financial support to POs to cover the costs of the production and marketing plans and for the storage aid.

Amendment 110

Proposal for a regulation

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Funding for the instruments referred to in the CMO, including the Collective Fund, shall be established under the European Maritime and Fisheries Fund, without prejudice to the co-financing rates set.

Justification

The link between the CMO and the EMFF needs to be established.

Amendment 111

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. Common marketing standards may be laid down for the products listed in Annex I intended for human consumption.

1. Common marketing standards may be laid down for the products listed in Annex I, ***regardless of their origin (Union or imported)*** intended for human consumption.

Amendment 112

Proposal for a regulation

Article 39 – paragraph 2 – point (a)

Text proposed by the Commission

Amendment

(a) minimum marketing sizes taking into account the best available scientific advice and in conformity with conservation reference sizes for fishery products as referred to in Article ***15(3)*** of the Regulation on the Common Fisheries Policy;

(a) minimum marketing sizes taking into account the best available scientific advice and in conformity with conservation reference sizes for fishery products as referred to in Article ***15(2)*** of the Regulation on the Common Fisheries Policy;

Justification

This is to correct a mistake in the Commission text, as it should cite Article 15(2) of the Regulation on the Common Fisheries Policy.

Amendment 113

Proposal for a regulation

Article 39 – paragraph 2 – point (a a) (new)

Text proposed by the Commission

Amendment

(aa) classification by quality, size or weight, as well as presentation;

Amendment 114

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. The products for which marketing standards have been laid down may be marketed ***for human consumption*** in the Union only in accordance with those standards.

1. The products for which marketing standards have been laid down may be marketed in the Union only in accordance with those standards. ***This provision shall also apply to all imported fishery and aquaculture products.***

Amendment 115

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. All fishery products landed, including those not complying with marketing

3. All fishery products landed, including those not complying with marketing

standards, may *be*, under the responsibility of the Member States, *distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.*

standards, may, under the responsibility of the Member States, *be used for bait, as well as for fishmeal, fish oil and pet food. Those landing such products shall be eligible for the reimbursement of a proportion of the value of these fishery products. Any profit should go to a national or trans-national fund used for data collection, control, surveillance and scientific research purposes. The value of reimbursements shall be kept at a level so that it will not, in any way, create a new market for juveniles and other by-catch.*

Amendment 116

Proposal for a regulation

Article 40 a (new)

Text proposed by the Commission

Amendment

Article 40 a

In order to avoid unfair competition in the Union market, imported products shall meet exactly the same health and hygiene standards required of Union products and shall be subject to the same controls, including total traceability. The rigorousness of controls carried out both at the borders and at points of origin shall be such as to guarantee proper compliance with these requirements.

Amendment 117

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling **indicates**:

Amendment

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their **geographical** origin, may only be offered for retail to the final consumer where **the** appropriate marking or labelling **includes the mandatory food information specified in Chapter IV of Regulation (EU) No 1169/2011, of 25 October 2011, on the provision of food information to consumers.**

1a. The marking or labelling shall also indicate the following:

Justification

A reference is needed to Regulation (EU) No 1169/2011, which is the general Regulation on the provision of food information to consumers.

Amendment 118

Proposal for a regulation

Article 42 – paragraph 1 – point (c)

Text proposed by the Commission

(c) the area where the product was caught or farmed;

Amendment

(c) **specific fish stock and** the area where the product was caught or farmed,

-Amendment 119

Proposal for a regulation

Article 42 – paragraph 1 – point (d)

Text proposed by the Commission

(d) the date of *catch* of fishery products or harvest of aquaculture products;

Amendment

(d) ***For products which are to be sold fresh***, the date of ***landing*** of fishery products or harvest of aquaculture products;

Amendment 120

Proposal for a regulation

Article 42 – paragraph 1 – point (e)

Text proposed by the Commission

(e) ***whether the product is fresh or has been defrosted;***

Amendment

(e) ***the words 'defrosted product' for frozen products directly placed on sale as fresh goods, as attested by a quality control grading, without prejudice to Annex V and VI of Regulation 1169/2011 and Article 68 (3) and (4) of Regulation 404/2011;***

Amendment 121

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. Fishery and aquaculture products referred to in parts (h) and (i) of Annex I, which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer

Amendment

deleted

where appropriate marking or labelling indicates::

(a) the commercial designation of the species;

(b) the production method, in particular by the following words ‘...caught...’ or ‘...caught in freshwater ...’ or ‘...farmed...’;

(c) the area where the product was caught or farmed;

Justification

Fishery and aquaculture products under the headings 1604 and 1605 are composite products where other ingredients are present in addition to the fish. There is no reason for extending these provisions to processed products of which fish may only be one of a number of ingredients.

