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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee / Council
Subject: Proposal for a Regulation of the European Parliament and of the Council establishing specific conditions for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 December 2013)

I. INTRODUCTION

The Rapporteur, Mr Kriton ARSENIS (S&D - GR), presented 134 amendments (amendments 1-134) to the proposal for a Regulation on behalf of the Committee on Fisheries. In addition, a number of political groups submitted further amendments:

- the EUL/NGL political group submitted one amendment (amendment 135);
- the Greens/EFA political group submitted two amendments (amendments 136 and 137); and
- Mr Chris DAVIES (ALDE - UK) and 39 or more MEPs submitted one amendment (amendment 138).

II. DEBATE

The Rapporteur opened the debate ¹, which took place on 9 December 2013 and:

- recalled that over-fishing in coastal Atlantic waters had caused fishermen to fish further out into the Atlantic in deep water, where they discovered new fisheries which had not previously been exploited and which became the subject of controversy;
- noted that fish living at great depths are very vulnerable with low reproduction rates. Their stocks were quickly depleted;
- stated that the first access regime, which was introduced in 2002, did bring some improvements, but that fish stocks had not returned to sustainable levels. The Commission has now come up with a proposal to phase out bottom trawling over a two-year period;
- recalled that the Parliament's handling of the proposal had been severely delayed with many postponements. Not one but two hearings had been held on the issue. There had been big blocking majorities, but large gaps had now been bridged within the Committee;
- noted that the compromise reached in the Committee lacks the Commission's basic proposal for a bottom trawling ban;
- stated that *"there was an underlying agreement, however, that this compromise would be supported by the Member States in the Council"*, but also stated that he had tried *"all this month"* to talk with the Member States involved and had failed to get any commitment that the Committee's compromise could be the final outcome of negotiations; and
- noted that the S&D political group had just an hour earlier decided to vote in favour of the introduction of the bottom trawling ban.

Mr Pat the Cope GALLAGHER (ALDE - IE) specifically addressed the mackerel issue, expressing his and many other MEPs' concern regarding the actions of the Commissioner and her determination to reach an agreement with Iceland and the Faroes at any cost. He argued that it would be better to have no deal rather than to have a bad deal that would bind the EU for many years to come.

¹ The debate was a joint debate, covering both the proposal for the Regulation and an oral question from Mr Pat the Cope GALLAGHER (ALDE - IE) regarding the status of the North-East Atlantic mackerel fishery. This debate summary covers only those interventions relating to the proposal for the Regulation.

Commissioner DAMANAKI:

- stressed the fact that the core of the Commission's proposal is the phase-out of bottom trawling and bottom gillnetting for deep-sea species. She noted that parts of the EU fisheries industry are opposed to this;
- recalled that the Commission had provided an assessment of the socio-economic impact of the proposed phase-out. The Commission had concluded that 83% of the vessels that are currently catching deep-sea species would not be affected at all;
- stressed that the 17% which would be affected would not be required to stop fishing. They would merely have to change their fishing technique to more sustainable gears - as is already practised in some regions of the EU (for example the Azores and Madeira, where fishermen have been using better gears for many years and the vessels are profitable - so the same would surely be the case for vessels from Boulogne and Galicia);
- regretted the Committee's decision not to support the phase-out, but welcomed the amendments tabled by several political groups in support of a phase-out;
- expressed the Commission's readiness to engage in constructive three-party discussions on the proposed Regulation; and
- emphasised the fact that, now that the Parliament was about to debate and vote on the proposal, she expected the Council Presidency finally to start work on the proposal. The Council has not even started to work on the proposal, even though it was tabled a long time ago.

Speaking on behalf of the Committee on the Environment, Public Health and Food Safety, Mrs Anna ROSBACH (EFD - DK):

- stressed the enormous environmental damage caused by bottom trawling (4,000 square miles a day);
- noted that many of the deep-sea fish that are caught are actually inedible;
- argued that bottom trawling does not create jobs or promote the economy, but is driven simply by large subsidies; and
- supported the Rapporteur's approach.

Speaking on behalf of the EPP political group, Mrs Carmen FRAGA ESTÉVEZ (EPP - ES):

- expressed her surprise at having learnt, on arriving in the plenary chamber, that the S&D political group was no longer supporting the compromise reached in the Committee;
- criticised the Commission's proposal as radical, unjustified and discriminatory. She therefore hoped that it could be blocked in the Parliament or in the Council;
- stated that the Commissioner's reference to the Azores was not relevant; and
- agreed on the need to protect vulnerable marine environments, but argued that this does not require a ban on bottom trawling. Such a ban is not being proposed by the UNO or by other international bodies.

Speaking on behalf of the S&D political group, Mr Guido MILANA (S&D - IT):

- argued that the review of the proposal should not focus on just one issue;
- deplored what he described as a total lack of interest in the file on the part of the Cyprus, Irish and Lithuanian presidencies; and
- called for action to stop damage to the environment of the North-East Atlantic.

Speaking on behalf of the ALDE political group, Mr Pat the Cope GALLAGHER (ALDE - IE):

- assumed that the Rapporteur would vote in favour of the Committee compromise - otherwise he would have to withdraw from his position as Rapporteur. It is important to negotiate in good faith;
- stated that the Commission's decision to publish the proposal even before the Deepfishman project had been finalised, had resulted in a flawed recommendation;
- recalled the initial assurances that there would be no impact on Ireland - but that it had subsequently transpired that there would be an impact. He welcomed, from the Irish perspective, the removal of tusk, conger eel and ling from the list of species;
- stressed the importance of Article 6; and
- called for the Commission to be honest with the Parliament about longlines, the implications for sharks, and for "the most endangered species of all" - the fishermen of the future.

Speaking on behalf of the Greens/EFA political group, Mr Jean-Paul BESSET (Greens/EFA - FR):

- welcomed the Commission's proposal, which he considered to be excellent;
- regretted the Committee's refusal to accept a ban on bottom trawling in deep waters; and
- called for the plenary to reintroduce the ban on bottom trawling beyond 600 metres.

Speaking on behalf of the ECR political group, Mr Marek GRÓBARCZYK (ECR - PL):

- expressed his political group's shock at the Rapporteur's intervention because, up to that point, they had been working on a joint solution - on the basis of several public hearings organised with a view to just such a joint solution; and
- reaffirmed his political group's opposition to the Commission's proposal and its commitment to amending it.

Speaking on behalf of the EUL/NGL political group, Mrs Martina ANDERSON (EUL/NGL - UK) called on the Commission to propose a viable and sustainable solution to the question of fishing quotas in the North-East Atlantic. This solution should reflect the increase in stock number. Those Member States which had abused their previous allocation should be sanctioned, not rewarded. The Commission should protect those Member States, such as Ireland, which had acted responsibly and which had relied on these fishing resources for decades.

Mr Gabriel MATO ADROVER (EPP - ES):

- warned that a ban on bottom trawling would have a catastrophic impact on local communities. He cited examples in the United Kingdom, France, Portugal and Spain;
- stated that the proposed ban would go against scientific opinion; and
- noted that the proposed ban was not being applied anywhere else in the world.

Mrs Isabelle THOMAS (S&D - FR):

- stressed the need to protect vulnerable deep-water environments, to ensure that all deep-water species can reproduce sustainably, and to preserve jobs in the fisheries sector. She argued that the compromise reached in the Committee would achieve all three objectives; and
- stressed the need to maintain an activity which involves at least 758 vessels (according to the Commission's own impact assessment) and, therefore, thousands of jobs.

Mr Chris DAVIES (ALDE - UK) supported the proposed ban on deep sea trawling below 600 metres. Scientific opinion should be respected.

Mr Struan STEVENSON (ECR - UK) asked Mr DAVIES how there can be any confidence in future negotiations if - after months of debating the proposal (both with scientists and NGOs, and within the Committee) and the final agreement of all the political groups on a compromise proposal - some political groups had now put down further amendments for the plenary. This was "*a betrayal of the parliamentary process*". It had been done because elections are due and because "*some people are courting publicity and being opportunistic in trying to win votes*".

