



EUROPEAN PARLIAMENT

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*Committee on Fisheries*

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**2011/0195(COD)**

2.5.2012

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on the Common Fisheries Policy  
(COM(2011)0425 – C7-0198/2011 – 2011/0195(COD))

Committee on Fisheries

Rapporteur: Ulrike Rodust

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy  
(COM(2011)0425 – C7-0198/2011 – 2011/0195(COD))**

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

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0425),
  - 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 (C7-0198/2011),
  - 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 28 March 2012<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of .....<sup>2</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Development, the Committee on Budgets, the Committee on the Environment, Public Health and Food Safety and the Committee on Regional Development (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C .../Not yet published in the Official Journal.

<sup>2</sup> OJ C .../Not yet published in the Official Journal.

**Amendment 1**  
**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) The scope of the Common Fisheries Policy extends to conservation, ***management and exploitation*** of marine biological resources. In addition, the Common Fisheries ***Policy's scope*** extends in relation to market measures and financial measures in support of its objectives, to ***fresh water biological resources and*** aquaculture, as well as to the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea.

*Amendment*

(2) The scope of the Common Fisheries Policy extends to ***the*** conservation of marine biological resources ***and the management of fisheries targeting such resources***. In addition, the ***scope of the*** Common Fisheries ***Policy*** extends, in relation to market measures and financial measures in support of its objectives, to aquaculture ***activities***, as well as to the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea.

Or. en

**Amendment 2**  
**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The Common Fisheries Policy should ensure that ***fishing and aquaculture*** activities ***contribute*** to long-term sustainable environmental, economic, and social ***conditions***. It should ***contribute moreover*** to increased productivity, a fair standard of living for the fisheries sector, stable markets, ensure the availability of resources and that supplies reach consumers at reasonable prices.

*Amendment*

(3) The Common Fisheries Policy should ensure that activities ***are sustainable and that they are managed in a way which is consistent with the goal of achieving a healthy marine environment, in order to ensure*** long-term sustainable environmental, economic and social ***benefits***. It should contribute moreover to increased productivity, a fair standard of living for the fisheries sector, stable

markets, ensure the availability of resources and that supplies reach consumers at reasonable prices.

Or. en

**Amendment 3**  
**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that as a matter of priority ***exploitation*** levels ***of marine biological resources*** stocks are restored and maintained at levels capable of producing maximum sustainable yields ***from the populations of harvested stocks*** by 2015. Where less scientific information is available, this may require applying proxies to maximum sustainable yield.

*Amendment*

(5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed ***themselves*** to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that as a matter of priority, ***population*** levels ***for harvested*** stocks are restored and maintained at levels ***above those*** capable of producing maximum sustainable yields by 2015. Where less scientific information is available, this may require applying proxies to maximum sustainable yield.

Or. en

**Amendment 4**  
**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) The Union and the Member States shall ensure that, if fishing opportunities have to be drastically reduced during a transitional period in order to achieve the maximum sustainable yield, adequate social and financial measures are applied to keep enough businesses alive throughout the production chain so as to***

*achieve a balance between fleet capacity and available resources when the maximum sustainable yield is reached.*

Or. en

**Amendment 5**  
**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*(12a) The objectives of the Common Fisheries Policy should be achieved in compliance with Article 39 and 41 of the Treaty on the Functioning of the European Union referring to a balanced approach for the utilisation of labour and to an effective coordination of professional training.*

Or. en

**Amendment 6**  
**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) Rules in place restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply.

(14) Rules in place restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply *and could be strengthened to give preferential access for small scale, artisanal or coastal fishermen.*



**Amendment 7**  
**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Measures are needed to reduce **and eliminate** the current high levels of unwanted catches and discards. **Indeed, unwanted catches and** discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems as well as the financial viability of fisheries. An obligation to land all catches of managed stocks caught during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented.

*Amendment*

(18) Measures are needed to reduce the current high levels of unwanted catches and **to eliminate** discards. **Unfortunately, previous legislation has often obliged fishermen to discard valuable resources.** Discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems as well as the financial viability of fisheries. An obligation to land all catches of managed stocks caught during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented.