Amendment 122

Proposal for a regulation

Article 42 – paragraph 4 – point (c a) (new)

Text proposed by the Commission

Amendment

(ca) Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Amendment 123

Proposal for a regulation

Article 42a (new)

Text proposed by the Commission

Amendment

Article 42a

Eco-labelling reporting

After consulting stakeholders, the Commission shall, by 1st January 2015, submit to the European Parliament and to the Council a report, accompanied by a proposal, for the establishment of a Union wide eco-label scheme for fisheries products. The report shall examine potential minimum requirements for obtaining approval for the use of such eco-label.

Amendment 124

Proposal for a regulation

Article 43 – paragraph 1 – point (a)

Text proposed by the Commission

(a) the scientific name for each species **according to the FishBase Information System**;

Amendment

(a) the scientific name for each species;

Justification

The FishBase system only applies to fish. The Commission should propose a system which also includes molluscs and crustaceans.

Amendment 125

Proposal for a regulation

Article 43 – paragraph 1 – point (c)

Text proposed by the Commission

(c) where applicable, any other name or names accepted or permitted locally or regionally.

Amendment

(c) where applicable, **in addition to those in referred to inpoints (a) and (b)**, any other name or names **that are** accepted or permitted locally or regionally.

Amendment 126

Proposal for a regulation

Article 44 – title

Text proposed by the Commission

Indication of the catch or **production** area

Amendment

Indication of the catch, **rearing** or **cultivation** area

Amendment 127

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

1. The indication of **the catch or production area** in accordance with **Article 42**, paragraphs 1(c) and 2(c) shall consist of the following:

Amendment

1. The indication of **the provenance of the product, namely where it was caught or reared**, in accordance with paragraphs 1)(c) and 2)(c) of Article 42 shall consist of the following:

Justification

Details of the FAO fishing area do not provide consumers with adequate information on the provenance of products caught at sea. Given that, when purchasing fishery or aquaculture products, consumers may wish to favour products of EU 'provenance', on quality grounds (quality of the product itself or the conditions under which it was caught) or in order to support EU operators, they should also be given details on whether a given product was caught inside or outside EU waters and on the flag State of the vessel that caught it.

Amendment 128

Proposal for a regulation

Article 44 – paragraph 1 – point (a)

Text proposed by the Commission

(a) in the case of fishery products caught at sea, the name of one of the areas, subareas

Amendment

(a) in the case of fishery products caught at sea, the name of one of the areas, subareas

or divisions listed in the FAO Fishing Areas;

or divisions listed in the FAO Fishing Areas, ***including its coastal and geographical denomination, expressed in terms understandable to consumers;***

Amendment 129

Proposal for a regulation

Article 44 – paragraph 1 – point (a a) (new)

Text proposed by the Commission

Amendment

(aa) details of whether the products were caught inside or outside Union waters;

Justification

Details of the FAO fishing area do not provide consumers with adequate information on the provenance of products caught at sea. Given that, when purchasing fishery or aquaculture products, consumers may wish to favour products of EU ‘provenance’, on quality grounds (quality of the product itself or the conditions under which it was caught) or in order to support EU operators, they should also be given details on whether a given product was caught inside or outside EU waters and on the flag State of the vessel that caught it.

Amendment 130

Proposal for a regulation

Article 44 – paragraph 1 – point (a b) (new)

Text proposed by the Commission

Amendment

(ab) details of the flag State of the vessel that caught the products;

Justification

Details of the FAO fishing area do not provide consumers with adequate information on the provenance of products caught at sea. Given that, when purchasing fishery or aquaculture products, consumers may wish to favour products of EU ‘provenance’, on quality grounds (quality of the product itself or the conditions under which it was caught) or in order to support EU operators, they should also be given details on whether a given product was caught inside or outside EU waters and on the flag State of the vessel that caught it.

Amendment 131

Proposal for a regulation

Article 44 – paragraph 1 – point (b)

Text proposed by the Commission

(b) in the case of fishery products caught in freshwater, a reference to the Member State or third country of provenance of the product;

Amendment

(b) in the case of fishery products caught in freshwater, a reference to the ***body of water of origin in the*** Member State or third country of provenance of the product;

Amendment 132

Proposal for a regulation

Article 44 – paragraph 2

Text proposed by the Commission

2. In addition to the information referred to in paragraph 1, operators may indicate a more precise catch or production area.

Amendment

2. In addition to the information referred to in paragraph 1, operators may indicate a more precise catch or production area, ***without prejudice to Regulation (EC) No 510/2006.***

Amendment 133

Proposal for a regulation

Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. In addition to the mandatory information required pursuant to Article 42, the following information may be provided on a voluntary basis:

Amendment

1. In addition to the mandatory information required pursuant to Article 42, the following information may be provided on a voluntary basis, ***on condition that it is clear and unambiguous*** :

Amendment 134

Proposal for a regulation

Article 45 – paragraph 1 – point -1 a (new)

Text proposed by the Commission

Amendment

(-1a) the date of catch of fishery products or date of harvest of aquaculture products;

Amendment 135

Proposal for a regulation

Article 45 – paragraph 1 – point (e a) (new)

Text proposed by the Commission

Amendment

(ea) information on the port at which the product was landed.