Mr DAVIES replied to Mr STEVENSON by:

- noting that the proposed ban would primarily affect French vessels. It was interesting that more and more French MEPs were coming out in opposition to the ban; and
- asking Mr Stevenson why he was not listening to the advice of Scottish marine biologists.

Mr STEVENSON drew Mr DAVIES' attention to the small Scottish community of Kinlochbervie, whose only business is provided by deep-water trawlers that fish on the continental slope at 900 metres. The whole community would be destroyed by the ban supported by Mr DAVIES - who should come and speak to the fishermen and their families, who were going to lose their livelihoods because of "*this ridiculous, over-the-top reaction by him and his supporters*".

Mr Antolín SÁNCHEZ PRESEDO (S&D - ES):

- agreed that action needs to be taken to protect vulnerable deepwater species, but argued that the Commission's proposal went too far; and
- stated the need to define sensitive geographical areas.

Mr Ian HUDGHTON (Greens/EFA - UK) opposed amendments to the hard-won compromise reached in the Committee. These amendments would reintroduce a one-size-fits-all policy; an arbitrary level above which all trawling everywhere would be banned.

Commissioner DAMANAKI once more took the floor and:

- defended the Commission's proposal as well balanced, with a transitional phasing-out period; and
- stated that the Commission would facilitate inter-institutional negotiations with a view to finding the best solution forward.

The Rapporteur once more took the floor and:

- stated that, for eighteen months over three presidencies, the Council had not even started to discuss the proposal;
- stated that the compromise reached in the Committee suited the industry, which thus avoided a ban on deep-sea trawling;
- recalled that many MEPs had told him that the compromise reached in the Committee would be acceptable to the Council. He further noted that, one month after the Committee had adopted its compromise, the Council had not put it on its agenda. The Rapporteur said that he had during this period spoken to the Member States and the presidencies - and that the best he could get was "Vote and we shall see" or "We prefer your compromise to the Commission proposal, but let us come together for negotiations";
- argued that any further dilution of the compromise would render it meaningless;
- stated that the choice before the plenary when it voted the following day was either to go for a strong mandate with a ban - or to go into negotiations with the Council with the Committee's compromise as a mandate and end up with something meaningless. It was for this reason that the S&D political group had decided to support the reintroduction of the ban.

III. VOTE

When it voted on 10 December 2013, the Parliament adopted the 134 amendments submitted by the Committee on Fisheries. No other amendments were adopted.

Before the plenary proceeded to adopt its legislative resolution, the Rapporteur sought to have the matter referred back to the Committee on Fisheries with a view to entering into negotiations for a first-reading agreement with the Council. Speaking on behalf of the EPP political group, Mrs FRAGA ESTÉVEZ opposed the Rapporteur's proposal - which was then rejected by the plenary (285 votes for; 387 votes against).

The plenary then proceeded to adopt its legislative resolution (567 votes for; 91 votes against), thus bringing to a close the Parliament's first reading.

North-East Atlantic: deep-sea stocks and fishing in international waters *I**

European Parliament legislative resolution of 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 – C7-0196/2012 – 2012/0179(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0371),
 - 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 (C7-0196/2012),
 - 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 13 February 2013¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the FAO's Code of Conduct for Responsible Fisheries and the European Commission's Code of Sustainable and Responsible Fisheries Practices,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0395/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 133, 9.5.2013, p. 41.

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) As established in Article 11 of the Treaty on the Functioning of the European Union (TFEU), environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, including deep sea fisheries conservation, in particular with a view to promoting sustainable development;

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the ***destructive*** impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

Recommendations with measures developed and adopted by the North East Atlantic Fisheries Commission (NEAFC) to protect deep water vulnerable marine ecosystems against the adverse effects of bottom fishing gear, in accordance with paragraph 83(a) of Resolution 61/105 and paragraphs 119(a) and 120 of Resolution 64/72, should be formally incorporated into Union law in their entirety.

Amendment 3

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Furthermore, the Union should act as a leader in the establishment and implementation of good-governance measures for the sustainable management of deep-sea fisheries within international fora in line with the Resolutions adopted by the General Assembly of the United Nations and by FAO and reflected in this Regulation.

Amendment 4

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The capacity of vessels with deep-sea fishing permits has been limited since 2002 to the aggregate capacity of all the vessels that caught more than 10 tonnes of any mixture of deep sea species in any of the years 1998, 1999 or 2000. The Commission evaluation concluded that this capacity ceiling had no substantial positive effect. Given the past experience and the lack of accurate data in many deep sea fisheries, it is inadequate to manage these fisheries by means of effort limits only.

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) In order to maintain necessary

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reductions in fishing capacity achieved so far in deep-sea fisheries, it is appropriate to provide that fishing for deep-sea species is subject to a fishing authorisation which limits the capacity of vessels eligible to land deep-sea species. With a view to focus management measures on the part of the fleet most relevant for deep-sea fisheries, the fishing authorisations should be issued according to target or by-catch fishery.

reductions in fishing capacity achieved so far in deep-sea fisheries, it is appropriate to provide that fishing for deep-sea species is subject to a fishing authorisation which limits the capacity of vessels eligible to land deep-sea species. With a view to focus management measures on the part of the fleet most relevant for deep-sea fisheries, the fishing authorisations should be issued according to target or by-catch fishery.

However, the obligation to land all catches established in Regulation (EU) No .../2013 of the European Parliament and of the Council^{12a} should be taken into account so that vessels catching a small quantity of deep-sea species and which are not currently subject to a deep-sea fishing permit, are not deprived of the opportunity to continue their traditional fishing activities.

^{12a} Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L ...).

Amendment 6

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Holders of a fishing authorisation allowing the catch of deep-sea species should cooperate in scientific research activities leading to an improvement in the assessment of deep-sea stocks and deep-sea ecosystems.

Amendment

(5) Holders of a fishing authorisation allowing the catch of deep-sea species should cooperate in scientific research activities leading to an improvement in the assessment of deep-sea stocks and ***research into*** deep-sea ecosystems.

Amendment 7

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Deep-sea fishing with bottom trawls **carry** the highest risk for vulnerable marine ecosystems among the different gears used **and reports the highest rates of undesired catch of deep-sea species. Bottom trawls should therefore be permanently prohibited from the targeting of deep-sea species.**

Amendment

(7) Deep-sea fishing with bottom trawls **carries** the highest risk for vulnerable marine ecosystems among the different gears used.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) **Bottom-set gillnets are currently restricted in entering deep-sea fisheries by Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011¹³. In view of the high rates of undesired catch when they were deployed unsustainably in deep waters, and in view of the ecological impact of lost and abandoned gear, this gear should also be permanently prohibited from the targeting of deep-sea species.**

Amendment

deleted

¹³ OJ L 347, 24.12.2009, p. 6.

Amendment 9

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) **However, in order to provide**

Amendment

(9) **Fishermen require** sufficient time to

fishermen with sufficient time to adjust to the new requirements current fishing authorisations for fishing with bottom trawls and bottom-set gillnets should continue to be valid for a specified period of time.

adjust to the new requirements, *and* current fishing authorisations for fishing with bottom trawls and bottom-set gillnets should continue to be valid for a specified period of time, *so as to minimise the negative consequences for the fleet engaging in this fishing activity.*

Amendment 10

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Moreover, vessels which *have* to change gear *in order to be able to stay in the fishery* should be eligible for receiving financial assistance from the European Fisheries Fund provided that the new gear reduces the impact of fishing on non-commercial species and provided also that the national operational programme allows contributing to such measures.

Amendment

(10) Moreover, vessels which *wish* to change gear should be eligible for receiving financial assistance from the European Fisheries Fund provided that the new gear reduces the impact of fishing on non-commercial species and provided also that the national operational programme allows contributing to such measures.

Amendment 11

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Vessels targeting deep-sea species *with other bottom gear* should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems.

Amendment

(11) Vessels targeting deep-sea species should not extend their range of operation according to their *fishing* authorisation within Union waters, unless *following an assessment in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, the extension is proven not to carry* a significant risk of negative impact on vulnerable marine ecosystems.

