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from: General Secretariat of the Council  
to: Working Party on Internal and External Fisheries Policy

No. Cion prop.:	11915/12 PECHE 249 CODEC 1776 - COM(2012) 298 final
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Subject: Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009

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Delegations will find attached for information the final report voted on by the European Parliament's Committee on Fisheries on 9 October 2012.



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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**A7-0342/2012**

19.10.2012

**\*\*\*I**  
**REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009 (COM(2012)0298 – C7-0156/2012 – 2012/0158(COD))

Committee on Fisheries

Rapporteur: Pat the Cope Gallagher

### *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 amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009 (COM(2012)0298 – C7-0156/2012 – 2012/0158(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0298),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0156/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 September 2012<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0342/2012),
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.

### **Amendment 1**

**Proposal for a regulation**

**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) In order to ensure the continuation of proper conservation and management of marine biological resources in the Black Sea, minimum landing and mesh size for the turbot fishery should be established.***

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<sup>1</sup> OJ C 0, 0.0.0000, p. 0.

## Amendment 2

### Proposal for a regulation

#### Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) In the light of advice from STECF, the area closure to protect juvenile haddock in ICES Division VIb should be maintained.***

*Justification*

*Recital 11 is in the wrong order it should be before recital 9 to follow the order of the articles.*

## Amendment 3

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

*Amendment*

(9) In the light of advice from ICES and STECF certain technical conservation measures in the ***West of Scotland (ICES Division VIa)***, Celtic Sea (ICES Divisions VIIf,g) and Irish Sea (ICES Division VIIa) to protect ***Rockall haddock***, cod, haddock and whiting stocks should be maintained to contribute to the conservation of fish stocks.

(9) In the light of advice from ICES and STECF certain technical conservation measures in the Celtic Sea (ICES Divisions VIIf,g) and Irish Sea (ICES Division VIIa) to protect cod, haddock and whiting stocks should be maintained in order to contribute to the conservation of fish stocks.

*Justification*

*The cod, haddock and whiting stocks in the West of Scotland should no longer be covered by the catch composition rules (Article 29d). Rockall haddock is incorrectly associated with the Irish Sea VIIa cod. Rockall haddock is covered in recital 11.*

## Amendment 4

### Proposal for a regulation

#### Recital 11

*Text proposed by the Commission*

*Amendment*

***(11) In the light of advice from STECF, the area closure to protect juvenile haddock in ICES Division VIb should be maintained.***

*deleted*

*Justification*

*Recital 11 is in the wrong order it should be before recital 9 to follow the order of the articles.*

## Amendment 5

### Proposal for a regulation

#### Recital 18 a (new)

*Text proposed by the Commission*

*Amendment*

***(18a) In the light of advice from STECF, stating that "there was no rationale for treating trammel nets differently from gill nets or entangling nets with regard to article 9.4", the use of trammel nets in ICES Subarea IX in waters deeper than 200 m but less than 600 m should be allowed.***

## Amendment 6

### Proposal for a regulation

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

Regulation N° 850/98

Article 2 - paragraph 1 - point ha (new)

*Text proposed by the Commission*

*Amendment*

***(1a) The following point is inserted in Article 2:***

***"(ha) All waters of the Black Sea corresponding to the General Fisheries Commission for the Mediterranean geographical sub-areas as defined in Resolution GFCM/33/2009/2."***

## Amendment 7

### Proposal for a regulation

#### Article 1 - paragraph 1 - point 2

Regulation No 850/98

Article 19a – paragraph 1

*Text proposed by the Commission*

*Amendment*

***1. Any species subject to quota caught during any fishing activity in Regions 1 to 4 specified in Article 2 of this Regulation shall be brought aboard the vessel and subsequently landed.*** ***deleted***

#### *Justification*

*This provision which is an obligation to land all catches is actively being discussed under the reform of the Common Fisheries Policy and since it is the stated intention as outlined in the explanatory memorandum of the Commission to revise Regulation (EC) No 850/98 after and in accordance with the Common Fisheries Policy reform which is currently in the process of negotiation it is not appropriate to include this article at this stage. The proposed technical measures are transitional technical to allow time to develop a new framework for technical measures.*



## Amendment 8

### Proposal for a regulation

#### Article 1 - paragraph 1 - point 2

Regulation No 850/98

Article 19a – paragraph 1a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Undersized marine organisms shall be returned immediately to the sea. The retention on board, transshipment, landing, transportation, storage, sale, display or offering for sale of undersized marine organisms shall be prohibited..***

