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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 January 2015)

I. INTRODUCTION

The Committee on Fisheries submitted 25 amendments to the proposal for a Regulation. In addition, the EUL/NGL political group submitted three amendments.

II. VOTE

When it voted (without a prior debate in plenary) on 13 January 2015, the plenary adopted the 25 amendments submitted by the Committee on Fisheries, but not the three amendments submitted by the EUL/NGL political group.

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

Provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area *I**

European Parliament legislative resolution of 13 January 2015 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area (COM(2014)0457 – C8-0102/2014 – 2014/0213(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0457),
 - 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 (C8-0102/2014),
 - 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 15 October 2014¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0057/2014),
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 Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) At its Annual Sessions in 2011 and 2012, the GFCM adopted measures for the sustainable exploitation of red coral in its area of competence to be implemented in Union law. One of those measures concerns the use of Remotely Operated under-water Vehicles (ROVs). The GFCM decided that ROVs in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of Recommendation GFCM/35/2011/2, are no longer to be allowed after 2014. According to another measure laid down in recommendation GFCM/36/2012/1, red coral catches are to be landed only in a limited number of ports with adequate port facilities and the lists of designated ports are to be communicated to the GFCM Secretariat. Any changes affecting the lists of ports designated by Member States should be communicated to the European Commission for further transmission to the GFCM Secretariat.

Amendment

(4) At its Annual Sessions in 2011 and 2012, the GFCM adopted measures for the sustainable exploitation of red coral in its area of competence to be implemented in Union law. One of those measures concerns the use of Remotely Operated under-water Vehicles (ROVs). The GFCM decided that ROVs in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of Recommendation GFCM/35/2011/2 are no longer to be allowed after 2014, ***unless scientific advice states otherwise.***

However, in line with that Recommendation, the use of ROVs should be allowed in the case of Member States which have not yet authorised them for prospection and may wish to do so, provided that scientific results obtained in the context of management plans show no negative impact on the sustainable exploitation of red coral. The use of ROVs may also be authorised for a limited period not extending beyond 2015, for scientific experimental campaigns both for observation and for harvesting.

According to another measure laid down in recommendation GFCM/36/2012/1, red coral catches are to be landed only in a limited number of ports with adequate port facilities and the lists of designated ports are to be communicated to the GFCM Secretariat. Any changes affecting the lists of ports designated by Member States should be communicated to the European Commission for further transmission to the GFCM Secretariat.

Amendment 2

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) In order to ensure that the Union continues to fulfil its obligations under the GFCM Agreement, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning authorisations to derogate from the prohibition to harvest red coral at depths less than 50 m and to depart from the minimum basal diameter of red coral colonies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(9) In order to ensure that the Union continues to fulfil its obligations under the GFCM Agreement, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning authorisations to derogate from the prohibition to harvest red coral at depths less than 50 m and to depart from the minimum basal diameter of red coral colonies. ***Member States which have already transposed recommendation GFCM/35/2011/2 and developed appropriate national management frameworks, and which have already informed the Commission to that effect, should not be subject to the derogation procedure.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 3

Proposal for a regulation Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 b – paragraph 1

Text proposed by the Commission

1. The harvesting of red coral shall be prohibited at depth less than 50 m.

Amendment

1. The harvesting of red coral shall be prohibited at depth less than 50 m ***until scientific studies, as validated by the***

Amendment 4

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 b – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to grant derogations from paragraph 1. Those delegated acts shall include rules ensuring scientific evaluation of the zones subject to derogations.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to grant derogations from paragraph 1. Those delegated acts shall include rules ensuring scientific evaluation of the zones subject to derogations.
Member States which have already transposed recommendation GFCM/35/2011/2 and developed appropriate national management frameworks, and which have already informed the Commission to that effect, shall not be subject to the derogation procedure under this Article.

Amendment 5

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 c – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to authorise, by way of derogation from paragraph 1, a maximum tolerance limit of 10% in live weight of undersized (<7 mm) colonies of red coral.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to authorise, by way of derogation from paragraph 1, a maximum tolerance limit of 10 % in live weight of undersized (<7 mm) colonies of red coral.