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Scientific advice concerning certain fish stocks found in the deep-sea indicates that these stocks are particularly vulnerable to exploitation, **and that fishing** for these stocks should be limited or reduced as a precautionary measure. **Fishing opportunities for deep-sea stocks should not go beyond those levels which are scientifically advised as precautionary.** In the case of advice being absent for lack of sufficient information about stocks or species, no fishing opportunities should be allocated.

Amendment

(12) Scientific advice concerning certain fish stocks found in the deep-sea indicates that these stocks are particularly vulnerable to exploitation. **Fishing** for these stocks should be limited or reduced as a precautionary measure **and aim at achieving levels above those capable of producing maximum sustainable yield.** In the case of advice being absent for lack of sufficient information about stocks or species, no fishing opportunities should be allocated.

*It should be noted however, that several stocks of deep-water species of significant commercial interest, such as Roundnose grenadier (*Coryphaenoides rupestris*), Blue ling (*Molva dypterigia*) and Black scabbardfish (*Aphanopus carbo*), have according to ICES stabilised over the last three years.*

Amendment 13

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) **Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to**

Amendment

(13) **The lack of accurate data in most deep sea fisheries and the mixed nature of most of them make it necessary to implement complementary management measures. Where appropriate, catch limits should be combined with effort limits. Both should be set at levels which minimise and prevent impacts on non-target species and vulnerable marine ecosystems.**

specific fisheries.

Amendment 14

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Given that biological information can best be collected by way of harmonised data collection standards, it is appropriate to integrate data collection on deep-sea métiers into the general framework of scientific data collection, while ensuring the provision of additional information necessary to understand the dynamics of the fisheries. For simplification purposes, the effort reporting by species should be discontinued and replaced by the analysis of recurrent scientific data calls to Member States which contain a specific chapter on deep-sea métiers.

Amendment

(15) Given that biological information can best be collected by way of harmonised data collection standards, it is appropriate to integrate data collection on deep-sea métiers into the general framework of scientific data collection, while ensuring the provision of additional information necessary to understand the dynamics of the fisheries. For simplification purposes, the effort reporting by species should be discontinued and replaced by the analysis of recurrent scientific data calls to Member States which contain a specific chapter on deep-sea métiers. ***Member States should ensure compliance with data collection and reporting obligations, in particular with those related to the protection of vulnerable marine ecosystems.***

Amendment 15

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) A high number of species are caught in deep sea fisheries, including vulnerable species of deep sea sharks. It is necessary to ensure that the obligation to land all catches in deep sea fisheries covers species not subject to catch limits and that de minimis provisions are not applied to these fisheries. A fully implemented obligation to land could greatly contribute to fill the existing data gaps in these fisheries and to a better understanding of the impact of these

fisheries on the wide range of species caught.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) to ensure the sustainable exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment

(a) to ensure the sustainable ***management and*** exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment 17

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(aa) to prevent significant adverse impacts on vulnerable marine ecosystems and ensure the long-term conservation of deep sea fish stocks;

Amendment 18

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) to minimise and where possible prevent by-catches;

Amendment 19

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) to apply the precautionary and ecosystem approaches to fisheries management and to ensure that the Union measures aimed at the sustainable management of deep-sea fish stocks are consistent with Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Union waters of International Council for the Exploration of the Sea (ICES) sub-areas II to XI and of Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2 and 34.2,

(a) Union waters of International Council for the Exploration of the Sea (ICES) sub-areas II to XI and of Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2 and 34.2, ***including the fishing activities or intended fishing activities carried out by fishing vessels flying the flag of, and registered in, third countries,***

Amendment 21

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 and Article 2 of Council Regulation (EC) No 734/2008¹⁵ shall apply.

1. For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EC) No .../2013[***on the Common Fisheries Policy***] and Article 2 of Council Regulation (EC) No 734/2008¹⁵ shall apply.

¹⁵. OJ L 201, 30.7.2008, p. 8.

¹⁵. OJ L 201, 30.7.2008, p. 8.

Amendment 22

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) "ICES zones" are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council¹⁶;

¹⁶.OJ L 87, 31.3.2009, p. 70.

Amendment

(a) "ICES zones, **subzones, divisions and subdivisions**" are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council¹⁶

¹⁶.OJ L 87, 31.3.2009, p. 70.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) "CECAF areas" are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council¹⁷;

¹⁷. OJ L 87, 31.3.2009, p. 1.

Amendment

(b) "CECAF areas, **subareas and divisions**" are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council¹⁷;

¹⁷. OJ L 87, 31.3.2009, p. 1.

Amendment 24

Proposal for a regulation

Article 3 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) "sustainable exploitation" means the exploitation of a stock or group of fish stocks in a way that restores and maintains populations of fish stocks above levels capable of producing maximum sustainable yield and that does not have a negative impact on the marine ecosystems;

Amendment 25

Proposal for a regulation

Article 3 – paragraph 2 – point j

Text proposed by the Commission

(j) ‘maximum sustainable yield’ means the maximum catch that may be taken from a fish stock indefinitely.

Amendment

deleted

Amendment 26

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Transparency, public participation and access to justice

1. For the implementation of this Regulation, the provisions of Directive 2003/4/EC^{17a} and Regulations 1049/2001/EC^{17b} and 1367/2006/EC^{17c} concerning access to environmental information shall apply.

2. The Commission, and Member States, shall ensure that all data-handling and decision-making under this Regulation is conducted in full compliance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters (‘the Aarhus Convention’, approved on behalf of the Union by Council Decision 2005/370/EC^{17d}).

^{17a} Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

^{17b} Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

^{17c} Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

^{17d} OJ L 124, 17.5.2005, p. 1.

Amendment 27

Proposal for a regulation Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

Identification of deep-sea species and most vulnerable species

- 1. By ...⁺ and every two years thereafter, the Commission shall review the list of deep-sea species in Annex I, including the designation of most vulnerable species.**
- 2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of deep-sea species in Annex I, including the designation of most vulnerable species, to incorporate new scientific information from Member States, from the scientific advisory body and from other relevant sources of information, including the IUCN Red List Assessments. When adopting such delegated acts, the Commission shall, in particular, take account of the IUCN Red List Criteria, the rarity of the species, its vulnerability to exploitation and whether the scientific**

advisory body has recommended a zero by-catch.

+ OJ please insert the date of entry into force of this Regulation

Amendment 28

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Fishing activities targeting deep-sea species carried out by a **Union** fishing vessel, shall be subject to a fishing authorisation, which shall indicate deep-sea species as the target species.

Amendment

1. Fishing activities targeting deep-sea species carried out by a fishing vessel, shall be subject to a fishing authorisation, **issued by the flag Member State**, which shall indicate deep-sea species as the target species.

Amendment 29

Proposal for a regulation Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to **10 % of the overall catch weight in the fishing day concerned.**

Amendment

(c) the vessel's master records in the logbook a percentage of **the** deep-sea species **listed in Annex I, which is caught within the waters included in the scope of this Regulation and which is** equal or superior to **one of the following thresholds:**

- **15%** of the overall catch weight in the fishing day concerned, **or**

- **8% of the overall catch weight in the fishing trip concerned,**

the choice of threshold being at the discretion of the vessel's master, or

Amendment 30

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the vessel deploys bottom gears at depths of or below 600 meters.

Amendment 31

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purpose of calculating the percentages referred to in point c, the species in Annex I subject to deferred application, as indicated in the fourth column thereof, shall only be taken into account from⁺

⁺ OJ please insert the date five years after the entry into force of this Regulation.

Amendment 32

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Fishing activities not targeting deep-sea species but catching deep-sea species as a by-catch, ***carried out by a Union fishing vessel***, shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch.

3. Fishing activities not targeting deep-sea species but catching deep-sea species as a by-catch, shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch.

Amendment 33

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip.

