



Council of the
European Union

Brussels, 5 November 2018
(OR. en)

13493/18

Interinstitutional File:
2018/0074(COD)

CODEC 1770
PECHE 421
PE 143

INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) 509/2007 and (EC) 1300/2008
- Outcome of the European Parliament's proceedings
(Strasbourg, 22 to 25 October 2018)

I. INTRODUCTION

The rapporteur, Alain CADEC (EPP, FR), presented a report consisting of 89 amendments (amendments 1-89) to the proposal for a Regulation on behalf of the Committee on Fisheries.

In addition, the political groups tabled the following amendments: the ALDE one amendment (amendment 90), Greens/EFA four amendments (amendments 91, 92, 93, and 94), GUE/NGL two amendments (amendments 95 and 96). Two amendments were tabled by more than 38 MEPs (amendments 97 and 98).

II. VOTE

When it voted on 25 October 2018, the plenary adopted amendments 1-20, 22-56, 58-62, 64-76, 78-86, 88, and 90. The amendments adopted are set out in the annex.

At the end of the vote, the proposal was referred back to the Committee, pursuant to Rule 59(4)(4) of the European Parliament's Rules of Procedure, thereby not bringing the Parliament's first reading to a close and opening the negotiations with the Council.

**Multiannual plan for fish stocks in the Western Waters and adjacent waters,
and for fisheries exploiting those stocks ***I**

Amendments adopted by the European Parliament on 25 October 2018 on the proposal for a Regulation of the European Parliament and of the Council establishing a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (COM(2018)0149 – C8 –0126/2018 – 2018/0074(COD))¹

(Ordinary legislative procedure: first reading)

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0310/2018).

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a multiannual plan for **fish**
stocks in the Western Waters and adjacent
waters, and for fisheries exploiting those
stocks, amending Regulation (EU)
2016/1139 establishing a multiannual plan
for the Baltic Sea, and repealing
Regulations (EC) No 811/2004, (EC) No
2166/2005, (EC) No 388/2006, (EC)
509/2007 and (EC) 1300/2008

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a multiannual plan for
demersal stocks in the Western Waters and
adjacent waters, and for fisheries
exploiting those stocks, amending
Regulation (EU) 2016/1139 establishing a
multiannual plan for the Baltic Sea, and
repealing Regulations (EC) No 811/2004,
(EC) No 2166/2005, (EC) No 388/2006,
(EC) 509/2007 and (EC) 1300/2008

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The objectives of the CFP are, inter alia, to ensure that fishing and aquaculture are environmentally sustainable in the long term, to apply the precautionary approach to fisheries management, and to implement the ecosystem-based approach to fisheries management.

Amendment

(4) The objectives of the CFP are, inter alia, to ensure that fishing and aquaculture are environmentally sustainable in the long term **and are managed in a manner consistent with the objectives of generating economic, social and employment benefits, to reduce the Union market's dependence on food imports, to**

promote direct and indirect job creation and the economic development of coastal areas, to apply the precautionary approach to fisheries management and to implement the ecosystem-based approach to fisheries management.

Amendment 3

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Pursuant to the principles of the Common Fisheries Policy and to ensure a level playing field and fair competition between sea basins, there should be a uniform framework in all multi-annual plans and no sea basin-specific derogations regarding the principles for quota setting.

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities.

(5) For the achievement of the objectives of the CFP, a number of conservation measures are to be adopted as appropriate in any combination thereof, such as multi-annual plans, technical measures, fixing and allocation of fishing opportunities, *in accordance with the best available scientific advice.*

Amendment 5

Proposal for a regulation Recital 5 a (new)

(5a) Regulation (EU) No 1380/2013 expressly sets the objective of restoring and maintaining populations of harvested species above levels which can produce maximum sustainable yield. To achieve that goal, Regulation (EU) No 1380/2013 stipulates that all stocks should gradually reach the level of fishing rate capable of producing the maximum sustainable yield by 2015 if possible, or by 2020 at the latest.

Amendment 6

Proposal for a regulation

Recital 6

(6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice. In accordance with those provisions, this plan should contain objectives, quantifiable targets with clear timeframes, conservation reference points, safeguards and technical measures designed to avoid and reduce unwanted catches.

(6) Pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013, multi-annual plans are to be based on scientific, technical and economic advice. In accordance with those provisions, this plan should contain objectives, quantifiable targets with clear timeframes, conservation reference points, safeguards and technical measures designed to avoid and reduce unwanted catches, **to minimise the impact on the marine environment, in particular habitat and seabed disturbance, as well as to meet social and economic objectives.**

Amendment 7

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The Commission should obtain the best available scientific advice for the stocks within the scope of the multiannual plan. In order to do so it concludes Memoranda of Understanding with the International Council for the Exploration of the Sea (ICES). The scientific advice issued by ICES should be based on this multiannual plan and should indicate, in particular, ranges of F_{MSY} and biomass reference points, i.e. $MSY B_{trigger}$ and B_{lim} . Those values should be indicated in the relevant stock advice and, where appropriate, in any other publicly-available scientific advice, including, for example, in mixed fisheries advice issued by ICES.

Amendment

(8) The Commission should obtain the best available scientific advice for the stocks within the scope of the multiannual plan. In order to do so it concludes Memoranda of Understanding with the International Council for the Exploration of the Sea (ICES). The scientific advice issued by ICES should be based on this multiannual plan and should indicate, in particular, ranges of F_{MSY} and biomass reference points, i.e. $MSY B_{trigger}$ and B_{lim} . Those values should be indicated in the relevant stock advice and, where appropriate, in any other publicly-available scientific advice, including, for example, in mixed *and/or multispecies* fisheries advice issued by ICES.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Council Regulations (EC) No 811/2004¹⁸, (EC) No 2166/2005¹⁹, (EC) No 388/2006²⁰, (EC) 509/2007²¹, (EC) No 1300/2008²² and (EC) No 1342/2008²³ set out the rules for the exploitation of the northern stock of hake, hake and Norway lobster stocks in the Cantabrian Sea and by the Western Iberian Peninsula, sole in the Bay of Biscay, sole in the Western Channel, herring in the West of Scotland and cod in the Kattegat, the North Sea in the West of Scotland and the Irish Sea. These and other demersal stocks are taken in mixed fisheries. Therefore, it is appropriate to establish a single multi-annual plan taking into account such technical interactions.