**Amendment 8**  
**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**(18a) The obligation to land all catches should be introduced on a fisheries-by-fisheries base. This would allow for the adoption of multiannual plans that include all necessary detailed provisions for the fishery concerned, before the obligation to land all catches comes into force in this fishery. Fishers should be allowed to continue discarding species for which the best available scientific advice indicates a high survival rate when released into the sea under defined**

*conditions for a given fishery.*

Or. en

**Amendment 9**  
**Proposal for a regulation**  
**Recital 18 b (new)**

*Text proposed by the Commission*

*Amendment*

*(18b) In order to make the obligation to land all catches workable and to mitigate the effect of varying yearly catch compositions, Member States shall make use of the possibility of transferring quotas between the years ('banking and borrowing') referred to in Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas<sup>1</sup> and in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy<sup>2</sup>.*

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<sup>1</sup> OJ L 115, 09.05.1996., p.3.

<sup>2</sup> OJ L 343, 22.12.2009., p.1.

Or. en

*Justification*

*If all fish have to be landed, fishers need the right quota mix. In mixed fisheries this quota mix will not be the same every year, so Member States and fishers should make use of the existing provisions that allow for flexibility.*

**Amendment 10**  
**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) For stocks for which no multiannual

(21) For stocks for which no multiannual

plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch *and/or* fishing effort limits.

plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch *or* fishing effort limits *below fishing mortality rates which are consistent with the maximum sustainable yield (FMSY)*. *If there is insufficient data available, fisheries should be managed by using proxy standards. If a fish stock is severely overfished, catch or fishing effort limits shall be set at a level that allows the stock to grow towards levels above those capable of producing maximum sustainable yield.*

Or. en

**Amendment 11**  
**Proposal for a regulation**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

*(21a) The Common Fisheries Policy should ensure that commonly defined objectives are achieved by all Union fleets and fisheries. However, the unique circumstances in the Mediterranean Sea, including the high level of fish stocks at risk of collapse, the very high level of small scale fisheries and the lack of scientific data, require the adoption, for a transitional period, of a targeted approach for the Mediterranean Sea which aims to achieve sustainable fisheries.*

Or. en

**Amendment 12**  
**Proposal for a regulation**  
**Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

***(21b) The Union should reinforce its efforts to achieve effective international cooperation and stock management in seas which are bordered by both Union and non-member countries. This is especially the case with regards to the Black Sea where the Union should advocate the creation of a Regional Fisheries Management Organisation for the Black Sea.***

Or. en

**Amendment 13**  
**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

*Amendment*

(29) A system of ***transferable*** fishing concessions for the majority of managed stocks under the Common Fisheries Policy should be implemented no later than ***31 December 2013 for all vessels of 12 meters' length or over and all other vessels fishing with towed gears. Member States may exclude vessels up to 12 meters' length other than vessels using towed gear from transferable fishing concessions.*** Such a system should contribute to ***industry-induced fleet reductions and improved economic performance while at the same time*** creating legally secure and exclusive ***transferable*** fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, ***transferable*** fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules.

(29) A system of fishing concessions for the majority of managed stocks under the Common Fisheries Policy should be implemented no later than ***one year after entry into force of this Regulation.*** Such a system should contribute to creating legally secure and exclusive fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules.

### *Justification*

*A system where it is clear who has the right to fish should be established. A system of fishing concessions increases the responsibility and ownership of each individual fisher. Transferability should only be mandatory in case a Member States fails to adjust its fishing capacity to available resources.*

### **Amendment 14** **Proposal for a regulation** **Recital 30**

#### *Text proposed by the Commission*

(30) Fishing concessions should be ***transferable and*** leasable in order to decentralise management of fishing opportunities ***towards*** the fishing industry ***and ensuring that fishers leaving the industry will not need to rely on public financial assistance under the Common Fisheries Policy.***

#### *Amendment*

(30) Fishing concessions should be leasable ***among active fishers*** in order to decentralise management of fishing opportunities ***to*** the fishing industry.

### **Amendment 15** **Proposal for a regulation** **Recital 31**

#### *Text proposed by the Commission*

(31) Specific characteristics and socio-economic vulnerability of some small-scale fleets justify the ***limitation of the mandatory system of transferable fishing concessions to large vessels. The system of transferable fishing concessions should apply to stocks for which fishing opportunities are allocated.***

#### *Amendment*

(31) Specific characteristics and socio-economic vulnerability of some small-scale fleets justify the ***creation of mechanisms by Member States to ensure, for such fleets and their affected communities, equitable access to fishing resources.***

**Amendment 16**  
**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

**(32) For Union fishing vessels not operating under a system of transferable fishing concessions, specific measures may be taken to align the number of Union fishing vessels with available resources. Such measures should set compulsory maximum fleet capacity ceilings and establish national entry/exit schemes in relation to decommissioning funding granted under the European Fisheries Fund.**