Amendment 136

Proposal for a regulation

Article 45 – paragraph 1 – point (e b) (new)

Text proposed by the Commission

Amendment

(eb) the date of catch of fishery products or harvest of aquaculture products which are not required to display this information pursuant to Article 42;

Amendment 137

Proposal for a regulation

Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. No voluntary information shall be included that cannot be verified.

Justification

It should be ensured that all information made available to consumers is truthful.

Amendment 138

Proposal for a regulation

Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 50, in order to

a) supplement or amend the mandatory information requirements referred to in Article 42(1), Article 42(2), Article 43 and Article 44, while ensuring that the mandatory information is performed in an accurate and transparent manner;

b) set minimum criteria for information voluntarily provided by operators referred to in Article 45(1), while ensuring that the conditions for displaying voluntary information are accurate, transparent and non-discriminatory.

Justification

It is considered that the information referred to in Articles 42 to 45 should not be covered by delegated acts.

Amendment 139

Proposal for a regulation

Article 49 – paragraph 1 – point (a)

Text proposed by the Commission

(a) gather, analyse and disseminate economic knowledge and understanding of the Union market for fishery and aquaculture products along the supply chain, taking into account the international context;

Amendment

(a) provide financial and practical support to producer organisations to create electronic nationwide databases/markets to better coordinate information between market operators and processors.

Justification

Information collected on VMS and e-logs should be harnessed and used in conjunction with other available data to improve market opportunities for the sector. Other applications of new technology should be considered in this context, such as the swipe-card system used by fishing vessels in Galicia.

Amendment 140

Proposal for a regulation

Article 49 – paragraph 1 – point (b)

Text proposed by the Commission

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends;

Amendment

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends, **and make the findings of those surveys and analyses public;**

Amendment 141

Proposal for a regulation

Article 49 – paragraph 1 – point (c b) (new)

Text proposed by the Commission

Amendment

(cb) undertake to devise a Union-wide campaign in order to ensure that consumers are aware of the huge variety of fish species landed in European ports, and to inform citizens of the Union of the different periods when certain species are in season, together with promotional campaigns concerning the new labelling measures being introduced;

Justification

Many consumers are unaware of the dozens of species landed in European ports. They need to be encouraged to buy different species in order to contribute to more sustainable fisheries practices, and stabilise fish prices. Consumers need also to be aware that certain fish is subject to seasonal factors. A campaign is needed, in much the same way as consumers have been informed about fruit and vegetable seasonal availability in recent years.

Amendment 142

Proposal for a regulation

Article 49 – paragraph 1 – point (c d) (new)

Text proposed by the Commission

Amendment

(cd undertakes to ensure that in primary and second level schools across the Union, information campaigns are carried out so that younger citizens and their teachers are aware of the benefits of consuming fish, and of the huge variety of species of fish which are available for consumption;

Justification

Children need to be taught about the importance of fish in their diet from a young age. They also need to be made aware that their purchasing habits can impact on more sustainable fisheries into the future.

Amendment 143

Proposal for a regulation

Article 49 – paragraph 2 – point (b)

Text proposed by the Commission

(b) make market information available to ***the adequate level to*** stakeholders.

Amendment

(b) make ***adequate*** market information available to ***all*** stakeholders, ***including making such information available to consumers in an accessible and understandable manner.***

Justification

There is not enough information provided to consumers about fish production and the factors which influence sustainable fisheries. Consumers need to be empowered with information if they are to use their buying habits to contribute towards an improved market organisation.

Amendment 144

Proposal for a regulation

Article 52 a (new)

Text proposed by the Commission

Amendment

Article 52a

Transitional measures

Without prejudice to Chapter IV, fishery and aquaculture products, and their packaging, marked or labelled prior to the date of entry into force of this Regulation may be marketed and sold until such stocks have been exhausted.

Justification

There is a need for transitional measures allowing the marketing of labelled products in accordance with the existing rules, in order to avoid additional costs to the industry.

Amendment 145

Proposal for a regulation

Article 54

Text proposed by the Commission

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation before the end of **2022**.

Amendment

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation before the end of **2019**.

Justification

Too long deadline for the review, 5 years is more reasonable.

Amendment 146

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

It shall apply from **1 January 2013** with the *exception* of **Articles 32, 35 and 36, which shall apply from 1 January 2014**.

Amendment

It shall apply from **1 January 2014**. **The consumer information provisions of Article 42 shall apply in accordance** with the *date of entry into force set out in Regulation (EU) No 1169/2011*

Justification

The dates of entry into force of the consumer information provisions should coincide with those set out in Regulation 1169/2011.