¹⁸ Council Regulation (EC) No 811/2004 of 21.4.2004 establishing measures for the

Amendment

(9) Council Regulations (EC) No 811/2004¹⁸, (EC) No 2166/2005¹⁹, (EC) No 388/2006²⁰, (EC) 509/2007²¹, (EC) No 1300/2008²² and (EC) No 1342/2008²³ set out the rules for the exploitation of the northern stock of hake, hake and Norway lobster stocks in the Cantabrian Sea and by the Western Iberian Peninsula, sole in the Bay of Biscay, sole in the Western Channel, herring in the West of Scotland and cod in the Kattegat, the North Sea in the West of Scotland and the Irish Sea. These and other demersal stocks are taken in mixed *and/or multispecies* fisheries. Therefore, it is appropriate to establish a single multi-annual plan taking into account such technical interactions.

¹⁸ Council Regulation (EC) No 811/2004 of 21.4.2004 establishing measures for the

recovery of the Northern hake stock (OJ L 150, 30.4.2004, p. 1)

¹⁹ Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 345, 28.12.2005, p. 5)

²⁰ Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay (OJ L 65, 7.3.2006, p. 1)

²¹ Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel (OJ L 122, 11.5.2007, p. 7)

²² Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock (OJ L 344, 20.12.2008, p. 6)

²³ Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 (OJ L 348, 24.12.2008, p. 20)

recovery of the Northern hake stock (OJ L 150, 30.4.2004, p. 1)

¹⁹ Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 345, 28.12.2005, p. 5)

²⁰ Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay (OJ L 65, 7.3.2006, p. 1)

²¹ Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel (OJ L 122, 11.5.2007, p. 7)

²² Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock (OJ L 344, 20.12.2008, p. 6)

²³ Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 (OJ L 348, 24.12.2008, p. 20)

Amendment 9

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Some demersal stocks are exploited both in the Western Waters and in their adjacent waters. Therefore the scope of the provisions of the plan relating to targets

Amendment

(11) Some demersal stocks are exploited both in the Western Waters and in their adjacent waters. Therefore the scope of the provisions of the plan relating to targets

and safeguards for stocks that are mainly exploited in the Western Waters should be extended for those areas outside the Western Waters. In addition, for stocks also present in the Western Waters that are mainly exploited outside the Western Waters, it is necessary to establish the targets and safeguards in multiannual plans for areas outside the Western Waters where those stocks are mainly exploited, extending the scope of those multiannual plans so that they also cover the Western Waters.

and safeguards for *demersal* stocks that are mainly exploited in the Western Waters should be extended for those areas ***containing those stocks that are situated outside the Western Waters, provided that they do not fall within the sovereignty or jurisdiction of a third country.*** In addition, for stocks also present in the Western Waters that are mainly exploited outside the Western Waters, it is necessary to establish the targets and safeguards in multiannual plans for areas outside the Western Waters where those *demersal* stocks are mainly exploited, extending the scope of those multiannual plans so that they also cover the Western Waters.

Amendment 10

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The management plan should not limit itself to considering mechanisms for determining fishing opportunities in the short term, which would generate uncertainty and a lack of transparency for the sector.

Amendment 11

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) The geographical scope of the multiannual plan should be based on the geographical distribution of stocks indicated in the latest scientific stock

(12) The geographical scope of the multiannual plan should be based on the geographical distribution of *demersal* stocks indicated in the latest scientific

advice provided by ICES. Future changes to the geographical distribution of stocks as set out in the multiannual plan may be needed either due to improved scientific information or due to migration of stocks. Therefore, the Commission should be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the multiannual plan if the scientific advice provided by ICES indicates a change in the geographical distribution of the relevant stocks.

stock advice provided by ICES. Future changes to the geographical distribution of stocks as set out in the multiannual plan may be needed either due to improved scientific information or due to migration of *demersal* stocks. Therefore, the Commission should be empowered to adopt delegated acts adjusting the geographical distribution of stocks set out in the multiannual plan if the scientific advice provided by ICES, *or a similar independent scientific body recognised at Union or international level*, indicates a change in the geographical distribution of the relevant stocks.

Amendment 12

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The objective of this plan should be to contribute to the achievement of the objectives of the CFP, and in particular, reaching and maintaining *MSY for the target* stocks, implementing the landing obligation for demersal stocks subject to catch limits, promoting a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects. It should also implement the ecosystem-based approach to fisheries management in order to minimise negative impacts of fishing activities on the marine ecosystem. It should be coherent with the Union's environmental legislation, in particular the objective of achieving good environmental status by 2020 (in accordance with Directive 2008/56/EC) and the objectives of Directive 2009/147/EC and Council Directive 92/43/EEC. This plan should also

Amendment

(14) The objective of this plan should be to contribute to the achievement of the objectives of the CFP, and in particular, reaching and maintaining stocks *covered by this Regulation above levels which can produce the maximum sustainable yield*, implementing the landing obligation for demersal stocks subject to catch limits, promoting a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects. It should also implement the ecosystem-based approach to fisheries management in order to minimise negative impacts of fishing activities on the marine ecosystem. It should be coherent with the Union's environmental legislation, in particular the objective of achieving good environmental status by 2020 (in accordance with Directive 2008/56/EC) and the objectives of Directive

specify details for the implementation of the landing obligation in Union waters of the Western Waters for **all stocks of** species to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013.

2009/147/EC and Council Directive 92/43/EEC. This plan should also specify details for the implementation of the landing obligation in Union waters of the Western Waters for species **caught in demersal fisheries and** to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013.