*Justification*

*The proposed technical measures are transitional technical to allow time to develop a new framework for technical measures. In light of this it is appropriate that these transitional technical measures should prohibit the landing of undersize marine organisms as provided for in the existing Regulation (EC) No 850/98.*

## Amendment 9

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 2

Regulation No 850/98

Article 19 a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Marine organisms that are smaller than the minimum catch size as defined in Annex XII to Regulation (EC) No 850/98 shall be returned immediately to the sea. Their retention on board, transshipment, landing, transport, storage and offer for sale shall be prohibited.***

*Justification*

*This transitional regulation should incorporate the provisions of Regulation (EC) No 850/98 in relation to reducing discards.*

## Amendment 10

### Proposal for a regulation

#### Article 1 - paragraph 1 - point 2

Regulation No 850/98

Article 19a – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. The provisions referred to in paragraph 1 are without prejudice to the obligations set out in this Regulation or in any other fisheries regulation.** **deleted**

*Justification*

*This article is now redundant given that article (19a 1.) is deleted.*

## Amendment 11

### Proposal for a regulation

#### Article 1 - paragraph 1 - point 6

Regulation No 850/98

Article 29d – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. It shall be prohibited to conduct any fishing activity for cod, ***haddock*** and whiting within that part of ICES Division VIa that lies ***to the east or to the south of those rhumb lines which sequentially join the following coordinates which shall be measured according to the WGS84 system:***

***– 54o30' N, 10o35' W***

***– 55o20' N, 09o50' W***

***– 55o30' N, 09o20' W***

***– 56o40' N, 08o55' W***

***– 57o00' N, 09o00' W***

1. It shall be prohibited to conduct any fishing activity for cod and whiting within that part of ICES Division VIa that lies ***within the following area, which consists of the following ICES Statistical rectangles, or any part thereof:***

***– 54o30' N 10o00' W***

***– 55o00' N 10o00' W***

***– 55o00' N 09o00' W***

***– 58o00' N 09o00' W***

***– 58o00' N 08o00' W***

– 57o20' N, 09o20' W  
– 57o50' N, 09o20' W  
– 58o10' N, 09o00' W  
– 58o40' N, 07o40' W  
– 59o00' N, 07o30' W  
– 59o20' N, 06o30' W  
– 59o40' N, 06o05' W  
– 59o40' N, 05o30' W  
– 60o00' N, 04o50' W  
– 60o15' N, 04o00' W

– 58o30' N 08o00' W  
– 58o30' N 07o00' W  
– 59o00' N 07o00' W  
– 59o00' N 06o00' W  
– 59o30' N 06o00' W  
– 59o 30' N 06o00' W  
– 59o30' N 05o00' W  
– 60o00' N 05o00' W  
– 60o00' N 04o00' W

### *Justification*

*The defined area is inappropriate and should either be changed or removed. This is based on latest STECF comments on the Evaluation of the Cod Recovery Plan and regarding the West of Scotland Management Line. The defined area is also invalidated by the fact that the Commission have introduced emergency measures to remove haddock from the by-catch provisions in area VIa and a zero TAC has been set for cod in 2012 in VIa. In addition it has been shown that this line has not had the desired effect of reduced fishing mortality on cod even though there has been a significant reduction in effort.*

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 1 - paragraph 1 - point 6**

Regulation No 850/98

Paragraph 29d – paragraph 3 - introductory part

#### *Text proposed by the Commission*

3. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities using inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels within the specified areas and time periods, provided that:

#### *Amendment*

3. By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities using inshore static nets fixed with stakes, scallop dredges, ***gears that target queen scallops***, mussel dredges, handlines, mechanised jigging, ***gill and tangle nets***, draft nets and beach seines, pots and creels within the specified areas and time periods, provided that:

### *Justification*

*Gill nets and tangle nets were used by the small inshore vessels to catch crustacea and the lesser spotted dogfish, saithe and haddock in the specified area in area VIa before the enactment of Annex III and the Appendices to Annex III to Regulation (EC) No 43/2009. These nets are not used to catch cod or whiting and will have almost zero impact on these stocks. Haddock is no longer a by-catch under the Commission emergency measures and should therefore be allowed to be caught by gill nets. The inshore fishermen involved are unnecessarily deprived of earning an income and have suffered severely over the last four years.*

## **Amendment 13**

### **Proposal for a regulation**

#### **Article 1 - paragraph 1 - point 6**

Regulation No 850/98

Article 29d – paragraph 3 – point (a)