Amendment

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip. ***Details of all such catches, whether retained or discarded, including species composition, weight and sizes, shall be recorded in the vessel's logbook and reported to the competent authorities.***

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

The aggregate fishing capacity ***measured in gross tonnage and in kilowatt*** of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during ***any of the two calendar years preceding the entry into force of this Regulation, whichever year provides the higher figure.***

Amendment

1. The aggregate fishing capacity of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during ***2009-2011, whichever year provides the higher figure.***

Amendment 35

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to achieve the objective set out in paragraph 1, Member States shall conduct annual capacity assessments in accordance with Article 22 of Regulation (EU) No .../2013 [on the Common Fisheries Policy]. The resulting report, as referred to in paragraph 2 of that Article, shall seek to identify structural overcapacity by segment and shall estimate the long-term profitability by segment. The reports shall be made publicly available.

Amendment 36

**Proposal for a regulation
Article 5 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Where the capacity assessments referred to in paragraph 1a indicate that the fishing mortality of deep sea stocks is above recommended levels, the Member State concerned shall prepare and include in the report an action plan for the affected fleet segment, in order to ensure that the fishing mortality exerted on the stocks concerned is consistent with the objectives of Article 10.

Amendment 37

**Proposal for a regulation
Article 5 – paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. The capacity assessments and action plans referred to in this Article shall be made publicly available.

Amendment 38

Proposal for a regulation Article 5 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Where fishing opportunities for deep-sea species have been exchanged between Member States, the fishing capacity corresponding to the opportunities exchanged shall, for the purpose of establishing the aggregated fishing capacity according to paragraph 1, be attributed to the donor Member State.

Amendment 39

Proposal for a regulation Article 5 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Notwithstanding paragraph 1, regional fleets in outermost regions where there is no continental shelf and virtually no alternatives to deep-sea resources shall be permitted an aggregate fishing capacity for deep-sea species which may at no time exceed the aggregate fishing capacity of the current fleet in each outermost region.

Amendment 40

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type of gears, the depth range

1. Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its **annual** renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, **indicating all the ICES**

at which the activities will be *deployed*,
and of the individual species targeted.

and CECAF subareas, divisions and subdivisions covered, the type *and the amount* of gears, the depth range at which the activities will be *carried out*, the individual species targeted, *as well as the intended frequency and duration of the fishing activity. This information shall be made publicly available.*

Amendment 41

Proposal for a regulation Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. Any application for a fishing authorisation shall be accompanied by a record of the concerned fishing vessels' catches of deep-sea species in the area for which an application is sought for 2009-2011.

Amendment 42

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Specific requirements for the protection of vulnerable marine ecosystems

1. Member States shall use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known or likely to occur. In addition, the scientific advisory body shall carry out an annual assessment of where vulnerable marine ecosystems are known or are likely to occur.

2. Where, based on the information referred to in paragraph 1, areas where

vulnerable marine ecosystems are known or are likely to occur have been identified, Member States and the scientific advisory body shall inform the Commission in a timely manner.

3. By ...⁺, on the basis of the best scientific and technical information available and based on the assessments and identifications carried out by Member States and the scientific advisory body, the Commission shall establish a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur. The Commission shall review this list annually, on the basis of advice received from the scientific advisory body.

4. Fishing with bottom gears shall be prohibited in the areas identified according to paragraph 3.

5. The closures referred to in paragraph 4 shall apply to all Union vessels when they occur in the high seas, and to all vessels when the closure occurs in Union waters.

6. By way of derogation from paragraph 4, if the Commission, based on an impact assessment and after consulting the scientific advisory body, determines that there is sufficient evidence that vulnerable marine ecosystems are not present in a particular area which appears on the list referred to in paragraph 3, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, it may reopen that area to fishing with bottom gears.

7. Where, in the course of fishing operations, a fishing vessel encounters evidence of vulnerable marine ecosystems, it shall immediately cease fishing in the area concerned. It shall resume operations only when it has reached an alternative area at a minimum distance of five nautical miles from the fished area in which the encounter occurred.

8. The fishing vessel shall immediately report each encounter with vulnerable

marine ecosystems to the competent national authorities, who in turn shall notify the Commission, without delay.

9. The areas referred to in paragraph 4 and 7 shall remain closed to fishing until such time as the scientific advisory body carries out an assessment of the area and concludes that no vulnerable marine ecosystems are present, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, after which the Commission may reopen that area to fishing.

+ OJ: Please insert the date: one year after the entry into force of this Regulation.

Amendment 43

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation *for targeted deep sea fisheries, as referred to in Article 4(1)*, that allows the use of bottom gears in Union waters as referred to in Article 2(a), shall be accompanied by a detailed fishing plan specifying:

Amendment

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation, *issued in accordance with Article 4*, that allows the use of bottom gears in Union waters as referred to in Article 2(a), *or in international waters as referred to in Article 2(b) and (c)*, shall be accompanied by a detailed fishing plan, *which shall be made publicly available*, specifying:

Amendment 44

Proposal for a regulation

Article 7 - paragraph 1 - point a

Text proposed by the Commission

(a) the locations of the intended activities *targeting* deep-sea species *in the deep-sea*

Amendment

(a) the locations of the intended activities *fishing for* deep-sea species *which* shall be

métier. The location(s) shall be defined by coordinates in accordance with the World Geodetic System of 1984;

defined by coordinates in accordance with the World Geodetic System of 1984 **and shall include an indication of all the ICES and CEEAF subareas, divisions and subdivisions covered;**

Amendment 45

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the locations, if any, of activities in the deep-sea *métier* during ***the last three full calendar years. Those location(s)*** shall be defined by coordinates in accordance with the World Geodetic System of 1984 and they shall circumscribe the fishing activities as closely as possible.

Amendment

(b) the locations, if any, of activities in the deep-sea *métier* during ***2009-2011 which*** shall be defined by coordinates in accordance with the World Geodetic System of 1984 and they shall circumscribe the fishing activities as closely as possible ***and shall include an indication of all the ICES and CEEAF subareas, divisions and subdivisions covered;***

Amendment 46

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) the types of fishing gears and the depth at which they will be deployed, a list of the species to be targeted and the technical measures to be put in place, in accordance with the technical measures on fisheries management recommended by NEAFC and measures under Regulation (EC) No 734/2008, as well as the configuration of the bathymetric profile of the seabed in the intended fishing grounds, where this information is not already available to the competent authorities of the flag State concerned.

Amendment 47

Proposal for a regulation Article 7 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Prior to issuing an authorisation Member States shall verify through the VMS record of such vessels that the information submitted in accordance with paragraph 1(b) is accurate. If the information provided under paragraph 1(b) does not match that in the VMS record the authorisation shall not be issued.

Amendment 48

Proposal for a regulation Article 7 - paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Authorised fishing activities shall be limited to existing fishing areas established under paragraph 1(b).

Amendment 49

Proposal for a regulation Article 7 - paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Any modification to the fishing plan shall be subject to an evaluation by the flag Member State. A modified fishing plan shall only be accepted by the flag Member State if it does not allow for fishing operations in areas where vulnerable marine ecosystems occur or are likely to occur.

Amendment 50

Proposal for a regulation Article 7 - paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Failure to comply with the fishing plan shall result in the withdrawal by the flag Member State of the fishing authorisation from the fishing vessel concerned.

Amendment 51

Proposal for a regulation Article 7 - paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Small-scale vessels that, due to technical factors such as the type of gear used or the capacity of the vessel, do not have the capacity to catch more than 100 kg of deep-sea species per fishing trip are exempted from the obligation to present a fishing plan.

Amendment 52

Proposal for a regulation Article 7 - paragraph 1 f (new)

Text proposed by the Commission

Amendment

1f. Applications for the renewal of fishing authorisations for deep-sea species may be exempted from the requirement to submit a detailed fishing plan unless changes are planned in the fishing operations of the vessel concerned in which case a revised plan shall be submitted.