Amendment 13

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (FMSY). Those ranges, based on best available scientific advice, are necessary in order to provide flexibility to take account of developments in the scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The FMSY ranges should be calculated by the International Council for the Exploration of the Sea (ICES), in particular in its periodic catch advice. Based on this plan they are derived to deliver no more than a 5% reduction in long-term yield compared to MSY²⁴. The upper limit of the range is capped, so that the probability of the stock falling below Blim is no more than 5%. That upper limit also conforms to the ICES "advice rule", which indicates that when the spawning biomass or abundance is in a poor state, F be reduced to a value that does not exceed an upper limit equal to the FMSY point value multiplied by the spawning biomass or abundance in the

Amendment

(16) It is appropriate to establish the target fishing mortality (F) that corresponds to the objective of reaching and maintaining MSY as ranges of values which are consistent with achieving MSY (FMSY). Those ranges, based on best available scientific advice, are necessary in order to provide flexibility to take account of developments in the scientific advice, to contribute to the implementation of the landing obligation and to take into account the characteristics of mixed fisheries. The FMSY ranges should be calculated, *inter alia*, by the International Council for the Exploration of the Sea (ICES), in particular in its periodic catch advice. Based on this plan they are derived to deliver no more than a 5% reduction in long-term yield compared to MSY²⁴. The upper limit of the range is capped, so that the probability of the stock falling below Blim is no more than 5%. That upper limit also conforms to the ICES "advice rule", which indicates that when the spawning biomass or abundance is in a poor state, F be reduced to a value that does not exceed an upper limit equal to the FMSY point value multiplied by the spawning biomass or

total allowable catch (TAC) year divided by MSY Btrigger. ICES uses these considerations and the advice rule in its provision of scientific advice on fishing mortality and catch options.

²⁴ EU request to ICES to provide FMSY ranges for selected stocks in ICES subareas 5 to 10.

abundance in the total allowable catch (TAC) year divided by MSY Btrigger. ICES uses these considerations and the advice rule in its provision of scientific advice on fishing mortality and catch options.

²⁴ EU request to ICES to provide FMSY ranges for selected stocks in ICES subareas 5 to 10.

Amendment 14

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In order to achieve the objectives set out in Article 2(2) of Regulation (EU) No 1380/2013, it is appropriate to establish the target fishing mortality (F) as not exceeding the maximum sustainable yield exploitation rate. This rate should be achieved as soon as possible and, on a progressive, incremental basis at the latest by 2020 for all stocks to which this Regulation applies.

Amendment 15

Proposal for a Regulation Recital 20

Text proposed by the Commission

Amendment

(20) It should be possible to set the total allowable catches (TACs) for Norway lobster in Western Waters as the sum of the catch limits established for each functional unit and of the statistical rectangles outside

(20) It should be possible to set the total allowable catches (TACs) for **a stock of** Norway lobster in Western Waters as the sum of the catch limits established for each functional unit and of the statistical

the functional units within *that TAC* area. However, this does not preclude the adoption of measures to protect specific functional units.

rectangles outside the functional units within *the area defined for that stock*. However, this does not preclude the adoption of measures to protect specific functional units.

Amendment 16

Proposal for a Regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Specific fishing bans for sea bass and pollack should now be established, in particular with a view to protecting broodstock during the breeding season. In order to protect declining stock levels of sea bass and pollack, Member States should establish appropriate commercial and recreational recovery measures as determined by the best available scientific evidence.

Amendment 17

Proposal for a Regulation Recital 22

Text proposed by the Commission

Amendment

(22) Where the Council takes into account a significant impact of recreational fisheries in the framework of the fishing opportunities for a certain stock, it should be able to set a TAC for commercial catches which takes into account the volume of recreational

(22) When mortality caused by recreational fishing has a significant impact on a stock managed on the basis of MSY, the Council should be able to establish individual and non-discriminatory fishing opportunities for recreational fishermen. Those individual

catches and/or to adopt other measures restricting recreational fisheries such as bag limits and closure periods.

*recreational fishing opportunities should cover periods of no less than one month, in line with the realities of recreational fishing practices and catches.
Recreational catches of certain species of high commercial value should be indicated by means of the ablation of part of the tail fin, so that those catches cannot easily be used illegally in commercial fish distribution channels.*

Amendment 18

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for additional management measures to be further specified in accordance with Article 18 of Regulation (EU) No 1380/2013.

Amendment

(23) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013 *and to minimise negative impacts on the ecosystem*, the plan should provide for additional management measures, *in particular measures to gradually avoid and eliminate discards and to minimise the negative impact of fishing on the ecosystem, taking into account the best available scientific advice*, to be further specified, *where appropriate*, in accordance with Article 18 of Regulation (EU) No 1380/2013. *It should also be specified that the landing obligation does not apply to recreational fishing. In the absence of joint recommendations, the Commission may adopt delegated acts.*

Amendment 19

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) In order to protect sensitive species and habitats, in particular those critically

endangered and impacted due to fishing pressure, the plan should establish management measures to the concerned fisheries including modification of vessel gears, modification of vessel activities, and modifications to the vessel itself. The plan should provide for additional management measures to be further specified in accordance with Article 18 of Regulation (EU) No 1380/2013. The Commission should be able to adopt implementing acts laying down a sea basin analysis, and the format and timetables for the submission and approval of management measures.

Amendment 20

Proposal for a Regulation Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) The Commission should submit an annual report to the European Parliament on the best available scientific advice, used for the determination of fishing opportunities or the application of safeguard measures by the Council, and should inform Parliament in advance when scientific advice could lead to significant variations in the determining of fishing opportunities.

Amendment 22

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation as regards remedial measures and implementation of the landing obligation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making²⁵. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁵ OJ L 123, 12.5.2016, p. 1.

Amendment

(26) In order to adapt to the technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation as regards remedial measures and implementation of the landing obligation. It is of particular importance that the Commission carry out appropriate consultations *with the Advisory Councils affected* during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016²⁵ on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁵ OJ L 123, 12.5.2016, p. 1.