Member States which have already transposed recommendation GFCM/35/2011/2 and developed appropriate national management frameworks, and which have already informed the Commission to that effect, shall not be subject to the derogation procedure under this Article.

Amendment 6

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 c – paragraph 3 – point b

Text proposed by the Commission

(b) specific monitoring and control programmes *stating objectives, priorities and benchmarks for inspection activities* are in place.

Amendment

(b) specific monitoring and control programmes are in place.

Amendment 7

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 d – paragraph 1

Text proposed by the Commission

1. For the harvesting of red coral, the only permitted gear shall be a hammer used manually by *professional* fishermen.

Amendment

1. For the harvesting of red coral, the only permitted gear shall be a hammer used manually by fishermen *recognised as such by the Member State concerned*.

Amendment 8

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 d – paragraph 2

Text proposed by the Commission

2. The use of Remotely Operated under-water Vehicles for the exploitation of red coral shall be prohibited. That prohibition shall cover, as from **1 January 2015**, the use of Remotely Operated under-water Vehicles which may have been authorized by Member States in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of paragraphs 3(a) or 3(b) of recommendation GFCM/35/2011/2.

Amendment

2. The use of Remotely Operated under-water Vehicles for the exploitation of red coral shall be prohibited. ***Unless scientific advice states otherwise***, that prohibition shall cover, as from **1 January 2016**, the use of Remotely Operated under-water Vehicles which may have been authorized by Member States in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of paragraphs 3(a) or 3(b) of recommendation GFCM/35/2011/2.

Amendment 9

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 d – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Paragraph 2 shall not apply in relation to Member States which have not yet authorised the use of ROVs for prospection and may wish to do so. Such authorisation shall be granted only on the basis of scientific results obtained in the context of national management frameworks and showing no negative impact on the sustainable exploitation of red coral.

Amendment 10

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 d – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The use of ROVs may be authorised in zones under national jurisdiction only and within a framework allowing for scientific experimental campaigns both for observation and harvesting during a limited period not extending beyond 2015, carried out under the supervision of national research institutions and/or in collaboration with national or international bodies as well as any other relevant stakeholders.

Amendment 11

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 f – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Fishing vessels shall not bring seabirds ashore except within the framework of national plans for the conservation of seabirds or to secure assistance for the recovery of harmed individual seabirds, and provided that the competent national authorities have been duly and officially informed, prior to the vessel concerned returning to port, of the intention to bring such seabirds ashore.

Amendment 12

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 g – paragraph 1

Text proposed by the Commission

1. *Masters of fishing vessels shall promptly release* unharmed and alive *sea turtles incidentally taken in fishing gears back to the sea.*

Amendment

1. *Specimens of sea turtles incidentally taken in fishing gears shall be safely handled and released* unharmed and alive, *to the extent that this is possible.*

Amendment 13

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 g – paragraph 2

Text proposed by the Commission

2. Masters of fishing vessels shall not bring ashore sea turtles, unless as part of a specific rescue programme and provided that the competent national authorities concerned have been duly and officially informed prior to returning to port.

Amendment

2. Masters of fishing vessels shall not bring ashore sea turtles, unless as part of a specific rescue *or national conservation* programme *or unless this is otherwise required in order to rescue and secure assistance for the recovery of harmed and comatose individual sea turtles* and provided that the competent national authorities concerned have been duly and officially informed prior to returning to port.

Amendment 14

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 g – paragraph 3

Text proposed by the Commission

3. Vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall ***not encircle*** sea turtles.

Amendment

3. ***To the extent practicable***, vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall ***avoid encircling*** sea turtles.

Amendment 15

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 h – paragraph 2

Text proposed by the Commission

2. ***Masters of fishing vessels having incidentally taken specimens of monk seals in their fishing gears shall promptly release them*** unharmed and alive. The carcass ***of dead specimens*** shall be landed and ***shall be seized and destroyed by*** the national authorities.

Amendment

2. ***Specimens of monk seals incidentally taken in fishing gears shall be released*** unharmed and alive. ***Should such a monk seal be already dead***, the carcass shall be landed and the national authorities ***notified at the latest upon arrival in port.***

Amendment 16

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 i

Text proposed by the Commission

Masters of fishing vessels shall promptly return to the sea cetaceans incidentally caught in fishing gears.