Amendment 53

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Any fishing authorisation issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorised to the area in which the intended fishing activity, as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice, that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

Amendment

2. Without prejudice to paragraph 1, fishing with bottom gear that is to take place in waters where deep-sea fisheries have not been carried out during 2009-2011, as referred to in paragraph 1(b), shall require a fishing authorisation as established in accordance with Article 4. No fishing authorisation shall be issued unless the Member State has assessed and documented, on the basis of the best available scientific data and advice, that the fishing activities concerned will not have a significant adverse impact on the marine ecosystem. This assessment shall be conducted in accordance with this Regulation and the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and shall be made publicly available. The Commission, in consultation with the Member State concerned and the scientific advisory body, shall review this assessment to ensure that all areas where vulnerable marine ecosystems are known or are likely to occur have been identified and that the proposed mitigation and management measures are sufficient to prevent significant adverse impacts on vulnerable marine ecosystems.

Amendment 54

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Before ...[†], no fishing authorisation targeting deep-sea species, including in areas defined in paragraph 1(b), shall be

issued or renewed unless the Member State has assessed and documented, on the basis of the best available scientific advice, that the fishing activities concerned would not have a significant adverse impact on the marine ecosystem. That assessment shall be conducted in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas including as set out in Annex IIa and shall be made publicly available.

+ OJ please insert the date: two years after the entry into force of this Regulation.

Amendment 55

Proposal for a regulation Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall apply the precautionary approach when carrying out their impact assessments. In areas where no impact assessment has been carried out or where an impact assessment has been carried out but not in accordance with 2008 FAO Guidelines, the use of bottom gears shall be prohibited.

Amendment 56

Proposal for a regulation Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. No fishing authorisations under Article 4 shall be issued for areas where vulnerable marine ecosystems are known to occur or are likely to occur, unless the Commission, after consulting the scientific advisory body determines that

there is sufficient evidence that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems are prevented..

Amendment 57

**Proposal for a regulation
Article 7 - paragraph 2 d (new)**

Text proposed by the Commission

Amendment

2d. New impact assessments shall be required if there are significant changes to the way in which existing fisheries with bottom gear are carried out, or to the applicable technology, or where there is new scientific information indicating the presence of vulnerable marine ecosystems in a given area.

Amendment 58

**Proposal for a regulation
Article 7 - paragraph 2 e (new)**

Text proposed by the Commission

Amendment

2e. In addition to the requirements in Article 6, details of all catches of deep-sea species, whether retained or discarded, including species composition, weight and sizes shall be reported.

Amendment 59

**Proposal for a regulation
Article 8 – paragraph -1 (new)**

Text proposed by the Commission

Amendment

Member States shall implement measures to ensure that all vessels that catch deep-

sea species, whether or not in accordance with a fishing authorisation issued under Article 4, record all of their catches of such species and report them to the relevant competent authority.

Amendment 60

Proposal for a regulation Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall put in place the necessary systems to ensure that, wherever possible, the data collected is reported to the relevant competent authorities as it is generated, in order to reduce risks to vulnerable marine ecosystems, minimise by-catch, and allow better fishing management through "real-time monitoring".

Amendment 61

Proposal for a regulation Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The relevant data to be recorded and reported in accordance with this Article shall as a minimum include the weight and species composition of all deep-sea catches.

Amendment 62

Proposal for a regulation Article 9 - paragraph 1

Text proposed by the Commission

Amendment

Fishing authorisations referred to in Article 4(1) for vessels using bottom

By ...⁺ the Commission shall evaluate its implementation in accordance with

trawls or bottom-set gillnets shall expire at the latest two years after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Article 21. The use of all types of fishing gear when targeting deep-sea species shall be evaluated with a particular emphasis on the impact on the most vulnerable species and on vulnerable marine ecosystems. If this evaluation shows that the deep-sea stocks listed in Annex I, excluding the species in Annex I subject to deferred application of Article 4(2)(c), are not exploited at maximum sustainable yield rates adequate for restoring and maintaining populations of deep-sea stocks above levels capable of producing maximum sustainable yield, and that vulnerable marine ecosystems are not protected from significant adverse impacts, before...⁺⁺ the Commission shall submit a proposal to amend this Regulation. This proposal shall ensure that fishing authorisations for vessels targeting deep-sea species, as referred to in Article 4, using bottom trawls or bottom-set gillnets shall expire and shall not be renewed and that any measures necessary regarding bottom gears, including longliners, are put in place to ensure the protection of the most vulnerable species.

⁺ *OJ please insert the date: four years after the entry into force of this Regulation.*

⁺⁺ *OJ please insert the date: five years after the entry into force of this Regulation.*

Amendment 63

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that *is consistent with* maximum

Amendment

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that *ensures that populations of*

sustainable yield.

deep-sea species are progressively restored and maintained above biomass levels capable of producing the maximum sustainable yield. This exploitation rate shall contribute to achieving and maintaining a good environmental status in the Union's marine environment by 2020 and shall be based on the best scientific information available.

Amendment 64

Proposal for a regulation

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where, based on best scientific information available, it is not possible to identify exploitation rates consistent with **maximum sustainable yield**, the fishing opportunities shall be fixed as follows:

Amendment

2. Where, based on best scientific information available, it is not possible to identify exploitation rates consistent with **paragraph 1**, the fishing opportunities shall be fixed as follows:

Amendment 65

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, **no** fishing opportunities **may be allocated for the fisheries concerned**.

Amendment

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, **the** fishing opportunities **for the relevant fishing management period shall not be fixed higher than the rates provided within the ICES approach for data limited stocks**.

Amendment 66

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where ICES has not been able to identify exploitation rates as referred to in paragraph 2 (a) or (b), including for data limited stocks or species, no fishing opportunities shall be allocated for the fisheries concerned.

Amendment 67

Proposal for a regulation

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Fishing opportunities set for deep sea species shall take into account the probable composition of the catch in these fisheries and shall ensure the long term sustainability of all harvested species.

Amendment 68

Proposal for a regulation

Article 10 - paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. When allocating the fishing opportunities available to them Member States shall comply with the criteria set out in Article 17 of Regulation (EU) No .../2013 [on the Common Fisheries Policy].

Amendment 69

Proposal for a regulation Article 10 - paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Management measures, including the fixing of fishing opportunities for target and by-catch species in mixed species fisheries, area and seasonal closures, and the use of selective gears, shall be designed and established to avoid, minimise and eliminate by-catch of deep-sea species and to ensure the long-term sustainability of all species adversely affected by the fishery.

Amendment 70

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Conservation Measures

1. Member States shall apply the precautionary and ecosystem approaches to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species. Those measures shall aim to rebuild depleted stocks, to minimise, prevent and, where possible, to eliminate by-catch, to protect spawning aggregations and to ensure the adequate protection and prevention of significant adverse impacts on vulnerable marine ecosystems. Such measures may include real time, seasonal or permanent prohibitions of certain fishing activities or gears in certain areas

2. This Regulation shall contribute to the implementation of Directive 92/43/EEC and Directive 2009/147/EC and to the

achievement and maintenance of good environmental status by 2020 at the latest as set out in Directive 2008/56/EC of the European Parliament and of the Council^{17e}, including in particular that all stocks of harvested species exhibit a population age and size distribution that is indicative of a healthy stock, and descriptors 1, 2, 3, 4, 6, 9, and 10.

^{17e} Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

Amendment 71

Proposal for a regulation Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Obligation to land all catches

1. By way derogation of Article 15 of Regulation (EU) No .../2013 [on the Common Fisheries Policy] all catches of fish and non-fish species, irrespective of whether they are subject to catch limits or not, made by a fishing vessel holding an authorisation to catch deep-sea species granted under Article 4(1) or 4(3) of this Regulation shall be brought and retained on board, recorded in the logbook and landed. The de minimis provisions shall not apply to such vessels.

Amendment 72

Proposal for a regulation Chapter 3 – section 2 – title

Text proposed by the Commission

Amendment

Management by fishing effort limits

Fishing effort limits **and accompanying measures**

Amendment 73

Proposal for a regulation Article 11 – title

Text proposed by the Commission

Amendment

Fishing opportunities **by means of fishing effort limits only**

Fixing of fishing opportunities

Amendment 74

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. **The Council, acting in accordance with the Treaty, may decide to switch from the fixing of annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits to the fixing of only fishing effort limits for specific fisheries.**

1. Fishing opportunities for **the** deep-sea species **shall be** in terms of **Total Allowable Catches (TACs)**.

Amendment 75

Proposal for a regulation Article 11 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition to the TACs, fishing effort limits may be set.