Amendment 147

Proposal for a regulation

Annex I – New entries to be inserted/added

Text proposed by the Commission

Amendment

fishmeal,
tuna intended for processing,
aquaculture species listed in Annex V of
Regulation 104/2000,
the species *Sprattus sprattus* and
****Coryphaena hippurus*, listed in Annex IV***
of Regulation 104/2000

Amendment 148

Proposal for a regulation

Annex II – New entries to be inserted/added

Text proposed by the Commission

Amendment

03026999 Skate (*Raja* spp, *Amblyraja* spp
and *Leucoraja* spp)

03028410 European seabass
(*Dicentrarchus labrax*)

Justification

*Certain species of skate, such as *Leucorajas*, are commercially valuable, and should therefore be included in Annex II. European seabass is also a commercially valuable species that should be included in the annex, in order, inter alia, to qualify for storage aid.*

Amendment 149

Proposal for a regulation

Annex II – New entries to be inserted/added

Text proposed by the Commission

Amendment

Boarfish (Caproidae)

Sprat (Sprattus Sprattus)

Turbot (Psetta Maxima)

Sea Bass (Dicentrarchus Labrax)

Argentines (Argentina Silus)

Spider Crab (Maja Brachydactela)

Lobster (Homarus Gammarus)

Justification

These are important commercial species that should be included within the scope of the new COM proposal.

Amendment 150

Proposal for a regulation

Annex 2 – New entries to be added/inserted

Text proposed by the Commission

Amendment

0307 31 10 European mussel (*Mytilus spp.*)

EXPLANATORY STATEMENT

The Common Organisation of the Market (CMO) is the first component of the Common Fisheries Policy (CFP) and has been in place since 1970. Today's regulatory framework is shaped by Regulation (EC) 104/2000¹, to be replaced by the legislative proposal, adopted by the Commission in July 2011², which is the subject of this draft report. In my previous two Working Documents presented in the Committee on Fisheries in December 2011 and January 2012 (DT-PE478.522 and DT-PE480.565) I have outlined the main issues at stake and objectives that ought to be achieved for the future CMO in the framework of a truly reformed Common Fisheries Policy.

A special focus was set on the future role and objectives of producer organisations (POs). Introduced as a counter-balance to the power of retailers, POs have so far been effective in ensuring realistic prices for the catches landed by their members, but for the future they must be given the correct tools to enable them to regulate the activity of their members more effectively. In your rapporteur's view, POs should play a more meaningful role in the day-to-day management of fisheries under a more regionalised system. The strengthening and economic viability of existing POs is equally important. Criteria must be clearly defined on the minimum number of members and criteria for the formal recognition of POs need to be beefed up to encourage them to be big enough to be relevant on the market.

Wherever possible, the creation of trans-national POs should be encouraged. They should be seen as partnerships between POs to produce common and binding rules and to provide a level-playing field for everyone engaged in that fishery. Flexibility should be allowed in order to enable POs to enjoy the benefits of competition. The internationalisation of POs or the creation of transnational associations should be promoted, as it will enable companies to become more competitive at international level. The POs should also have a well-defined role in any strategy aimed at reducing discards. POs should have responsibility for setting and implementing marketing standards within a basic framework set by the European Commission.

The future CMO must also contribute positively to a dynamic development of the EU aquaculture sector, in order to better meet European growing demand for fish against a background of declining wild fish stocks. Aquaculture POs should be given access to 'toolbox' measures to help promotion and communication actions at national and international levels and to give added-value to their members.

The use of modern technology to improve market intelligence (for instance with the creation of electronic marketplaces, online marketing and auctions or swipe-card systems at quayside) should be promoted in the framework of the future European Maritime and Fisheries Fund. There is also scope for using modern technology to link electronic markets across the EU to e-logs and VMS systems. In such a system, POs could retain a comprehensive knowledge of what is being fished and where and how much fish can be expected to be landed in which ports, at which times. The EU market observatory could also play a central role in this respect.

¹ Council Regulation (EC) No 104/2000 of 17 December 1999, published in OJ L 17, 21.1.2000, p. 22.

² COM(2011)416, 13.07.2011.

The proposed EU market intervention mechanism is limited to a single storage system. However, any system interfering with the free market should be handled with extreme care and it would need to be implemented on a cooperative basis involving all POs, allowing for as much flexibility as possible.

Labelling is another key issue in this draft report. Consumers have a right to have better and understandable information on the fishery product they buy, so as to make an informed choice. Your rapporteur proposes that the date of landing should be mandatory and the date of catch should be voluntary. However, frozen products under point a) of Annex I should be exempted from this rule, as they already bear the date of freezing (or date of first freezing), which - along with "best-by" dates - would produce an overkill of dates, most likely confusing for the consumer. Labels should also carry information about easily identifiable fishing zones that consumers can relate to, unlike the currently used labelling defining zones as FAO 27 or FAO 34. Fish species should also be identified using locally familiar names on all labels. Consumers should be clear about which fisheries products have been frozen and defrosted, particularly with regards to "fresh fish" products.