Amendment 23

Proposal for a Regulation

Recital 28

Text proposed by the Commission

(28) Applying dynamic references to ranges of FMSY and to conservation reference points guarantees that these

Amendment

(28) Applying dynamic references to ranges of FMSY and to conservation reference points guarantees that these

parameters, which are essential for setting fishing opportunities, do not become outdated and the Council is always able to use the best available scientific advice. Moreover, that approach providing dynamic references to the best available scientific advice should be followed for managing stocks in the Baltic Sea. In this context, "best available scientific advice" refers to publicly available scientific advice *that is supported by the most up-to-date scientific data and methods and has either been issued or reviewed by an independent scientific body that is recognised at the European Union or international level. Regulation (EU) 2016/1139²⁷ should therefore be amended.*

parameters, which are essential for setting fishing opportunities, do not become outdated and the Council is always able to use the best available scientific advice. Moreover, that approach providing dynamic references to the best available scientific advice should be followed for managing stocks in the Baltic Sea. *The Commission should also submit an annual report to the European Parliament on the best available scientific advice used, and should inform Parliament in advance when scientific advice could lead to significant variations in the determining of fishing opportunities.* In this context, "best available scientific advice" refers to publicly available scientific advice *which is peer reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF) or other appropriate scientific bodies such as the International Council for the Exploration of the Sea (ICES). It shall be supported by the most up-to-date scientific data and methods available and meet the requirements of Article 25 of Regulation (EU) No 1380/2013.*

²⁷ *Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).*

Amendment 24

Proposal for a Regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation establishes a multiannual plan ("plan") for the **following** demersal stocks, including deep-sea stocks, in the Western Waters, **including the fisheries exploiting those stocks**, and, where those stocks extend beyond the Western Waters, in its adjacent waters:

Amendment

1. This Regulation establishes a multiannual plan ("plan") for the demersal stocks **listed below**, including deep-sea stocks, in the Western Waters, and, where those stocks extend beyond the Western Waters, in its adjacent waters **where they do not fall under the sovereignty or jurisdiction of a third country, and for fisheries exploiting those stocks**:

Amendment 25

Proposal for a Regulation

Article 1 – paragraph 1 – point 4

Text proposed by the Commission

(4) Seabass (*Dicentrarchus labrax*) in divisions 4b, 4c, 7a, **and** 7d–h;

Amendment

(4) Seabass (*Dicentrarchus labrax*) in divisions 4b, 4c, 7a, **7b**, 7d–h, **7j**, **subarea 8 and division 9a**;

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point 23 – indent 1

Text proposed by the Commission

– In **Southern** Bay of Biscay (FU 25);

Amendment

– In **the** Bay of Biscay (FU 23-24);

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point 24 – indent 1

Text proposed by the Commission

Amendment

– In Western Galicia (FU 26-27);

– In Western Galicia (FU 26);

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point 24 – indent 2

Text proposed by the Commission

Amendment

– *In Iberian waters (FU 28-29);*

deleted

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point 24 – indent 2 a (new)

Text proposed by the Commission

Amendment

– *North of Portugal (FU 27)*

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point 24 – indent 2 b (new)

Text proposed by the Commission

Amendment

– *Portuguese waters (southern Portugal and the Algarve) (FU 28-29)*

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where scientific advice indicates a change in the geographical distribution of the

Where *the best* scientific advice *available, in particular that of the International*

stocks listed in the first subparagraph of this paragraph, the Commission may adopt delegated acts in accordance with Article 15 amending this Regulation by adjusting the areas specified above in order to reflect that change. Such adjustments shall not extend the stock areas beyond Union waters of subareas 4 to 10, and the CECAF zones 34.1.1, 34.1.2 and 34.2.0.

Council for the Exploration of the Sea (ICES), indicates a change in the geographical distribution of the stocks listed in the first subparagraph of this paragraph, the Commission may adopt delegated acts in accordance with Article 15 amending this Regulation by adjusting the areas specified above in order to reflect that change. Such adjustments shall not extend the stock areas beyond Union waters of subareas 4 to 10, and the CECAF zones 34.1.1, 34.1.2 and 34.2.0.

Amendment 32

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. Where on the basis of scientific advice the Commission considers that the list of stocks set out in the first subparagraph of paragraph 1 needs to be amended, the Commission may submit a proposal for the amendment of that list.

Amendment

2. Where on the basis of **best available** scientific advice the Commission considers that the list of stocks set out in the first subparagraph of paragraph 1 needs to be amended, the Commission may submit a proposal for the amendment of that list.

Amendment 33

Proposal for a Regulation Article 1 – paragraph 3

Text proposed by the Commission

3. In respect to adjacent waters covered in paragraph 1 of this Article, only Articles 4 and 6 **and** the measures related to fishing opportunities under Article 7 of this Regulation shall apply.

Amendment

3. In respect to adjacent waters covered in paragraph 1 of this Article, only Articles 4 and 6, the measures related to fishing opportunities under Article 7, **Article 9(3a) and Article 9a** of this Regulation shall apply.

Amendment 34

Proposal for a regulation Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation also applies to by-catches caught in the Western Waters when fishing for the stocks listed in paragraph 1. ***However, where ranges of F_{MSY} and safeguards linked to biomass for those stocks are established under other Union legal acts establishing multiannual plans, those ranges and safeguards shall apply.***

Amendment

4. This Regulation also applies to by-catches caught in the Western Waters when fishing for the ***demersal*** stocks listed in paragraph 1 ***and shall ensure that exploitation of all living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield, in accordance with Article 2(2) of Regulation (EU) No 1380/2013***

Amendment 35

Proposal for a regulation Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. This Regulation also specifies details for the implementation of measures to minimise the impact of the fisheries on the marine environment, in particular the incidental catches of protected species, in Union waters of the Western Waters for all fisheries fishing in those waters. The Commission may adopt implementing acts laying down a sea basin analysis, and the format and timetables for the submission and approval of management measures.

Amendment 36

Proposal for a regulation Article 1 – paragraph 5

Text proposed by the Commission

5. This Regulation also specifies details for the implementation of the landing obligation in Union waters of the Western Waters for **all** stocks of species to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013.