#### *Text proposed by the Commission*

(a) no fishing gear other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, draft nets and beach seines, pots and creels are carried on board or deployed; and

#### *Amendment*

(a) no fishing gear other than inshore static nets fixed with stakes, scallop dredges, mussel dredges, handlines, mechanised jigging, ***gill and tangle nets***, draft nets and beach seines, pots and creels are carried on board or deployed; and

### *Justification*

*Gill nets and tangle nets were used by the small inshore vessels to catch crustacea and the lesser spotted dogfish, saithe and haddock in the specified area in area VIa before the enactment of Annex III and the Appendices to Annex III to Regulation (EC) No 43/2009. These nets are not used to catch cod or whiting and will have almost zero impact on these stocks. Haddock is no longer a by-catch under the Commission emergency measures and should therefore be allowed to be caught by gill nets.*

## Amendment 14

### Proposal for a regulation

#### Article 1 - paragraph 1 - point 6

Regulation No 850/98

Article 29d – paragraph 3 – point (b)

#### *Text proposed by the Commission*

(b) no fish other than mackerel, pollack, saithe and salmon, or shellfish other than molluscs and crustaceans are retained on board, landed or brought ashore.

#### *Amendment*

(b) no fish other than mackerel, pollack, saithe, ***haddock, lesser spotted dogfish (Scyliorhinus Canicula)*** and salmon, or shellfish other than molluscs and crustaceans are retained on board, landed or brought ashore.

#### *Justification*

*Gill nets and tangle nets were used by the small inshore vessels to catch crustacea and the lesser spotted dogfish, saithe and haddock in the specified area in area VIa before the enactment of Annex III and the Appendices to Annex III to Regulation (EC) No 43/2009. These nets are not used to catch cod or whiting and will have almost zero impact on these stocks. Haddock is no longer a by-catch under the Commission emergency measures and should therefore be allowed to be caught by gill nets.*

## Amendment 15

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 6

Regulation No 850/98

Article 29d – paragraph 4a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***4a. By way of derogation from paragraph 1, it shall be permitted to fish for queen scallop (Aequipecten opercularis) provided that:***

***(a) the fishing gear used is specialised otter trawl gear configured to select against fish catches (60cms low headline);***

***(b) the fishing gear includes a square mesh panel as described in Annex XIVc;***

*(c) the fishing gear is constructed with a minimum mesh size of 80mm;*

*(d) no less than 90 % of the retained catch by weight is comprised of queen scallop (*Aequipecten opercularis*)*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation No 850/98

Article 29d - paragraph 5 - point a

*Text proposed by the Commission*

(a) the fishing gear used incorporates a sorting grid in accordance with Annex XIVa; or a square-mesh panel as described in Annex XIVc;

*Amendment*

(a) the fishing gear used incorporates a sorting grid, in accordance with Annex XIVa - or a **combination of a** square-mesh panel, as described in Annex XIVc - **and/or equivalent highly selective gear that has been approved by STECF.**

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation No 850/98

Article 29d - paragraph 5 - point d

*Text proposed by the Commission*

**(d) no more than 10 % of the retained catch by weight is comprised of any mixture of cod, haddock and/or whiting;**

*Amendment*

**deleted**

*Justification*

*Haddock has now recovered sufficiently to be targetable and so must remain out of the catch composition rules, extending the current Commission emergency measures, to prevent an increase in discarding. Currently, there is a zero TAC for cod with a 1.5% by catch making these rules obsolete. The UK has introduced national measures to ensure appropriate protection of whiting as these rules are no longer considered suitable. Cod and whiting are both recovering and so a rapid and flexible approach is needed to ensure the best management as the stocks recover without increasing discards.*

## Amendment 18

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 6

Regulation No 850/98

Article 29 d - paragraph 7

#### *Text proposed by the Commission*

7. By way of derogation from paragraph 1, it shall be permitted to fish with trawls, demersal seines or similar gears provided that:

#### *Amendment*

7. By way of derogation from paragraph 1, it shall be permitted to fish with **fixed nets**, trawls, demersal seines or similar gears provided that:

#### *Justification*

*Fixed nets are selective gear that make it possible to target specific species with low levels of by-catches. Nevertheless, they are the only gear whose use is totally prohibited whatever the mesh size. Netters operating in this zone before the access ban exclusively targeted hake, with a catch rate for cod, haddock and whiting lower than 1.5%.*