*Amendment*

**(32) In some cases, Member States still need to take specific measures to align their fishing capacity with available resources. Such measures should set compulsory maximum fleet capacity ceilings, and should ensure, through capacity assessments and fleet level adjustments, that alignment is achieved at the level of specific fisheries.**

Or. en

**Amendment 17**  
**Proposal for a regulation**  
**Recital 32 a (new)**

*Text proposed by the Commission*

**(32a) Member States and the Union shall provide an adequate social safety net for fishers who need to leave the sector in cases where overcapacity has to be reduced.**

*Amendment*

Or. en

**Amendment 18**  
**Proposal for a regulation**  
**Recital 32 b (new)**

*Text proposed by the Commission*

**(32b) Fishing concessions should become transferable within a Member State if that Member State has not succeeded in aligning its fishing capacity to available**

*Amendment*

*resources.*

Or. en

**Amendment 19**  
**Proposal for a regulation**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) In order to improve the cooperation with neighbouring countries and to improve the management of shared stocks, the Union should aim to conclude sustainable fisheries cooperation agreements with those countries. In contrast to sustainable fisheries agreements, those cooperation agreements should not aim to obtain fishing rights for Union vessels but should aim to achieve a situation where the Union provides funding and technical support in exchange for the application of the same or comparable sustainable management rules as the Union in the respective partner third country.***

Or. en

**Amendment 20**  
**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

*Amendment*

(42) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security for European citizens and to contribute to the growing world aquatic food demand.

(42) Aquaculture ***is an important element of Union food security and needs a specific management approach.*** Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security for European citizens and to contribute to the growing world aquatic

food demand.

Or. en

**Amendment 21**  
**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) Union financial assistance should be made conditional upon compliance by Member States and operators with the Common Fisheries Policy. Thus such financial assistance should be interrupted, suspended or corrected in cases of non-compliance with the rules of Common Fisheries Policy by Member States and serious infringements of those rules by operators.

*Amendment*

(52) Union financial assistance should be made conditional upon compliance by Member States and operators, **including vessel owners**, with the Common Fisheries Policy. Thus such financial assistance should be interrupted, suspended or corrected in cases of non-compliance with the rules of the Common Fisheries Policy by Member States and serious infringements of those rules by operators.

Or. en

**Amendment 22**  
**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) Dialogue with stakeholders has proven essential for the achievement of the objectives of the Common Fisheries Policy. Taking into account the diverse conditions throughout Union waters and increased regionalisation of the Common Fisheries Policy, Advisory Councils should enable the Common Fisheries Policy to benefit from the knowledge and experience of all stakeholders.

*Amendment*

(53) Dialogue with stakeholders, **including social partners**, has proven essential for the achievement of the objectives of the Common Fisheries Policy **and should be further encouraged at local, national and Union levels**. Taking into account the diverse conditions throughout Union waters and increased regionalisation of the Common Fisheries Policy, Advisory Councils should enable the Common Fisheries Policy to benefit from the knowledge and experience of all stakeholders.

Or. en



**Amendment 23**  
**Proposal for a regulation**  
**Recital 54**

*Text proposed by the Commission*

(54) It appears appropriate that the Commission be empowered by delegated acts to create a new Advisory Council and to modify areas of competence *of* existing ones, in particular considering the specificities of the Black Sea.

*Amendment*

(54) It appears appropriate that the Commission be empowered by delegated acts to create a new Advisory Council and to modify areas of competence *of* existing ones, in particular considering the specificities of the Black Sea **and the Outermost Regions**.

Or. en

**Amendment 24**  
**Proposal for a regulation**  
**Recital 56**

*Text proposed by the Commission*

(56) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level.

*Amendment*

(56) It is of particular importance that the Commission carry out appropriate consultations **with stakeholders, including social partners**, during its preparatory work for the adoption of delegated acts, including at expert level.