Equally important, sustainable fishing practices should be rewarded with an EU eco-label. Your rapporteur therefore invites the Commission to establish, in the near future, minimum rules for eco-labelling and possibly introduce its own eco-label, to make it more recognizable and acceptable to the sector and to the public.

Finally, a word on the external dimension of the CMO. Unlike in the previous regulation, the Commission has not included any specific chapter on this issue, referring to upcoming, specific legislation. It is essential that a level playing-field is maintained between EU fisheries products and products imported from outside the EU. However, as current rules governing international trade in fisheries and aquaculture products appear to be working satisfactorily, any new legal basis for trading in these products should reflect the *status quo* as much as possible.

8.5.2012

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products

(COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

Rapporteur: João Ferreira

SHORT JUSTIFICATION

The organisation and operation of the markets in fishery and aquaculture products have direct and indirect implications both for the sustainability of fishery resources and marine ecosystems and for public health and food safety.

The amendments proposed by the rapporteur seek to offer solutions under these two general headings.

Environmental issues

The rapporteur believes that the economic, social, and environmental aspects of fisheries are closely linked and interrelated. It follows that, if the aim is to make fisheries more sustainable environmentally, it will be necessary to adopt a broad package of measures extending to the social and economic spheres.

By way of immediate action, greater emphasis should be laid on the role of small-scale inshore fishing and non-industrial fishing, and the producers belonging to those fleet segments should be supported, bearing in mind that they are as yet integrated to only a very limited extent in the common market organisation (CMO). These segments tend to exploit resources more sustainably, be it on account of their lower energy consumption or because the fishing gear that they use is more selective.

The rapporteur takes the view that the CMO should, in general, do more to guarantee incomes in the sector, improve the marketing of fishery and aquaculture products, and increase their added value. These points cannot be considered separately from sustainable exploitation of resources, enabling fishing effort to be brought to levels compatible with the self-renewing capacity of fish stocks. This approach is incompatible with the abolition of public market regulation systems, which should, on the contrary, be strengthened by ambitious, intelligent measures.

Public intervention on the markets in fishery and aquaculture products is a necessity, not least from the environmental point of view. One reason is that the market does not, at present, fully reward all of the (environmentally and socially) positive externalities arising from more sustainable production methods.

The rapporteur is proposing some ways of overcoming what he sees as shortcomings and gaps in the Commission proposal from that point of view.

The elimination of discards, implying that all unwanted catches will be landed, is one of the aims of the CFP reform now in progress. If that goal is in fact to be attained, at least some financial compensation might need to be granted in order to help producers meet the costs of handling, storing, and landing the entire quantity of unwanted catches.

Public health and food safety issues

The trend on the markets in fishery and aquaculture products has added to the need for strict monitoring and certification of products entering the Community market, so as to ascertain that they have been produced sustainably and, as far as imports are concerned, that they conform to the same requirements and marketing standards as Community producers have to satisfy. The rapporteur is accordingly proposing to make the necessary clarification on that point.

He is also proposing some amendments aimed at defending consumer interests by clarifying concepts so as to make for clearer, more complete, and more objective information.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation.

Amendment

(3) The provisions of the Common Market Organisation should be implemented in compliance with the Union international commitments, in particular with regard to the provisions of the World Trade Organisation. ***It must be stressed, however, that fish and shellfish are a common good and that fishing is therefore not like other industries. It should, in particular, be regulated by measures that satisfy environmental and ecosystemic criteria,***

irrespective of market requirements.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Producer organisations are the key actors for the appropriate application of the Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, and collect economic information on aquaculture. When realising these objectives, producer organisations should take account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries.

Amendment

(7) Producer organisations are the key actors for the appropriate application of the Common Fisheries Policy and the Common Market Organisation. It is therefore necessary to strengthen their objectives ***in order*** to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products and collect ***environmental and*** economic information on aquaculture, ***whilst experiencing an improvement in their incomes***. When realising these objectives, producer organisations should take into account the different conditions of the fishery and aquaculture sectors prevailing in the Union, in particular the specificities of small-scale fisheries, ***and especially their greater environmental sustainability, which warrants support and positive discrimination in favour of this fleet segment within the CMO***.

Amendment 3

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for

Amendment

(9) It is appropriate to lay down common conditions ***and criteria*** for the recognition of producer organisations and inter-branch organisations by Member States, for

extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.

extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.

Amendment 4

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The landing of all incidental catches and by-catches and the elimination of discards are two of the objectives of the reform of the common fisheries policy that is currently in progress. In order to attain those objectives, more widespread use needs to be made of selective fishing gear that will prevent under-size fish from being caught.

Amendment 5

Proposal for a regulation

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The potential exists for clear information on the ecological sustainability of fisheries products to be provided to the consumer by the use of an ecolabel for fisheries products originating from both inside and outside the Union. It is therefore appropriate for the Commission to verify the reliability of ecolabels, in order to ensure that consumers receive the sustainability

premium expected when buying ecolabelled fisheries and aquaculture products. The Commission will consequently need to monitor, assess and regularly publish evaluations of the sustainability claims of each ecolabel.