## Amendment 19

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 6

Regulation No 850/98

Article 29d - paragraph 7 - point b

#### *Text proposed by the Commission*

***(b) no more than 30 % of the retained catch by weight is comprised of any mixture of cod, haddock and/or whiting;***

#### *Amendment*

***deleted***

#### *Justification*

*Haddock has now recovered sufficiently to be targetable and so must remain out of the catch composition rules, extending the current Commission emergency measures, to prevent an increase in discarding. Currently there is a zero TAC for cod with a 1,5% bycatch making these rules obsolete. The UK has introduced national measures to ensure appropriate protection of whiting as these rules are no longer considered suitable. Cod and whiting are both recovering and so a rapid and flexible approach is needed to ensure the best management as the stocks recover without increasing discards.*

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 1 - paragraph 1 - point 6**

Regulation No 850/98

Article 29d - paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. The Commission may decide, in light of scientific advice, after consultation of the STECF, to adopt implementing acts, amending the characteristics of the gears specified in paragraph 7 within the area defined in paragraph 1.***

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 1 - paragraph 1 point 6**

Regulation No 850/98

Article 29d – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

***8a. From 1 January to 31 March, and from 1 October to 31 December, it shall be prohibited to conduct any fishing activity using any of the gears specified in Annex I to Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks <sup>1</sup> in the area specified in ICES area VIa enclosed by sequentially joining with rhumb lines the following coordinates :***

- longitude 7°07 W, latitude 55°25 N,***
- longitude 7°00W, latitude 55°25 N,***
- longitude 6°50W, latitude 55°18 N,***
- longitude 6°50 W, latitude 55o17 N;***



- longitude 6°52 W, latitude 55°17 N,

- longitude 7°07 W, latitude 55°25 N;

*By way of derogation from paragraph 1, it shall be permitted to conduct fishing activities using scallop dredges and gears that target queen scallops between 1 October and 31 December.*

*The master of a sea-fishing vessel or another person on board shall not cause or permit a person on board to attempt to fish for, land, tranship or have on board fish caught in the specified area.*

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<sup>1</sup> OJ L 348, 24.12.2008, p. 20.

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 1 - paragraph 1- point 6**

Regulation No 850/98

Article 29d – paragraph 10a (new)

*Text proposed by the Commission*

*Amendment*

***10a. In the light of annual advice from ICES and STECF, the Commission may adopt implementing acts amending the coordinates of the area specified in paragraph 1 to reflect scientific advice on the state of cod and whiting stocks within that area..***

#### *Justification*

*The existing defined area is inappropriate and ineffective as already highlighted in amendment six. Depending on advice from ICES and STECF a new defined area may or may not be appropriate. The following amendments are assuming that new defined area will be established in light of advice from ICES and STECF. Should ICES and STECF advise that a new defined area is no longer valid then all of article 29d is redundant.*

## Amendment 23

### Proposal for a regulation

#### Article 1 - paragraph 9

Regulation No 850/98

Paragraph 34a – paragraph 2 – point (a) – indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

**– are of only one of the permitted mesh size ranges: and**

*Justification*

*This indent was a necessary part of the original text which was omitted in the Commission's proposal.*

## Amendment 24

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 9

Regulation No 850/98

Article 34 b – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

(b) Entangling nets with a mesh size equal to or greater than 250 mm, provided that:

(b) Entangling **and trammel** nets with a mesh size equal to or greater than 250 mm, provided that:

*Justification*

*There should be no unfair and unacceptable discrimination against trammel nets (nets with three panels). Entangling nets targeting deep-sea sharks may operate at depths of 200-600 metres, but trammel nets targeting anglerfish may not operate, even though they are not fishing for and therefore have no reason to discard sharks. There is therefore no reason, from the point of view of either fishing practice or scientific opinions, to discriminate against trammel nets in this way.*

## Amendment 25

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 9

Regulation No 850/98

Article 34 b - paragraph 3 - point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) Trammel nets in ICES Subarea IX with a mesh size equal to or greater than 220 mm, provided that:***

- they are deployed in waters of less than 600 metres charted depth;***
- they are no more than 30 meshes deep, having a hanging ratio of not less than 0,44;***
- they are not rigged with floats or other means of floatation;***
- they shall each be of a maximum of 5 km in length; the total length of all nets deployed at any one time shall not exceed 20 km per vessel;***
- the maximum soak time is 72 hours.***

## Amendment 26

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 9

Regulation No 850/98

Article 34 d – point 11 a (new)