Amendment

5. This Regulation also specifies details for the implementation of the landing obligation in Union waters of the Western Waters for stocks of species to which the landing obligation applies under Article 15 of Regulation (EU) No 1380/2013, **and which are caught in demersal fisheries.**

Amendment 37

Proposal for a regulation

Article 1 – paragraph 6

Text proposed by the Commission

6. This Regulation provides for technical measures, as set out in article 8, applicable in the Western Waters in respect of any stock.

Amendment

6. This Regulation provides for technical measures **for commercial and recreational fisheries**, as set out in article 8, applicable in the Western Waters in respect of any **demersal** stock.

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) "Range of F_{MSY}" means a range of values provided in the best available scientific advice, in particular from the International Council on the Exploration of the Sea (ICES), where all levels of fishing mortality within that range, result in maximum sustainable yield (MSY) in the long term given a fishing pattern and under existing average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more than a 5 % reduction in long-term yield compared to the maximum sustainable

Amendment

(2) "Range of F_{MSY}" means a range of values provided in the best available scientific advice, in particular from the International Council on the Exploration of the Sea (ICES), **or similar independent scientific body recognised by the Union or internationally**, where all levels of fishing mortality within that range, result in maximum sustainable yield (MSY) in the long term given a fishing pattern and under existing average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more

yield. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (B_{lim}) is no more than 5 %;

than a 5 % reduction in long-term yield compared to the maximum sustainable yield. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (B_{lim}) is no more than 5 %;

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) "**F_{MSY} point value**" is the value of the estimated fishing mortality that with a given fishing pattern and current environmental conditions gives the long-term maximum yield.

Amendment

(5) "F_{MSY}" is the value of the estimated fishing mortality that with a given fishing pattern and current environmental conditions gives the long-term maximum yield.

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) " B_{lim} " means the stock size reference point provided in the best available scientific advice, in particular by ICES, below which there may be reduced reproductive capacity;

Amendment

(8) " B_{lim} " means the stock size reference point provided in the best available scientific advice, in particular by ICES, **or a similar independent scientific body recognised by the Union or internationally**, below which there may be reduced reproductive capacity;

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) "MSY Btrigger" means the spawning

Amendment

(9) "MSY Btrigger" means the spawning

stock biomass, or in the case of Norway lobster – abundance, reference point provided in the best available scientific advice, in particular from ICES, below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term.

stock biomass, or in the case of Norway lobster – abundance, reference point provided in the best available scientific advice, in particular from ICES, *or similar independent scientific body recognised by the Union or internationally*, below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term.

Amendment 91

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) “Best available scientific advice” refers to publicly available scientific advice that is supported by the most up-to-date scientific data and methods which has either been issued or peer-reviewed by an independent international scientific body that is recognised at Union or international level, such as the Scientific, Technical and Economic Committee for Fisheries (STECF) and the International Council for the Exploration of the Sea (ICES), and meets the requirements of Article 25 of Regulation (EU) No 1380/2013.

Amendment 43

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY.

Amendment

1. The plan shall contribute to the achievement of the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, in particular by applying the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce MSY. ***In addition to pursuing environmental sustainability, the plan shall be managed in a manner consistent with the objectives of generating economic, social and employment benefits, while contributing to the availability of food products.***

The maximum sustainable yield exploitation rate shall be achieved gradually for all stocks, and by 2020 at the latest, and shall be maintained thereafter.

Amendment 44

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The plan shall contribute to the elimination of discards, by avoiding and reducing, as far as possible, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to catch limits and to which this Regulation applies.

Amendment

2. The plan shall contribute to the elimination of discards, by avoiding and reducing, as far as possible, ***including by the use of innovative selective fishing gear and techniques***, unwanted catches, and to the implementation of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013 for the species which are subject to catch limits and to which this Regulation applies.

Amendment 45

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC and the objectives set out in **Articles 4 and 5** of Directive 2009/147/EC and **Articles 6 and 12** of Council Directive 92/43/EEC

Amendment

3. The plan shall implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem, **and in particular on vulnerable habitats and protected species, including marine mammals, marine reptiles, seabirds, seamounts, deep-sea reefs and coral gardens or sponges aggregations**, are minimised **and preferably eliminated ensuring that fishermen continue to fish sustainably and selectively**. It shall be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC and the objectives set out in Directive 2009/147/EC and Council Directive 92/43/EEC.

Amendment 46

Proposal for a regulation Article 3 – paragraph 4 – point b

Text proposed by the Commission

(b) *contribute to the fulfilment of other relevant descriptors contained in Annex I to Directive 2008/56/EC in proportion to the role played by fisheries in their fulfilment.*

Amendment

(b) *ensure that negative impacts of fishing on the marine environment are minimised, in particular regarding vulnerable habitats and protected species, including marine mammals and seabirds.*

Amendment 47

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Measures under the plan shall be taken in accordance with the best available scientific advice. Where there is insufficient data, a comparable degree of conservation of the relevant stocks shall be pursued.

Amendment

5. Measures under the plan shall be taken in accordance with the best available scientific advice. ***Best available scientific advice shall be peer reviewed by reliable and appropriate scientific bodies such as the International Council for the Exploration of the Sea (ICES) or the Scientific, Technical and Economic Committee for Fisheries (STECF). It shall be made publicly available at the latest when those measures are proposed by the Commission.*** Where there is insufficient data, a comparable degree of conservation of the relevant stocks shall be pursued.

Amendment 48

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Those ranges of F_{MSY} based on this Plan shall be requested from ICES.

Amendment

2. Those ranges of F_{MSY} based on this Plan shall be requested from ICES, ***or a similar independent scientific body recognised by the Union or internationally.***

Amendment 49

Proposal for a regulation
Article 4 – paragraph 5 – point a

Text proposed by the Commission

(a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed fisheries;

Amendment

(a) if, on the basis of scientific advice or evidence, it is necessary for the achievement of the objectives laid down in Article 3 in the case of mixed ***and/or multispecies fisheries, in particular to***

limit the induced socio-economic constraints on fisheries;

Amendment 50

Proposal for a regulation

Article 4 – paragraph 5 – point c

Text proposed by the Commission

(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20%.