Amendment 6

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to be able to supplement or amend the conditions and requirements for recognition of producers organisations, supplement or amend the content of the production and marketing plan, **define and** amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers, 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 Articles 24, 33, 41 and 46.

Amendment

(20) In order to be able to supplement or **enlarge upon** the conditions and requirements for recognition of producers organisations, supplement or **enlarge upon** the content of the production and marketing plan, **supplement or enlarge upon** the common marketing standards, supplement or **enlarge upon** mandatory information and **enlarge upon** minimum criteria for information voluntarily provided by operators to the consumers, 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 Articles 24, 33, 41 and 46.

Amendment 7

Proposal for a regulation

Article 2

Text proposed by the Commission

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are marketed in the

Amendment

The Common Market Organisation shall apply to the fishery and aquaculture products listed in Annex I to this Regulation, which are **produced or**

Union.

marketed in the Union.

Amendment 8

Proposal for a regulation

Article 6

Text proposed by the Commission

Fishery producer organisations may be established **as a group set up** on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

Amendment

Fishery producer organisations may be **transnational and** established on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

Justification

Transnational producer organisations will enable a level playing field to be created for all fisheries operators, not least with a view to regionalisation.

Amendment 9

Proposal for a regulation

Article 7 – point a

Text proposed by the Commission

(a) promoting **viable** fishing activities of their members in full compliance with the conservation policy laid down in the Regulation on the Common Fisheries Policy and environmental legislation;

Amendment

(a) promoting **sustainable** fishing activities of their members in full compliance with the conservation policy laid down in the Regulation on the Common Fisheries Policy and environmental legislation;

Amendment 10

Proposal for a regulation

Article 7 – point a a (new)

Text proposed by the Commission

Amendment

(aa) contributing to food supply and employment in coastal and rural areas;

Justification

There is no reason why the objective of contributing to food supply and employment should apply to aquaculture producer organisations, but not to fishery producer organisations. The text should be corrected accordingly.

Amendment 11

Proposal for a regulation

Article 7 – point b

Text proposed by the Commission

Amendment

(b) ***handling*** unwanted catches of commercial stocks;

(b) ***minimising and, where possible, eliminating*** unwanted catches of commercial stocks ***of marine organisms, ensuring the landing of all unwanted catches of fish species referred to in Article 15 of the Regulation on the Common Fisheries Policy, and handling any unwanted catches;***

Amendment 12

Proposal for a regulation

Article 7 – point b a (new)

Text proposed by the Commission

Amendment

(ba) contributing towards the elimination of the practice of IUU fishing by, inter

alia, deploying internal controls of their members;

Amendment 13

Proposal for a regulation

Article 7 – point c a (new)

Text proposed by the Commission

Amendment

(ca) promoting selective fishing in order to reduce unwanted catches;

Amendment 14

Proposal for a regulation

Article 7 – point e a (new)

Text proposed by the Commission

Amendment

(ea) improving the traceability of fishery products and access to information for consumers;

Amendment 15

Proposal for a regulation

Article 7 – point e b (new)

Text proposed by the Commission

Amendment

(eb) helping to improve knowledge of the conservation status of marine ecosystems and fishery resources.

Justification

Because of their practical knowledge and the fact that they are alert to the changing state of fish stocks, producer organisations could help, if they were given the necessary encouragement and

support, to improve knowledge of the conservation status of marine ecosystems, thus filling the considerable gaps existing from this point of view, thereby paving the way to knowledge-based management.

Amendment 16

Proposal for a regulation

Article 8 – point b – introductory part

Text proposed by the Commission

(b) making the best use of unwanted catches of ***commercial stocks*** by:

Amendment

(b) making the best use of unwanted catches ***covered by Article 15 of the Regulation on the Common Fisheries Policy*** by:

Amendment 17

Proposal for a regulation

Article 8 – point b – indent 1

Text proposed by the Commission

– ***disposing*** of landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption;

Amendment

– ***recording the quantities of unwanted catches and putting in place appropriate means for the disposal of*** landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption, ***while ensuring that such disposal does not result in the emergence of a discards market;***

Amendment 18

Proposal for a regulation

Article 8 – point b – indent 3

Text proposed by the Commission

- distributing landed products free of charge to philanthropic or charitable purposes.

Amendment

deleted

Amendment 19

Proposal for a regulation

Article 8 – point c

Text proposed by the Commission

(c) adjusting production *to market requirements*;

Amendment

(c) adjusting production *on the basis of the stocks available while meeting the environmental objectives set as part of the common fisheries policy reform*;

Amendment 20

Proposal for a regulation

Article 10 – point a

Text proposed by the Commission

(a) promoting sustainable aquaculture activities of their members by providing opportunities for their development;

Amendment

(a) promoting *environmentally* sustainable aquaculture activities of their members by providing opportunities for their development;

Amendment 21

Proposal for a regulation

Article 10 – point e a (new)

Text proposed by the Commission

Amendment

(ea) promoting continuous improvement in the environmental performance of aquaculture activities, reducing and minimising harmful impacts over the entire production chain.