Amendment 76

Proposal for a regulation Article 11 - paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The fixing of fishing opportunities under paragraphs 1 and 1a shall comply with the objectives laid down in Article 16(4) of Regulation (EU) No .../2013 [on the Common Fisheries Policy].

Amendment 77

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of paragraph **I**, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during **the previous two calendar years**.

2. For the purposes of paragraph **1a**, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during **2009-2011**.

For the assessment of the fishing effort levels referred to in the first subparagraph, the species in Annex I subject to the deferred application of Article 4(2)(c), as indicated in the fourth column of that Annex, shall only be taken into account from⁺

⁺ OJ please insert the date: five years after the entry into force of this Regulation.

Amendment 78

Proposal for a regulation

Article 11 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fishing effort limits for deep sea métiers shall take into account the probable composition of the catch in these fisheries and shall be set at a level capable of securing the long term sustainability of all harvested species.

Amendment 79

Proposal for a regulation

Article 11 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the species targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; ***and***

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated ***type and amount of*** gear, the species ***and specific stocks*** targeted, ***the depth*** and the ICES zones or CECAF areas within which the allowed effort may be deployed;

Amendment 80

Proposal for a regulation

Article 11 - paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the fishing effort unit to be used for management.

(b) the fishing effort unit ***or combination of units*** to be used for management; ***and***

Amendment 81

Proposal for a regulation

Article 11 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the methods and protocols for the monitoring and reporting of effort levels during a fishing management period.

Amendment 82

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Where annual fishing effort limits have replaced catch limits in accordance with Article 11(1)***, Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

1. Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

Amendment 83

Proposal for a regulation

Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) measures to ***avoid an increase of the overall catching capacity of the vessels concerned by the effort limits.***

(a) measures to ***prevent or eliminate overfishing and excess fishing*** capacity.

Amendment 84

Proposal for a regulation

Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) measures to ***avoid an increase in*** by-catches ***of*** most vulnerable species; and

(b) measures to ***prevent and minimise*** by-catches, ***particularly by-catches of the*** most vulnerable species; and

Amendment 85

Proposal for a regulation

Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) conditions for effective discard prevention. Those conditions shall aim *at* landing all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy.

Amendment

(c) conditions for effective discard prevention. Those conditions shall aim *to avoid the catching of unwanted species in the first place and shall require the landing of* all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy *or unless the species have a proven high long-term survival rate after discarding;*

Amendment 86

Proposal for a regulation

Article 12 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) measures to prevent, deter and eliminate illegal, unregulated and unreported fishing in the deep-sea métier.

Amendment 87

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in *paragraphs 1(a), (b) and (c)*.

Amendment

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in *paragraph 1*.

Amendment 88

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall, without delay, notify the Commission of the measures adopted in accordance with paragraph 1.

Amendment 89

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption.

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption, **and thereafter annually.**

Amendment 90

Proposal for a regulation Article 13 - paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) if the Member State concerned does not notify to the Commission any measures adopted pursuant to Article 12 within three months after the date of entry into force of **the fishing effort limits.**

(a) if the Member State concerned does not notify to the Commission any measures adopted pursuant to Article 12 within three months after the date of entry into force of **this Regulation.**

Amendment 91

Proposal for a regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Specific Union Measures

With a view to preventing and minimising by-catches, particularly by-catches of the

most vulnerable species, modifications to gear, or real-time closures of areas with high by-catch rates may be decided.

Amendment 92

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. This Regulation shall be construed as a 'multiannual plan' for the purposes of *Regulation (EC) No 1224/2009*.

Amendment

1. This Regulation shall be construed as a 'multiannual plan' for the purposes of *Regulation (EU) No .../2013 [on the Common Fisheries Policy]*.

Amendment 93

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Deep-sea species shall be regarded as *the 'species* subject to a multiannual plan' and the 'stocks subject to a multiannual plan' for the purposes of *Regulation (EC) No 1224/2009*.

Amendment

2. Deep-sea species shall be regarded as *being* 'subject to a multiannual plan' and the 'stocks subject to a multiannual plan' for the purposes of *Regulation (EU) No .../2013 [on the Common Fisheries Policy]*.

Amendment 94

Proposal for a regulation Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

1. Member States shall designate the ports in which any landing or transhipment of deep-sea species in excess of 100 kg is to take place. By ...⁺, Member States shall transmit to the Commission the list of these designated ports.

+ OJ please insert the date: 60 days after the entry into force of this Regulation.

Amendment 95

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated *for landing deep-sea species*.

Amendment

2. No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated *by Member States pursuant to paragraph 1*.

Amendment 96

Proposal for a regulation Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3. To improve coherence and coordination across the Union, the Commission shall establish measures for vessels, designated ports and relevant competent authorities regarding the inspection and surveillance procedures necessary for the landing or transhipment of deep-sea species and for recording and reporting landing or transhipment data, including as a minimum the weight and species composition.

Amendment 97

Proposal for a regulation Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

4. Vessels that land or tranship deep-sea species shall adhere to the terms and conditions for recording and reporting the

weight and composition of deep-sea species landed or transhipped, and shall comply with all inspection and surveillance procedures relating to the landing or transhipping of deep-sea species.

Amendment 98

Proposal for a regulation Article 16 - paragraph 1

Text proposed by the Commission

*By way of derogation of Article 17 of Regulation (EC) No 1224/2009, the masters of all Union fishing vessels intending to land 100 kg or more of deep-sea species, **whichever their length**, shall be required to notify **their flag Member State's** competent authority of that intention.*

Amendment

The masters of all Union fishing vessels, **regardless of their length**, intending to land **or tranship** 100 kg or more of deep-sea species, shall be required to notify **the** competent authority **of their flag Member State, as well as the port state authority**, of that intention. **The master or any other person responsible for the operation of vessels of 12 meters in length or more shall notify the competent authorities at least four hours before the estimated time of arrival at port, in accordance with Article 17 of Regulation (EC) No 1224/2009. This notwithstanding, small-scale fishing vessels without an electronic fishing logbook and artisanal vessels shall be exempted from the notification requirement.**

Amendment 99

Proposal for a regulation Article 18 - paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 7(4) of Regulation (EC) 1224/2009, the fishing authorisations referred to in Article 4(1) and (3) of this Regulation shall be withdrawn for a duration of at least one year in the following cases:

Amendment

1. Without prejudice to Article 7(4) of Regulation (EC) 1224/2009, the fishing authorisations referred to in Article 4(1) and (3) of this Regulation shall be withdrawn for a duration of at least one year in **any of** the following cases:

Amendment 100

Proposal for a regulation

Article 18 – paragraph 1 – point a

Text proposed by the Commission

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, *as appropriate*, catch *or* effort limits on the species whose targeting is allowed; *or*

Amendment

(a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, catch *and* effort limits on the species whose targeting is allowed;

Amendment 101

Proposal for a regulation

Article 18 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) failure to collect, record and report data in accordance with Article 8;

Amendment 102

Proposal for a regulation

Article 18 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

bb) failure to comply with the requirements of the Common Fisheries Policy;

Amendment 103

Proposal for a regulation

Article 18 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

bc) any of the cases specified in Council Regulation (EC) No 1005/2008^{17f}, particularly under the provisions of Chapters VII-IX.

^{17f} Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008, p. 1).

Amendment 104

Proposal for a regulation Article 18 - paragraph 2

Text proposed by the Commission

Amendment

2. Paragraph 1 shall not apply if the failures referred to therein have been caused by force majeure.

deleted

Amendment 105

Proposal for a regulation Chapter 5 – title

Text proposed by the Commission

Amendment

DATA COLLECTION

**DATA COLLECTION AND
COMPLIANCE**

Amendment 106

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation.

¹⁸. OJ L 60, 5.3.2008, p. 1.