*Text proposed by the Commission*

*Amendment*

***11a. The Commission may decide, after consultation of the STECF, to exclude certain fisheries in ICES zones VIII, IX and X from application of points 9.1 to 9.11, where information provided by Member States shows that those fisheries result in a very low level of shark by-catches and of discards.***

*Justification*

*Point 9 of Annex III to Regulation (EC) No 43/2009 made provision for the possibility of excluding certain fisheries in ICES zones VIII, IX and X where information provided to the STECF by Member States shows that those fisheries result in a very low level of by-catches.*

**Amendment 27**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9**

Regulation No 850/98

Article 34 d – paragraph 1

*Text proposed by the Commission*

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and long-lines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

*Amendment*

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gill-nets and **bottom set** long-lines, within the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

**Amendment 28**

**Proposal for a regulation**

**Article 1 - paragraph 1 - point 12**

Regulation No 850/98

Annex I

*Text proposed by the Commission*

(12) In Annex I, footnote 6 to the table is deleted.

*Amendment*

**Article 34 fa**

(12) In Annex I:

***(a) new rows are inserted in the table as follows:***

Target species	Mesh size range (millimetres)									
	<16	16 to 31	32 to 54	55 to 69	70 to 79	80 to 99	≥ 100			
	Minimum percentage of target species									
	95	90/60	60	30	90/60	90	35	30	70	None
<i>Myctophiformes</i>	x									
<i>Stomiiformes</i>										

(b) footnote 6 to the table is deleted.

#### *Justification*

*The default mesh size for species not covered in the tables of 850/98 is 100mm. To avoid the same problem that happened with boarfish where it was necessary to introduce a specific amendment. This amendment provides an appropriate mesh size for other small pelagics of the orders Myctophiformes and Stomiiformes.*

**Amendment 29**

**Proposal for a regulation**

**Article 1 - paragraph 1 - point 12 a (new)**

Regulation No 850/98

Annex II

*Text proposed by the Commission*

*Amendment*

**Article 34 fa**

***(12a) In Annex II, new rows are inserted in the table as followed:***

Target species	Mesh size range (millimetres)							
	16 to 31		32 to 54		55 to 59		60 to 69	≥ 70
	Minimum percentage of target species							
	50%	90%	90%	90%	30%	70%	70%	None
<i>Myctophiformes</i>	<i>x</i>							
<i>Stomiiformes</i>	<i>x</i>							

*Justification*

*The default mesh size for species not covered in the tables of 850/98 is 100mm. To avoid the same problem that happened with boarfish where it was necessary to introduce a specific amendment. This amendment provides an appropriate mesh size for other small pelagics of the orders Myctophiformes and Stomiiformes.*

## Amendment 30

### Proposal for a regulation

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

Regulation N° 850/98

Annex XII

*Text proposed by the Commission*

*Amendment*

***(13a) In Annex XII, a new column is added for Region 9 for the species Turbot (*Psetta maxima*) with a minimum size of 45 cm.***

## Amendment 31

### Proposal for a regulation

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

Regulation No 850/98

Annex XII

*Text proposed by the Commission*

*Amendment*

***(13a) In Annex XII, in the table, the rows corresponding to anchovy are replaced by the following:***

***"Anchovy (*Engraulis encrasicolus*)***

***Whole area, except ICES IXa east of longitude 7° 23' 48" W: 12 cm or 90 individuals per kilo***

***ICES IXa east of longitude 7° 23' 48" W: 10 cm"***

### *Justification*

*An equivalence to the minimum size in terms of numbers of individuals would simplify work on board and facilitate controls on landing. This definition was proposed by the competent scientific bodies and has been supported by the South RAC since 2010 (opinion 26).*

## EXPLANATORY STATEMENT

The technical conservation measures for fishery resources are among the key elements of a regionalised approach to fisheries management and come on top of the annual/ biannual decisions on catch possibilities. Technical measures lay down the rules on fishing zones and fishing gear used as opposed to quantities (fishing effort) and/or catches (TACs and quotas) authorised.

Technical conservation measures are rules, which our fishermen throughout the European Union must follow on a daily basis when undertaking a fishing expedition in order to ensure that how and where fishing activity is carried out it is done so in a sustainable manner. The measures relate to minimum landing sizes, minimum net mesh sizes, zones and closed seasons, limiting by-catch, the criteria to use more selective fishing gears and measures designed to protect the marine environment and have thus a considerable impact in achieving the objectives of the Common fisheries policy (CFP).