Amendment

Specimens of cetaceans incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible.

Amendment 17

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 j – paragraph 2

Text proposed by the Commission

2. Fishing vessels that have incidentally caught sharks and rays species included in Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean shall promptly release them ***unharméd and*** alive.

Amendment

2. Fishing vessels that have incidentally caught sharks and rays ***of the*** species included in Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean shall promptly release them ***if they are*** alive.

Amendment 18

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 l – paragraph 2

Text proposed by the Commission

2. Vessels equipped with trawl nets and purse seines, irrespective of the vessel's length overall, are classified as fishing actively for small pelagic stocks when sardine and/or anchovy account for at least 50% of the catch in live weight ***in any given fishing trip.***

Amendment

2. Vessels equipped with trawl nets and purse seines, irrespective of the vessel's length overall, are classified as fishing actively for small pelagic stocks when sardine and/or anchovy account for at least 50% of the catch in live weight.

Amendment 19

Proposal for a regulation

Article 1 – point 2

Regulation (EU) No 1343/2011

Article 16 l – paragraph 4

4. Member States shall ensure that vessels equipped with trawl nets and purse seines for small pelagic stocks as identified in paragraph 2 do not operate for more than 20 fishing days per month and do not exceed 180 fishing days per year.

4. Member States shall ensure that vessels equipped with trawl nets and purse seines for small pelagic stocks as identified in paragraph 2 do not operate for more than 20 fishing days per month and do not exceed 180 fishing days ***with a registered catch*** per year.

Amendment 20

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 1343/2011

Article 17 a

Masters of fishing vessels authorised to harvest red coral shall have on board a logbook in which are reported the daily catches of red coral and fishing activity by area and depths, including the number of fishing days and diving. That information shall be communicated to the competent national authorities ***without delay***.

Fishing vessels authorised to harvest red coral shall have on board a logbook in which are reported the daily catches of red coral and fishing activity by area and depths, including the number of fishing days and diving. That information shall be communicated to the competent national authorities ***within the deadlines laid down by the rules in force***.

Amendment 21

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 1343/2011

Article 17 b – paragraph 1 – point d

Text proposed by the Commission

(d) any event of incidental catch and release of cetaceans, indicating at least the fisheries concerned, characteristics of gear type, times, locations (either by Geographical Sub-Areas or statistical rectangles, as defined in Annex I) and ***affected cetaceans species***;

Amendment

(d) any event of incidental catch and release of cetaceans, indicating at least the fisheries concerned, characteristics of gear type, times ***and*** locations (either by Geographical Sub-Areas or statistical rectangles, as defined in Annex I), and ***whether any such cetacean is a dolphin or another species of cetacean***;

Amendment 22

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 1343/2011

Article 17 b – paragraph 1 – point e

Text proposed by the Commission

(e) any event of incidental catch and release of sharks and rays species listed in Annex II or in Annex III to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean.

Amendment

(e) any event of incidental catch and, ***where required***, release of sharks and rays ***of the*** species listed in Annex II or in Annex III to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean.

Amendment 23

Proposal for a regulation

Article 1 – point 3

Regulation (EU) No 1343/2011

Article 17 b – paragraph 2

Text proposed by the Commission

2. By 31 December 2014 at the latest, Member States shall establish the rules recording incidental catches referred to in paragraph 1 by the masters of fishing vessels which are not subject to the keeping of a fishing logbook pursuant to

Amendment

deleted

*Article 14 of Regulation (EC) No
1224/2009.*

Amendment 24

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 1343/2011

Article 23 a – paragraph 1 – introductory part

Text proposed by the Commission

1. By **15 November** of each year, Member States shall submit to the Commission:

Amendment

1. By **15 December** of each year, Member States shall submit to the Commission:

Amendment 25

Proposal for a regulation

Article 1 – point 4

Regulation (EU) No 1343/2011

Article 23 a – paragraph 2

Text proposed by the Commission

2. The Commission shall transmit the information referred to in paragraph 1 to the Executive Secretary of the GFCM by **15 December** of each year.

Amendment

2. The Commission shall transmit the information referred to in paragraph 1 to the Executive Secretary of the GFCM by **31 December** of each year.