Amendment

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation. ***Member States shall ensure that the necessary systems are in place to facilitate the reporting of catches of target and by-catch species, and the reporting of evidence of any encounters with vulnerable marine ecosystems. Such reporting shall wherever possible be in real-time.***

¹⁸. OJ L 60, 5.3.2008, p. 1.

Amendment 107

Proposal for a regulation

Article 19 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish a programme for observer coverage to ensure the collection of relevant, timely and accurate data on the catch and by-catch of deep-sea species, encounters with vulnerable marine ecosystems and other relevant information for the effective implementation of this Regulation. Vessels using bottom trawls or bottom-set gillnets with a fishing authorisation to target deep-sea species shall be subject to 100 % observer coverage. All other vessels with an authorisation to catch deep-sea species shall be subject to 10 % observer coverage.

Amendment 108

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for *his* vessel, ***unless this is not possible for security reasons***. The master shall facilitate the discharging of the scientific observer's tasks.

Amendment

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for ***their*** vessel, ***in accordance with the conditions specified in paragraph 4***. The master shall facilitate the discharging of the scientific observer's tasks.

Amendment 109

Proposal for a regulation

Article 19 – paragraph 3 – point a

Text proposed by the Commission

(a) carry out their ***recurrent data collection tasks, as set out in paragraph 1***.

Amendment

(a) ***be qualified to*** carry out their ***duties and tasks as scientific observers, including the ability to identify species found in deep-sea ecosystems;***

Amendment 110

Proposal for a regulation

Article 19 - paragraph 3 - point a a (new)

Text proposed by the Commission

Amendment

(aa) record independently, in the same format as that used in the vessel's logbook, the catch information prescribed in Regulation (EC) No 1224/2009;

Amendment 111

Proposal for a regulation

Article 19 - paragraph 3 - point a b (new)

Text proposed by the Commission

Amendment

(ab) record any instances of alteration of the fishing plan referred to in Article 7;

Amendment 112

Proposal for a regulation

Article 19 - paragraph 3 - point a c (new)

Text proposed by the Commission

Amendment

(ac) document any unforeseen encounters with vulnerable marine ecosystems including the gathering of information that may be of use in relation to the protection of the area;

Amendment 113

Proposal for a regulation

Article 19 - paragraph 3 - point a d (new)

Text proposed by the Commission

Amendment

(ad) record depths at which gear is deployed;

Amendment 114

Proposal for a regulation

Article 19 - paragraph 3 - point a e (new)

Text proposed by the Commission

Amendment

(ae) present a report to the competent authorities of the flag Member State concerned within 20 days following the termination of the observation period, a

copy of which shall be sent by those authorities to the Commission, within 30 days following receipt of the Commission's written request

Amendment 115

Proposal for a regulation Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be prohibited for scientific observers to be any of the following:

(i) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;

(ii) an employee of the master of the vessel to which they are assigned;

(iii) an employee of the master's representative;

(iv) an employee of a company controlled by the master or their representative;

(v) a relative of the master's representative.

Amendment 116

Proposal for a regulation Article 19 - paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Data collection may enable the creation of partnerships between scientists and fishermen and contribute to the area of research regarding the marine environment, biotechnology, food sciences, processing and the economy.

Amendment 117

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier.

Amendment

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier. ***These reports shall be made publicly available.***

Amendment 118

Proposal for a regulation

Chapter Va (new) - title

Text proposed by the Commission

Amendment

Chapter Va

FINANCIAL ASSISTANCE

Amendment 119

Proposal for a regulation

Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Financial Assistance for changing of fishing gear

1. Fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea métier shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has demonstrably better size and species selectivity, a lower and limited impact on the marine environment and vulnerable marine ecosystems and does

not increase the fishing capacity of the vessel, as assessed by the Commission, after consulting the appropriate independent scientific body;

2. Fishing vessels shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the purpose of minimising and, where possible, eliminating unwanted catches of deep-sea species, particularly those that are most vulnerable;

3. Support shall not be granted more than once for the same Union fishing vessel .

4. Access to financial assistance from the European Maritime and Fisheries Fund shall be conditional upon full compliance with this Regulation, the Common Fisheries Policy and Union environmental law.

Amendment 120

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for *an indeterminate period of time*.

Amendment

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for *a period of three years from ...⁺. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the three year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension no later than three months before the end of each period.*

⁺ OJ please insert the date of entry into force of this Regulation.

Amendment 121

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. ***Within six years from the entry into force of this Regulation***, the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1(a) ***and (b)*** have been achieved.

Amendment

1. ***By ...⁺***, the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1 have been achieved.

⁺ OJ please insert the date: four years from the entry into force of this Regulation.

Amendment 122

Proposal for a regulation

Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the ***development of their discard levels***;

Amendment

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the ***progress as regards the prevention, minimisation and, where possible, on the elimination of unwanted catches***;

Amendment 123

Proposal for a regulation

Article 21 – paragraph 2 – point e

Text proposed by the Commission

(e) ***the fisheries that are managed according to fishing effort limits only, and*** the effectiveness of accompanying

Amendment

(e) the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species;

measures to eliminate discards and reduce catches of most vulnerable species.

Amendment 124

Proposal for a regulation

Article 21 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the quality of the impact assessments carried out pursuant to Article 7;

Amendment 125

Proposal for a regulation

Article 21 - paragraph 2 - point e b (new)

Text proposed by the Commission

Amendment

(eb) the number of vessels and ports in the Union directly affected by the implementation of this Regulation;

Amendment 126

Proposal for a regulation

Article 21 – paragraph 2 – point e c (new)

Text proposed by the Commission

Amendment

(ec) the effectiveness of measures established to ensure the long-term sustainability of deep-sea fish stocks and to prevent by-catch of non-target species, in particular by-catch of the most vulnerable species;

Amendment 127

Proposal for a regulation

Article 21 – paragraph 2 – point e d (new)

Text proposed by the Commission

Amendment

(ed) the extent to which vulnerable marine ecosystems have been effectively protected through the restriction of authorised fishing activities to existing deep-sea fishing areas, area closures, the move-on rule and/or by other measures;

Amendment 128

Proposal for a regulation

Article 21 - paragraph 2 - point e e (new)

Text proposed by the Commission

Amendment

(ee) the application of the 600 meter depth limitation.

Amendment 129

Proposal for a regulation

Article 21 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Based on the evaluation referred to in paragraphs 1 and 2, the Commission shall by...⁺ make proposals for amendments to this Regulation as appropriate.

⁺ OJ please insert the date: five years after the date of entry into force of this Regulation.

Amendment 130

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid after **30 September 2012**.

Amendment

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid after...⁺.

⁺ *OJ please insert the date: one year after the date of entry into force of this Regulation.*

Amendment 131

**Proposal for a regulation
Annex I**

Text proposed by the Commission

Annex I

Section 1: Deep-sea species

<u>Scientific name</u>	<u>Common name</u>	<u>Most vulnerable</u> <u>(x)</u>
<i>Centrophorus granulosus</i>	Gulper shark	x
<i>Centrophorus squamosus</i>	Leafscale gulper shark	x
<i>Centroscyllium fabricii</i>	Black dogfish	x
<i>Centroscymnus coelolepis</i>	Portuguese dogfish	x
<i>Centroscymnus crepidater</i>	Longnose velvet dogfish	x
<i>Dalatias licha</i>	Kitefin shark	x
<i>Etmopterus princeps</i>	Greater lanternshark	x
<i>Apristuris spp</i>	Iceland catchark	
<i>Chlamydoselachus anguineus</i>	Frilled shark	
<i>Deania calcea</i>	Birdbeak dogfish	
<i>Galeus melastomus</i>	Blackmouth dogfish	

<i>Galeus murinus</i>	Mouse catshark	
<i>Hexanchus griseus</i>	Bluntnose six-gilled shark	x
<i>Etmopterus spinax</i>	Velvet belly	
<i>Oxynotus paradoxus</i>	Sailfin roughshark (Sharpback shark)	
<i>Scymnodon ringens</i>	Knifetooth dogfish	
<i>Somniosus microcephalus</i>	Greenland shark	