Amendment

(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20%, ***except in those cases in which 'choke' situations or other situations which paralyse or significantly affect the activity of some fleets are alleviated.***

Amendment 51

Proposal for a regulation

Article 4 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In order to avoid a situation in which short-term management hinders the implementation of multiannual management and in order to encourage the participation of stakeholders in the decision-making process, it shall be possible to approve, within the framework of this Regulation, exploitation rules via regionalisation.

Amendment 52

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. Those stocks shall be managed under

Amendment

2. Those stocks shall be managed under

the precautionary approach to fisheries management as defined in point 8 of Article 4 (1) of Regulation (EU) No 1380/2013 when no adequate scientific information is available.

the precautionary approach to fisheries management as defined in point 8 of Article 4 (1) of Regulation (EU) No 1380/2013 when no adequate scientific information is available **and shall ensure at least a comparable degree of conservation to MSY as set out in Article 9(2) of Regulation (EU) No 1380/2013**

Amendment 53

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the management of mixed fisheries with regard to stocks referred to in Article 1(4) of this Regulation shall take into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where this leads to a premature closure of the fishery.

Amendment

3. In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the management of mixed **and/or multispecies** fisheries with regard to stocks referred to in Article 1(4) of this Regulation shall take into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where this leads to a premature closure of the fishery.

Amendment 54

Proposal for a regulation Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

The following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) shall be requested from ICES **based on this Plan**:

Amendment

The following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) shall, **based on this plan**, be requested from ICES, **or a similar independent scientific body recognised by the Union or internationally, and in line with the definition of best available scientific advice**:

Amendment 55

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. When scientific advice indicates that for a given year the spawning biomass, and in the case of Norway lobster stocks – abundance, of any of the stocks referred to in Article 1(1) is below the $MSY B_{trigger}$, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing MSY. In particular, by way of derogation from Article 4(3) and (5) fishing opportunities shall be set at levels consistent with a fishing mortality that is reduced below the upper range of F_{MSY} , taking into account the decrease in biomass.

Amendment

1. When scientific advice indicates that for a given year the spawning biomass, and in the case of Norway lobster stocks – abundance, of any of the **demersal** stocks referred to in Article 1(1) is below the $MSY B_{trigger}$, all appropriate remedial measures shall be adopted to ensure rapid return of the stock or functional unit concerned to levels above those capable of producing MSY. In particular, by way of derogation from Article 4(3) and (5) fishing opportunities shall be set at levels consistent with a fishing mortality that is reduced below the upper range of F_{MSY} , taking into account the decrease in biomass.

Amendment 56

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. When scientific advice indicates that the spawning stock biomass, and in the case of Norway lobster stocks – abundance, of any of the stocks referred to in Article 1(1) is below the B_{lim} , further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing MSY. In particular, those remedial measures may include, by way of derogation from Article 4 (3) and (5), suspending the targeted fishery for the stock or functional unit concerned and the adequate reduction of fishing opportunities.

Amendment

2. When scientific advice indicates that the spawning stock biomass, and in the case of Norway lobster stocks – abundance, of any of the **demersal** stocks referred to in Article 1(1) is below the B_{lim} , further remedial measures shall be taken to ensure rapid return of the stock or functional unit concerned to levels above the level capable of producing MSY. In particular, those remedial measures may include, by way of derogation from Article 4 (3) and (5), suspending the targeted fishery for the stock or functional unit concerned and the adequate reduction of fishing opportunities.

Amendment 58

Proposal for a Regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 15 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 15 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures ***for fisheries exploiting demersal stocks in Western Waters:***

Amendment 59

Proposal for a regulation

Article 8 – paragraph 1 – point a

Text proposed by the Commission

(a) specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches or to minimise the negative impact on the ecosystem;

Amendment

(a) specifications of characteristics of fishing gears and rules governing their use, to ensure or improve selectivity, to reduce unwanted catches, ***particularly of juveniles,*** or to minimise the negative impact on the ecosystem;

Amendment 60

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1 of this Article shall contribute

Amendment

2. The measures referred to in paragraph 1 of this Article shall contribute

to the achievement of the objectives set out in Article 3.

to the achievement of the objectives set out in Article 3 **and are applicable to both commercial and recreational fisheries.**

Amendment 61

Proposal for a Regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Closed seasons/areas for the fishing of sea bass

- 1. Commercial and recreational fishing of sea bass shall be prohibited in western waters and in the ICES divisions 4b and 4c between 1 February and 30 April. It shall be prohibited for vessels to retain on board, transship, relocate, land or conserve sea bass caught on shores in those areas.*
- 2. It shall also be prohibited for Union fishing vessels to fish sea bass in ICES divisions 7b, 7c, 7j and 7k, and in waters of ICES divisions 7a and 7g that are more than 12 nautical miles from the baseline under the sovereignty of the United Kingdom. It shall be prohibited for Union fishing vessels to retain on board, transship, relocate or land sea bass caught in those areas.*

Amendment 62

Proposal for a Regulation Article 9 – paragraph 3

Text proposed by the Commission

3. Without prejudice to Article 7, the total allowable catch for ***the stocks*** of Norway lobster ***in the Western Waters*** may be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units.

Amendment

3. Without prejudice to Article 7, the total allowable catch for ***a stock*** of Norway lobster may be the sum of the catch limits of the functional units and of the statistical rectangles outside the functional units ***of the area defined for that stock.***

Amendment 64

Proposal for a Regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. When scientific advice indicates that recreational fisheries have a significant impact on the fishing mortality of a particular stock, the Council shall take them into account and may limit recreational fisheries when setting fishing opportunities in order to avoid exceeding the total target of fishing mortality.

Amendment

deleted

Amendment 65

Proposal for a Regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Recreational fisheries

1. Member States shall take account of fishing mortality in recreational fisheries when allocating the fishing opportunities they have and which are referred to in Article 16 of Regulation (EU) No 1380/2013, so that the total fishing mortality target is not exceeded.

When scientific advice indicates that recreational fishing is having a significant impact on the fishing mortality of a stock referred to in Article 1(1) of this Regulation, the Council may establish non-discriminatory individual fishing opportunities for recreational fishermen.

