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Delegations will please find attached the Report from the European Parliament's Committee on Fisheries following its vote on 7th December 2016.

This Report represents the provisional position of the European Parliament only.

European Parliament

2014-2019



Plenary sitting

A8-0376/2016

7.12.2016

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
defining characteristics for fishing vessels (recast)

(COM(2016)0273 – C8-0187/2016 – 2016/0145(COD))

Committee on Fisheries

Rapporteur: Werner Kuhn

(Recast – Rule 104 of the Rules of Procedure)

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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council defining characteristics for fishing vessels (recast)
(COM(2016)0273 – C8-0187/2016 – 2016/0145(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0273),
 - 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 (C8-0187/2016),
 - 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 19 October 2016¹,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts²,
 - having regard to the letter of 17 October 2016 from the Committee on Legal Affairs to the Committee on Fisheries in accordance with Rule 104(3) of its Rules of Procedure,
 - having regard to its previous resolutions, in particular its resolution of 22 November 2012 on small-scale coastal fishing, artisanal fishing and the reform of the common fisheries policy³,
 - having regard to Rules 104 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0376/2016),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

¹ Not yet published in the Official Journal.

² OJ C 77, 28.3.2002, p. 1.

³ Texts adopted, P7_TA(2012)0460.

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
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

Text proposed by the Commission

(3) It is essential that identical rules for determining the characteristics of fishing vessels should be used in order to unify the conditions for the pursuit of the activity in the Union .

Amendment

(3) It is essential that identical rules for determining the characteristics of fishing vessels, ***which shall be in line with the standards of the common fisheries policy***, should be used in order to unify the conditions for the pursuit of the activity in the Union.

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Therefore, account should be taken of the International Convention on Tonnage Measurement of Ships, signed in London on 23 June 1969 (1969 Convention) , ***and*** the International Convention for the Safety of Fishing Vessels, signed in Torremolinos on 2 April 1977, ***both drawn up under the aegis*** of the ***International Maritime Organization (IMO)***.

Amendment

(5) Therefore, account should be taken of the International Convention on Tonnage Measurement of Ships, signed in London on 23 June 1969 (1969 Convention), the International Convention for the Safety of Fishing Vessels, signed in Torremolinos on 2 April 1977, ***and the United Nations Convention on Fishing and Conservation of the Living Resources of the High Seas, signed in Geneva on 29 April 1958.***

Amendment 3

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) For larger fishing vessels exceeding that length, a greater expansion of vessel characterisation to include cargo and fuel capacity, processing ability and output is desirable.

Amendment 4

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The European Parliament resolution of 22 November 2012 on small-scale coastal fishing, artisanal fishing and the reform of the common fisheries policy calls for a legal definition regarding the characteristics of large-scale and small-scale fisheries in order to legally distinguish them from one another. That definition would need to encompass, in addition to vessel size attributes such as vessel length, variables relating to their local operational range, their social role in coastal communities, ecological impact, fishing capacity and the economics of the enterprise.

Amendment 5

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 7 concerning the ***amendments necessary for adapting the requirements referred to in paragraph 2 of this Article*** to technical progress.

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 7 concerning the ***amendment of paragraph 2 of this Article in order to adapt the reference to the relevant ISO International Standard*** to technical progress.

Amendment 6

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [...].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for ***a*** period of ***five years*** from [***the date of entry into force of this Regulation***]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Ref. D(2016)43806

Alain Cadec
Chair, Committee on Fisheries
ASP 13E205
Brussels

**Subject: Proposal for a regulation of the European Parliament and of the Council defining characteristics for fishing vessels (recast)
(COM(2016)0273 – C8-0187/2016– 2016/0145(COD))**

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 169 and 170, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 58, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsman, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, at its meeting of 13 October 2016, the Committee on Legal Affairs unanimously decided⁴ to recommend that the Committee on Fisheries, as the committee responsible, proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda

Encl.: Opinion of the Consultative Working Party.

⁴ The following Members were present: Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Therese Comodini Cachia, Mady Delvaux, Pascal Durand, Evelyne Gebhardt, Lidia Joanna Geringer de Oedenberg, Constance Le Grip, Gilles Lebreton, António Marinho e Pinto, Victor Negrescu, Julia Reda, Evelyn Regner, Virginie Rozière, Pavel Svoboda, József Szájer, Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 14 September 2016

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a regulation of the European Parliament and of the Council on the characteristics for fishing vessels
COM(2016)0273 of 23.5.2016 – 2016/0145(COD)(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 7 July 2016 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting⁵, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels resulted in the Consultative Working Party's concluding, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER

H. LEGAL

L. ROMERO REQUENA

Jurisconsult

Jurisconsult

Director General

⁵ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Characteristics for fishing vessels (recast)		
References	COM(2016)0273 – C8-0187/2016 – 2016/0145(COD)		
Date submitted to Parliament	23.5.2016		
Committee responsible	PECH		
Date announced in plenary	6.6.2016		
Rapporteurs	Werner Kuhn		
Date appointed	6.7.2016		
Discussed in committee	11.7.2016	8.9.2016	9.11.2016
Date adopted	5.12.2016		
Result of final vote	+: 20		
	–: 1		
	0: 0		
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Renata Briano, Richard Corbett, Linnéa Engström, Carlos Iturgaiz, Werner Kuhn, António Marinho e Pinto, Gabriel Mato, Ulrike Rodust, Remo Sernagiotto, Isabelle Thomas, Ruža Tomašić, Peter van Dalen, Jarosław Wałęsa		
Substitutes present for the final vote	Izaskun Bilbao Barandica, José Blanco López, Ole Christensen, Ian Duncan, Anja Hazekamp, Maria Heubuch, Mike Hookem, Verónica Lope Fontagné, Francisco José Millán Mon, Piernicola Pedicini, Maria Lidia Senra Rodríguez		
Date tabled	8.12.2016		