<i>Alepocephalidae</i>	Smoothheads (Slickheads)	
<i>Alepocephalus Bairdii</i>	Baird's smoothhead	
<i>Alepocephalus rostratus</i>	Risso's smoothhead	
<i>Aphanopus carbo</i>	Black scabbardfish	
<i>Argentina silus</i>	Greater silver smelt	
<i>Beryx spp.</i>	Alfonsinos	
<i>Chaceon (Geryon) affinis</i>	Deep-water red crab	
<i>Chimaera monstrosa</i>	Rabbit fish (rattail)	
<i>Hydrolagus mirabilis</i>	Large-eyed rabbitfish (Ratfish)	
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish	
<i>Coryphaenoides rupestris</i>	Roundnose grenadier	
<i>Epigonus telescopus</i>	Black cardinalfish	
<i>Helicolenus dactilopterus</i>	Bluemouth (Bluemouth redfish)	
<i>Hoplostethus atlanticus</i>	Orange roughy	
<i>Macrourus berglax</i>	Roughhead grenadier (Rough rattail)	
<i>Molva dypterigia</i>	Blue ling	
<i>Mora moro</i>	Common mora	
<i>Antimora rostrata</i>	Blue antimora (Blue hake)	
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream	
<i>Phycis blennoides</i>	Greater Forkbeard	
<i>Polyprion americanus</i>	Wreckfish	
<i>Reinhardtius hippoglossoides</i>	Greenland halibut	

<i>Cataetyx laticeps</i>	
<i>Hoplosthetus mediterraneus</i>	Silver roughy (Pink)
<i>Macrouridae</i>	Grenadiers (rattails)
other than <i>Coryphaenoides</i>	other than roundnose grenadier and
<i>rupestris</i> and <i>Macrourus berglax</i>	roughhead grenadier
<i>Nesiarchus nasutus</i>	Black gemfish
<i>Notocanthus chemnitzii</i>	Snubnosed spiny eel
<i>Raja fyllae</i>	Round skate
<i>Raja hyperborea</i>	Arctic skate
<i>Raja nidarosiensis</i>	Norwegian skate
<i>Trachyscorpia cristulata</i>	Spiny (deep-sea) scorpionfish
Section 2: Species regulated in NEAFC in addition	
<i>Brosme brosme</i>	<i>Tusk</i>
<i>Conger conger</i>	<i>Conger eel</i>
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutless fish)
<i>Lycodes esmarkii</i>	Greater Eelpout
<i>Molva molva</i>	<i>Ling</i>
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)
<i>Amendment</i>	

Annex I

Section 1: Deep-sea species

<u>Scientific name</u>	<u>Common name</u>	<u>Most vulnerable (x)</u>	<u><i>Deferred Application of Article 4(2)(c)</i></u>
<i>Centrophorus granulosus</i>	Gulper shark	x	
<i>Centrophorus squamosus</i>	Leafscale gulper shark	x	
<i>Centroscyllium fabricii</i>	Black dogfish	x	
<i>Centroscymnus coelolepis</i>	Portuguese dogfish	x	
<i>Centroscymnus crepidater</i>	Longnose velvet dogfish	x	
<i>Dalatias licha</i>	Kitefin shark	x	
<i>Etmopterus princeps</i>	Greater lanternshark	x	
<i>Apristuris spp</i>	Iceland catchark		

<i>Chlamydoselachus</i>	Frilled shark	
<i>anguineus</i>	Birdbeak dogfish	
<i>Deania calcea</i>	Blackmouth dogfish	
<i>Galeus melastomus</i>	Mouse catshark	
<i>Galeus murinus</i>	Bluntnose six-gilled shark	x
<i>Hexanchus griseus</i>	Velvet belly	
<i>Etmopterus spinax</i>	Sailfin roughshark (Sharpback	
<i>Oxynotus paradoxus</i>	shark)	
<i>Scymnodon ringens</i>	Knifetooth dogfish	
<i>Somniosus microcephalus</i>	Greenland shark	
<i>Alepocephalidae</i>	Smoothheads (Slickheads)	
<i>Alepocephalus Bairdii</i>	Baird's smoothhead	
<i>Alepocephalus rostratus</i>	Risso's smoothhead	
<i>Aphanopus carbo</i>	Black scabbardfish	
<i>Argentina silus</i>	Greater silver smelt	
<i>Beryx spp.</i>	Alfonsinos	
<i>Chaceon (Geryon) affinis</i>	Deep-water red crab	x
<i>Chimaera monstrosa</i>	Rabbit fish (rattail)	x
<i>Hydrolagus mirabilis</i>	Large-eyed rabbitfish (Ratfish)	x
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish	x
<i>Coryphaenoides rupestris</i>	Roundnose grenadier	
<i>Epigonus telescopus</i>	Black cardinalfish	x
<i>Helicolenus dactilopterus</i>	Bluemouth (Bluemouth redfish)	
<i>Hoplostethus atlanticus</i>	Orange roughy	x
<i>Macrourus berglax</i>	Roughhead grenadier (Rough rattail)	
<i>Molva dypterygia</i>	Blue ling	
<i>Mora moro</i>	Common mora	x
<i>Antimora rostrata</i>	Blue antimora (Blue hake)	x
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream	
<i>Phycis blennoides</i>	Greater Forkbeard	
<i>Polyprion americanus</i>	Wreckfish	
<i>Reinhardtius</i>	Greenland halibut	
<i>hippoglossoides</i>		

<i>Cataetyx laticeps</i>		<i>x</i>
<i>Hoplosthetus mediterraneus</i>	Silver roughy (Pink)	<i>x</i>
<i>Macrouridae</i>	Grenadiers (rattails)	
other than <i>Coryphaenoides</i>	other than roundnose grenadier	
<i>rupestris</i> and <i>Macrourus</i>	and roughhead grenadier	
berglax		
<i>Nesiarchus nasutus</i>	Black gemfish	
<i>Notocanthus chemnitzii</i>	Snubnosed spiny eel	
<i>Raja fyllae</i>	Round skate	<i>x</i>
<i>Raja hyperborea</i>	Arctic skate	
<i>Raja nidarosiensis</i>	Norwegian skate	
<i>Trachyscorpia cristulata</i>	Spiny (deep-sea) scorpionfish	
Section 2: Species regulated in NEAFC in addition		
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutless fish)	<i>x</i>
<i>Lycodes esmarkii</i>	Greater Eelpout	
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)	

Amendment 132

Proposal for a regulation Annex II – point 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall ensure that data is collected in a timely manner, in a way that is harmonised in all Member States, and that it is accurate, reliable and comprehensive.

Amendment 133

Proposal for a regulation Annex II – point 4 b (new)

4b. The Commission shall ensure safe storage of collected data, making it publicly available, save in exceptional circumstances where appropriate protection and confidentiality are required where the reasons for such restrictions are declared.

Amendment 134

**Proposal for a regulation
Annex II a (new)**

Annex II a

Impact assessments referred to in Article 7(2)

The impact assessments to establish the deep-sea fishing activities referred to in Article 7(2) shall address, inter alia:

- 1. the type(s) of fishing conducted, including vessels and gear types, fishing areas and the depth range at which the activities will be deployed, individual species targeted and potential by-catch species, fishing effort levels and the duration of fishing;***
- 2. best available scientific information on the current state of fish stocks and baseline information on the ecosystems and habitats in the fishing area, against which future changes are to be compared;***
- 3. identification, description and mapping of vulnerable marine ecosystems known or likely to occur in the fishing area;***
- 4. data and methods used to identify, describe and assess the impact of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;***
- 5. the identification, description and evaluation of the occurrence, scale and***

duration of likely impact by the fishing operations, including cumulative impacts of fishing activities, particularly on vulnerable marine ecosystems and low-productivity fishery resources in the fishing area;

6. the proposed mitigation and management measures to be used to prevent significant adverse impact on vulnerable marine ecosystems and ensure long-term conservation and sustainable management of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.