2. The Council shall refer to transparent and objective criteria, including those of an environmental, social and economic nature, when setting fishing opportunities for recreational fishing. The criteria used may include, in particular, the impact of these fishing activities on the environment, the societal importance of this activity and its contribution to the economy in coastal areas.

3. Member States shall take the necessary and proportionate measures for the monitoring and collection of data for a reliable estimation of the actual catch levels referred to in paragraph 1.

Amendment 66

Proposal for a Regulation Article 9 b (new)

Text proposed by the Commission

Amendment

Article 9b

Marking recreational catches

1. *Specimens of sea bass, cod, pollack and sole caught in the areas and stocks referred to in Article 1(1) shall be marked when kept by a recreational fisherman.*
2. *This marking consists of the removal of the lower part or the upper part of the caudal fin, but in such a way that does not prevent the measurement of the size of the fish.*
3. *The marking shall be carried out immediately after the capture and killing of the fish, either on the shore or on board if the fishing activity is carried out on a boat. However, specimens brought on board a recreational fishing vessel and kept alive and in good condition before being released shall not be marked.*

Amendment 67

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

For all stocks of species in the Western Waters to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, the Commission is empowered to adopt delegated acts in accordance with Article 15 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

Amendment

For all stocks of *demersal* species in the Western Waters to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, ***and for incidental catches of pelagic species in fisheries exploiting stocks referred to in Article 1(1) to which the landing obligation applies***, the Commission is empowered to adopt delegated acts in accordance with Article 15 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

Amendment 68

Proposal for a Regulation Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The landing obligation referred to in Article 15(1) of Regulation (EU) No 1380/2013 shall not apply to recreational fishing, including in cases where the Council fixes individual fishing opportunities in accordance with Article 9a of this Regulation.

Amendment 69

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Artisanal and coastal fishing in outermost regions

This Regulation shall take into account the constraints related to the size of artisanal and coastal fishing vessels used in the outermost regions. The landing of by-catches, in so far as it does not exacerbate the impact on spawning stock biomass, shall accordingly be permitted.

Amendment 70

Proposal for a Regulation Article 11 – paragraph 1

Text proposed by the Commission

1. For ***each of*** the ICES zones referred to in Article 1(1) of this Regulation, each Member State shall issue fishing authorisations in accordance with Article 7 of Council Regulation (EC) No 1224/2009 for vessels flying its flag which engage in fishing activities in that area. ***In such fishing authorisations, Member States may also limit the total capacity expressed in kW of such vessels using a specific gear.***

Amendment

1. For the ICES zones referred to in Article 1(1) of this Regulation, each Member State shall issue fishing authorisations in accordance with Article 7 of Council Regulation (EC) No 1224/2009 for vessels flying its flag which engage in fishing activities in that area.

Amendment 71

**Proposal for a regulation
Article 11 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. In fishing authorisations referred to in paragraph 1, Member States may also limit the total capacity of such vessels using a specific gear.

Amendment 72

**Proposal for a Regulation
Article 11 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to set limits regarding the total capacity of the fleets of the Member States concerned so as to

facilitate achievement of the objectives set out in Article 3.

Amendment 73

Proposal for a Regulation Article 13 – paragraph 1

Text proposed by the Commission

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 8 *and* 10 of this Regulation.

Amendment

1. Article 18(1) to (6) of Regulation (EU) No 1380/2013 shall apply to measures referred to in Articles 8, 10 *and 11b* of this Regulation.

Amendment 74

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1 of this Article, Member States having direct management interest in the North Western waters and Member States having direct management interest in the South Western waters may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 14. They may also submit *such* recommendations when *deemed* necessary *by them*, in particular in the event of *an abrupt* change in the situation *for* any of the stocks to which this Regulation applies. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later

Amendment

2. For the purpose of paragraph 1 of this Article, Member States having direct management interest in the North Western waters and Member States having direct management interest in the South Western waters may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than twelve months after the entry into force of this Regulation and thereafter twelve months after each submission of the evaluation of the plan in accordance with Article 14. They may also submit *further* recommendations when necessary, in particular in the event of *a* change in the situation *of* any of the stocks to which this Regulation applies, *as well as to set out a plan which contains measures to implement the ecosystem based approach to fisheries management in the*

than 1 July of the previous year.

Western Waters. Joint recommendations in respect of measures concerning a given calendar year shall be submitted no later than 1 July of the previous year, ***or as soon as possible when such joint recommendations wish to tackle emergency situations identified by the latest scientific advice.***

Amendment 90

Proposal for a regulation Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Notwithstanding Article 18(1) and (3) of Regulation (EU) No 1380/2013, the Commission may adopt delegated acts also in the absence of a joint recommendation as referred to in those paragraphs.

Amendment 75

Proposal for a Regulation Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Follow-up and advance notice of modifications to scientific advice

1. Each year by 1 April, the Commission shall inform the European Parliament of the best available scientific advice that served as a basis for Council

decisions on the determination of fishing opportunities under this Regulation between 1 February of the previous year and 31 January of the current year.

For all stocks and fish species concerned, this report shall, in particular, reflect the fishing opportunities fixed by the Council under Articles 4 and 5 and, where appropriate, Article 7 of this Regulation, also specifying the corresponding values expressed as fishing mortality. Those data shall be compared to the scientific advice used to establish fishing mortality ranges ($MSY F_{lower}$, $FMSY$ and $MSY F_{upper}$ and their corresponding fishing opportunities), spawning stock biomass estimates and biomass reference thresholds ($MSY B_{trigger}$ and B_{lim}).

2. As soon as possible after being informed, and in any event before the adoption of a new Council decision on the determination of fishing opportunities, the Commission shall notify the European Parliament of situations where the most recent $FMSY$ data correspond to variations in fishing opportunities that deviate by more than 20 % from the fishing opportunities corresponding to the $FMSY$ point value quoted in the scientific advice used for the determination of fishing opportunities for the current period. The Commission shall likewise inform the European Parliament, as soon as possible and in any case before the adoption of a new Council decision, of cases where scientific advice relating to the different breeding stock biomass reference levels justifies recourse to safeguard measures under Article 7.