Amendment 22

Proposal for a regulation

Article 11 – point a

Text proposed by the Commission

Amendment

(a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare;

(a) promotion of responsible and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare, ***including through the provision of training to member undertakings;***

Justification

Aquaculture producer organisations should also be given responsibility for training people working for member undertakings.

Amendment 23

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. An association of fishery or aquaculture producer organisations may be established

1. An association of fishery or aquaculture producer organisations may be established

as a group set up on the own initiative of producer organisations recognised in one or more Member States.

as a group set up on the own initiative of producer organisations recognised in one or more Member States ***or on the initiative of a trade association operating in a Member State.***

Justification

Trade associations should also be able to instigate the setting up of associations of producer organisations.

Amendment 24

Proposal for a regulation

Article 17 – point d

Text proposed by the Commission

(d) they comply with the competition rules laid down in Chapter ***VI***;

Amendment

(d) they comply with the competition rules laid down in Chapter ***V***;

Justification

Competition rules are laid down in Chapter V

Amendment 25

Proposal for a regulation

Article 21

Text proposed by the Commission

A producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks ***without prejudice to*** the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation on the Common Fisheries Policy.

Amendment

A producer organisation whose members are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks ***in accordance with*** the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation on the Common Fisheries Policy.

Amendment 26

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Communication to the Commission

Amendment

Communication to the Commission ***and publication of the list of producer organisations***

Amendment 27

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

At the beginning of every year the Commission shall publish the list of producer organisations recognised in the preceding year and of organisations whose recognition was withdrawn during that year.

Justification

Given the importance of producer organisations, this information should be brought to public notice in the same way as under the present CMO Regulation (Regulation (EC) No 104/2000).

Amendment 28

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) the producer organisation is considered to be representative of production and

Amendment

(a) the producer organisation is considered to be representative of production and

marketing in one Member State and makes an application to the competent national authorities;

marketing , *including, where relevant, the small scale and artisanal sector*, in one Member State and makes an application to the competent national authorities;

Amendment 29

Proposal for a regulation

Article 26 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the rules governing free competition between undertakings are upheld.

Justification

It is important to ensure that any measures affecting producers not belonging to an organisation do not restrict application of the rules on free competition between undertakings.

Amendment 30

Proposal for a regulation

Article 27 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the rules governing free competition between undertakings are upheld.

Amendment 31

Proposal for a regulation

Article 29 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) Chapter *VI* on competition rules is complied with;

(b) Chapter *V* on competition rules is complied with;

Amendment 32

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 50 to lay down rules concerning the content of the production and marketing plan referred to in Article 32(1).

deleted

Justification

This matter should be dealt with by codecision.

Amendment 33

Proposal for a regulation

Article 36 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the quality of the marine product due to its seasonality.

Amendment 34

Proposal for a regulation

Article 39 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) marketing standards for catches of fish below the minimum marketing size and/or in excess of established fishing opportunities, including price ceilings

and/or maximum profit levels.

Amendment 35

Proposal for a regulation

Article 39 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) sustainability and traceability standards.

Amendment 36

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards.

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards. ***This provision shall also apply to all imported fishery and aquaculture products.***

Amendment 37

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

Amendment

3. All fishery products landed, including those not complying with marketing standards, may be, under the responsibility of the Member States, distributed free of charge to philanthropic or charitable

3. All fishery products landed, including those not complying with marketing standards, may be, under the responsibility of the Member States, distributed free of charge to philanthropic or charitable

institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.

institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned as being entitled to public assistance.

Marketable catches shall be sold and a limited amount of compensation shall be paid to the fisherman and to the PO in order to cover their handling costs. The remaining catches shall be transferred to national authorities and used for control and monitoring, as well as for the improving of knowledge base of marine environment and resources;

Amendment 38

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:

Amendment

1. Fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union, irrespective of their ***geographical*** origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:

Justification

To clarify the wording.

Amendment 39

Proposal for a regulation

Article 42 – paragraph 1 – point e

Text proposed by the Commission

(e) whether the product is fresh or has been defrosted;

Amendment

deleted

Justification

Regulation (EU) No 1169/2011 (consumer information) lays down conditions governing the use of the term 'defrosted' for all foods that have been frozen and then defrosted prior to sale. There is no need for any additional requirements for fishery products. In order to ensure clarity, only one piece of legislation should apply in this area.

Amendment 40

Proposal for a regulation

Article 42 – paragraph 2 (new)

Text proposed by the Commission

Amendment

For the purposes of this Regulation and by way of derogation from Article 58(6) of Council Regulation (EC) No 1224/2009 and Article 68(3) of Commission Implementing Regulation No 404/2011, products that have been frozen prior to sale and are sold defrosted shall be labelled in accordance with Annex VI to Regulation (EU) No 1169/2011.