Since the Treaty on the Functioning of the European Union (TFEU) entered into force, only measures on setting and dividing up fishing opportunities may be defined by the Council. 'Associated conditions' (technical measures) which govern the use of fishing possibilities, without being functionally related to them, must be adopted by Council and Parliament in co-decision.

Council regulation 850/98 "for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms" - the basic regulation on technical measures - was intended to be amended in order to provide for a permanent technical measures framework in line with the TFEU but failed to reach political agreement.

In order to ensure that the measures laid down in Council regulation 43/2009 "fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required" would remain in place from 1 January 2010, Council adopted regulation 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 (period of 18 months). A further transitional extension of the validity of the measures was done under regulation 579/2011 of the European Parliament and the Council (for another period of 18 months) .

The present Commission proposal intends to extend the rules on technical measures for yet another transitional period until a regionalised framework for technical measures in accordance with the CFP has been adopted. As the CFP will not enter into force by 1 January 2013 when the current transitional technical measures will expire according to Article 2 (2) of regulation 579/2011, the Commission proposes once more an interim solution by amending the basic legal act without concrete terminability. By adopting the Commission proposal, the 2009 and 2011 regulations will be repealed.

Besides the extension of validity of the current technical measures, the proposed text contains an update on existing measures due to STECF advice and NEAFC recommendations as well as measures to reduce discards in the North-east Atlantic as agreed with Norway and the Faroe Islands in 2010 which had not yet been transposed into EU law.



It is unfortunate that the Parliament is presented yet another proposal on transitional technical measures rather than a permanent solution was found in due time. The European fishermen need legal clarity and the word "temporarily" should not be lead ad absurdum.

However, your rapporteur fully recognises the need for these measures, which are designed to ensure that fish stocks are fished in a sustainable manner and the ecosystems in which they live are maintained. Nonetheless, these measures must be formulated and designed with the evolving nature of fisheries management and scientific advice. He therefore suggests a few additional changes in order to complete the update by taking into account further advice by STECF and ICES on area definitions and management analyses as well as regarding the new Commission emergency measures. The rapporteur notes that poorly conceived or inappropriate technical measures can result in unsustainable fishing practices and in certain circumstances can endanger the lives and safety of fishermen, which is totally unacceptable. This is particularly the case with some of the existing measures on restrictions on fishing for cod, haddock and whiting in ICES Subarea VI where the scientific advice is that the defined area is inappropriate. The amendments proposed by the rapporteur are supported by clear scientific evidence and target specific articles, which are obsolete and/or contrary to sustainable fisheries management and require immediate attention.

Your rapporteur believes, that the present proposal on technical measures should not pre-empt decisions regarding landing obligations to be taken within the basic regulation of the CFP and the temporary nature of the legal act should be clearly linked to the envisaged regionalised framework for technical conservation measures once the new CFP has been adopted. Technical measures need to be carefully designed for specific cases and zones and cannot be seen as general rules applicable throughout all member states in an equal way, a regionalised approach is thus indispensable.

Transitional technical measures have been in place since the 1 January 2010 and expire on 31 December 2012. The rapporteur is fully aware that it leaves little time for the European Parliament and Council to reach a political agreement on one of the most complex and important aspects of the CFP. Nevertheless, the rapporteur is determined to work with all stakeholders to ensure that appropriate and effective transitional measures can be in place before the end of this year.

## PROCEDURE

<b>Title</b>	Conservation of fishery resources through technical measures for the protection of juveniles of marine organisms	
<b>References</b>	COM(2012)0298 – C7-0156/2012 – 2012/0158(COD)	
<b>Date submitted to Parliament</b>	19.6.2012	
<b>Committee responsible</b> Date announced in plenary	PECH 3.7.2012	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ENVI 3.7.2012	
<b>Not delivering opinions</b> Date of decision	ENVI 10.7.2012	
<b>Rapporteur(s)</b> Date appointed	Pat the Cope Gallagher 31.5.2012	
<b>Discussed in committee</b>	12.7.2012	19.9.2012
<b>Date adopted</b>	9.10.2012	
<b>Result of final vote</b>	+: 23	–: 0
	0: 0	
<b>Members present for the final vote</b>	Kriton Arsenis, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Marek Józef Gróbarczyk, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Crescenzo Rivellini, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Nils Torvalds, Jarosław Leszek Wałęsa	
<b>Substitute(s) present for the final vote</b>	Diane Dodds, Rareş-Lucian Niculescu, Jens Nilsson	
<b>Date tabled</b>	19.10.2012	