Amendment 76

Proposal for a Regulation Article 14 – title

Text proposed by the Commission

Evaluation of the plan

Amendment

Evaluation *and implementation* of the
plan

Amendment 78

Proposal for a Regulation Article 15 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 1(1), 8 *and* 10 shall be conferred on the Commission for a period of five years from the date of the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The delegation of power referred to in Articles 1(1), 8, 10 *and 11(1b)* shall be conferred on the Commission for a period of five years from the date of the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment 79

Proposal for a Regulation Article 15 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 1(1), 8 **and** 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 1(1), 8, 10 **and 11(1b)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 80

Proposal for a Regulation
Article 15 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 1(1), 8 **and** 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to the second subparagraph of Article 1(1), 8, 10 **and 11(1b)** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 81

Proposal for a regulation
Article 17 – paragraph 1 – point 1

Regulation (EU) 2016/1139

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) "Range of F_{MSY} " means a range of values provided in the best available scientific advice, in particular from the International Council on the Exploration of the Sea (ICES), where all levels of fishing mortality within that range, result in maximum sustainable yield (MSY) in the long term given a fishing pattern and under existing average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more than a 5 % reduction in long-term yield compared to the maximum sustainable yield. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (B_{lim}) is no more than 5 %;

Amendment

(2) "Range of F_{MSY} " means a range of values provided in the best available scientific advice, in particular from the International Council on the Exploration of the Sea (ICES), **or a similar independent scientific body recognised by the Union or internationally**, where all levels of fishing mortality within that range, result in maximum sustainable yield (MSY) in the long term given a fishing pattern and under existing average environmental conditions without significantly affecting the reproduction process for the stock in question. It is derived to deliver no more than a 5 % reduction in long-term yield compared to the maximum sustainable yield. It is capped so that the probability of the stock falling below the limit spawning stock biomass reference point (B_{lim}) is no more than 5 %;

Amendment 82

Proposal for a regulation
Article 17 – paragraph 1 – point 1

Regulation (EU) 2016/1139

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) " B_{lim} " means the stock size reference point provided in the best available scientific advice, in particular by ICES, below which there may be reduced reproductive capacity;

Amendment

(8) " B_{lim} " means the stock size reference point provided in the best available scientific advice, in particular by ICES, **or a similar independent scientific body recognised by the Union or internationally**, below which there may be

reduced reproductive capacity;

Amendment 83

Proposal for a regulation

Article 17 – paragraph 1 – point 1

Regulation (EU) 2016/1139

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) "MSY B_{trigger}" means the spawning stock biomass reference point provided in the best available scientific advice, in particular from ICES, below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term;

Amendment

(9) "MSY B_{trigger}" means the spawning stock biomass reference point provided in the best available scientific advice, in particular from ICES, ***or a similar independent scientific body recognised by the Union or internationally***, below which specific and appropriate management action is to be taken to ensure that exploitation rates in combination with natural variations rebuild stocks above levels capable of producing MSY in the long term;

Amendment 84

Proposal for a regulation

Article 17 – paragraph 1 – point 2

Regulation (EU) 2016/1139

Article 4 – paragraph 2

Text proposed by the Commission

2. Those ranges of F_{MSY} based on this Plan shall be requested from ICES.

Amendment

2. Those ranges of F_{MSY} based on this Plan shall be requested from ICES, ***or similar independent scientific body recognised by the Union or internationally***.

Amendment 85

Proposal for a regulation

Article 17 – paragraph 1 – point 2

Regulation (EU) 2016/1139

Article 4 – paragraph 5 – point c

Text proposed by the Commission

(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20%.

Amendment

(c) in order to limit variations in fishing opportunities between consecutive years to not more than 20%, ***except in those cases in which 'choke' situations or other situations which paralyse or significantly affect the activity of some fleets are alleviated.***

Amendment 86

Proposal for a regulation

Article 17 – paragraph 1 – point 3

Regulation (EU) 2016/1139

Article 4a – paragraph 1 – introductory part

Text proposed by the Commission

The following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) shall be requested from ICES based on this Plan:

Amendment

The following conservation reference points to safeguard the full reproductive capacity of the stocks referred to in Article 1(1) shall be requested from ICES, ***or a similar independent scientific body recognised by the Union or internationally,*** based on this Plan:

Amendment 88

Proposal for a Regulation

Article 17 – paragraph 1 – point 4 a (new)

Regulation (EU) 2016/1139

Article -15 (new)

Text proposed by the Commission

Amendment

4a. In Chapter IX, the following Article is inserted:

‘Article -15

Follow-up and advance notice of changes to the scientific opinion

1. Each year by 1 April, the Commission shall inform the European Parliament of the best available scientific advice that has been used as a reference for Council decisions on the determination of fishing opportunities under this Regulation between 1 February of the previous year and 31 January of the current year.

For all stocks and fish species concerned, this report shall, in particular, reflect the fishing opportunities fixed by the Council under Articles 4 and 5 and, where appropriate, Article 7 of this Regulation, also specifying the corresponding values expressed as fishing mortality. These data shall be compared to the scientific advice used to establish fishing mortality ranges ($MSY F_{lower}$, $FMSY$ and $MSY F_{upper}$ and their corresponding fishing opportunities), spawning stock biomass estimates and biomass reference thresholds ($MSY B_{trigger}$ and B_{lim}).

2. As soon as possible after being informed and in any case before the adoption of a new Council decision on the establishment of fishing opportunities, the Commission shall notify the European Parliament, of situations where the most recent $FMSY$ scientific data correspond to

variations in fishing opportunities that deviate by more than 20 % from the fishing opportunities corresponding to the FMSY value quoted in the scientific advice used for the determination of fishing opportunities for the current period. The Commission shall likewise inform the European Parliament, as soon as possible and in any case before the adoption of a new Council decision, of cases where scientific advice relating to the different breeding stock biomass reference levels justifies recourse to safeguard measures under Article 7. ';