Amendment 41

Proposal for a regulation

Article 42 a (new)

Text proposed by the Commission

Amendment

Article 42a

Ecolabels

After consulting stakeholders, the Commission shall by 1 January 2013 submit to the European Parliament and to the Council a report, accompanied by

proposals, for the establishment of a Union wide monitoring and evaluation mechanism in respect of ecolabel schemes for fisheries and aquaculture products. The Commission shall annually publish an evaluation report on the reliability of fisheries and aquaculture ecolabels in the Union.

Amendment 42

Proposal for a regulation

Article 44 – paragraph 1 – point a

Text proposed by the Commission

(a) in the case of fishery products caught at sea, the name of one of the areas, subareas or divisions listed in the FAO Fishing Areas;

Amendment

(a) in the case of fishery products caught at sea, **both** the name **and the distinctive number** of one of the areas, subareas or divisions listed in the FAO Fishing Areas;

Amendment 43

Proposal for a regulation

Article 45 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers¹,

¹ *OL L 304, 22.11.2011, p. 18.*

Amendment 44

Proposal for a regulation

Article 46 – paragraph 2 (new)

Text proposed by the Commission

Amendment

Any delegated acts shall be adopted following appropriate consultations with operators conducted through an advisory body to be set up for this purpose (advisory committee on general and market-related matters in the fisheries and aquaculture sector).

Justification

With a view to regionalisation and the future disbandment of the AFCA, a Europe-wide advisory committee will be needed in order to deal with general and market-related matters in the fisheries and aquaculture sector.

Amendment 45

Proposal for a regulation

Article 47

Text proposed by the Commission

Amendment

Articles 101 to 106 of the ***treaty*** and their implementing provisions shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 of the treaty which relate to production or marketing of fishery and aquaculture products.

Articles 101 to 106 of the ***Treaty*** and their implementing provisions shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 of the treaty which relate to production or marketing of fishery and aquaculture products.

Justification

For the sake of clarity

Amendment 46

Proposal for a regulation

Article 48 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) do not eliminate competition in respect of a substantial proportion of the products in question;

deleted

Justification

The Commission text allows elimination of competition with respect of certain proportion of products.

Amendment 47

Proposal for a regulation

Article 49 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends;

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends, ***and make the findings of those surveys and analyses public;***

Amendment 48

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from 1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014.

It shall apply from 1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014. ***The consumer information provisions laid down in Article 42 shall apply from 13 December 2014..***

PROCEDURE

Title	Common organisation of the markets in fishery and aquaculture products
References	COM(2011)0416 – C7-0197/2011 – 2011/0194(COD)
Committee responsible Date announced in plenary	PECH 13.9.2011
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011
Rapporteur(s) Date appointed	João Ferreira 3.10.2011
Discussed in committee	29.2.2012
Date adopted	8.5.2012
Result of final vote	+ : 53 - : 0 0 : 3
Members present for the final vote	Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Lajos Bokros, Martin Callanan, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Jo Leinen, Peter Liese, Kartika Tamara Liotard, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Vladko Todorov Panayotov, Antonia Parvanova, Andres Perello Rodriguez, Mario Pirillo, Pavel Poc, Frédérique Ries, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Horst Schnellhardt, Richard Seiber, Bogusław Sonik, Åsa Westlund, Glenis Willmott, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	Nikos Chrysogelos, João Ferreira, Filip Kaczmarek, Judith A. Merkies, James Nicholson, Justas Vincas Paleckis, Alojz Peterle, Michèle Rivasi, Marita Ulvskog, Vladimir Urutchev, Andrea Zanon

PROCEDURE

Title	Common organisation of the markets in fishery and aquaculture products			
References	COM(2011)0416 – C7-0197/2011 – 2011/0194(COD)			
Date submitted to Parliament	13.7.2011			
Committee responsible Date announced in plenary	PECH 13.9.2011			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 13.9.2011			
Rapporteur(s) Date appointed	Struan Stevenson 26.9.2011			
Discussed in committee	10.10.2011	11.10.2011	19.12.2011	24.1.2012
	21.3.2012			
Date adopted	20.6.2012			
Result of final vote	+	24		
	-	1		
	0	0		
Members present for the final vote	Antonello Antinoro, Alain Cadec, Chris Davies, João Ferreira, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Carl Haglund, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Raúl Romeva i Rueda, Struan Stevenson, Jarosław Leszek Wałęsa			
Substitute(s) present for the final vote	Jean-Paul Basset, Luis Manuel Capoulas Santos, Ole Christensen, Diane Dodds, Barbara Matera, Jens Nilsson, Mario Pirillo, Nikolaos Salavrakos, Antolín Sánchez Presedo			
Substitute(s) under Rule 187(2) present for the final vote	Janusz Wojciechowski			
Date tabled	27.6.2012			