Or. en

**Amendment 25**  
**Proposal for a regulation**  
**Recital 62**

*Text proposed by the Commission*

**(62) Regulation (EC) 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support**

*Amendment*

**deleted**

*scientific advice regarding the common fisheries policy should be repealed, but should continue to apply to the national programmes adopted for the collection and management of data for the years 2011 – 2013.*

Or. en

**Amendment 26**  
**Proposal for a regulation**  
**Part 1 – Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) conservation, ***management and exploitation*** of marine biological resources; and

*Amendment*

(a) ***the*** conservation of marine biological resources ***and the management of fisheries targeting such resources***; and

Or. en

**Amendment 27**  
**Proposal for a regulation**  
**Part 1 – Article 1 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the reduction and, where possible, the elimination of the environmental impacts of fishing activities.***

Or. en

*Justification*

*This should be a horizontal objective for all measures taken under the CFP.*

**Amendment 28**  
**Proposal for a regulation**  
**Part 1 – Article 2 – paragraph 1**

*Text proposed by the Commission*

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities provide long-term sustainable environmental, economic and social **conditions** and **contribute** to the availability of food supplies.

*Amendment*

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities **are sustainable and are managed in a way that is consistent with the objective of achieving a healthy marine environment, thereby providing** long-term sustainable environmental, economic and social **benefits** and **contributing** to the availability of food supplies.

Or. en

*Justification*

*Sustainable environmental conditions are a precondition for sustainable economic and social development in the fishing sector.*

**Amendment 29**

**Proposal for a regulation**

**Part 1 – Article 2 – paragraph 2**

*Text proposed by the Commission*

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure, by 2015, **that exploitation of living marine biological resources restores and maintains** populations of harvested species above levels which can produce the maximum sustainable yield.

*Amendment*

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries **and aquaculture** management, and shall **set exploitation rates, for all stocks, that** aim to ensure **that** by 2015 populations of harvested species **are restored and maintained** above levels which can produce the maximum sustainable yield.

Or. en

*Justification*

*Fisheries management shall aim at achieving BMSY by 2015. The main instrument will be to set corresponding exploitation rates.*

**Amendment 30**  
**Proposal for a regulation**  
**Part 1 – Article 2 – paragraph 3**

*Text proposed by the Commission*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of **fishing** activities on the marine ecosystem are limited.

*Amendment*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries **and aquaculture** management to ensure that the impacts of **these** activities on the marine ecosystem are limited.

Or. en

**Amendment 31**  
**Proposal for a regulation**  
**Part 1 – Article 2 – paragraph 4**

*Text proposed by the Commission*

4. The Common Fisheries Policy shall **integrate** the **Union** environmental legislation **requirements**.

*Amendment*

4. The Common Fisheries Policy shall **contribute to the achievement and maintenance of good environmental status as set out in Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy and in Commission Decision 2010/477/EU of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters<sup>1</sup> and other Union** environmental legislation.

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<sup>1</sup> **OJ L 232, 02.09.2010., p.14.**

Or. en

*Justification*

*Clarification: The CFP shall contribute to achieve the objectives of environmental legislation.*

**Amendment 32**  
**Proposal for a regulation**  
**Part 1 – Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Common Fisheries Policy shall ensure that the fishing capacity of the fleets is aligned with exploitation levels that comply with paragraph 2.***

Or. en

*Justification*

*Overcapacity is a very important driver for overfishing.*

**Amendment 33**  
**Proposal for a regulation**  
**Part 1 – Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) eliminate unwanted catches of commercial stocks and*** gradually ensure that all catches of ***such*** stocks are landed;

(a) gradually ensure that all catches of ***commercially used*** stocks are landed;

Or. en

*Justification*

*First part moved to new paragraph.*

**Amendment 34**  
**Proposal for a regulation**  
**Part 1 – Article 3 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) minimise and, where possible, eliminate all unwanted catches;***

Or. en

### *Justification*

*Moved from paragraph (a) and modified. The CFP should help fishers to avoid all by-catches, not only those of commercial stocks.*

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Part 1 – Article 3 – paragraph 1 – point b**

###### *Text proposed by the Commission*

(b) provide conditions for efficient fishing activities ***within*** an economically viable and competitive fishing industry;

###### *Amendment*

(b) provide conditions for efficient ***and sustainable*** fishing activities ***in order to restore*** an economically viable and competitive fishing industry;

Or. en

#### **Amendment 36**

##### **Proposal for a regulation**

##### **Part 1 – Article 3 – paragraph 1 – point c**

###### *Text proposed by the Commission*

(c) promote the development of ***Union*** aquaculture activities to contribute to food security and employment in coastal and rural areas;

###### *Amendment*

(c) promote the development of ***sustainable and eco-system based*** aquaculture activities ***in order*** to contribute to food security and employment in coastal and rural areas;

Or. en

#### **Amendment 37**

##### **Proposal for a regulation**

##### **Part 1 – Article 3 – paragraph 1 – point d**

###### *Text proposed by the Commission*

(d) contribute to a fair standard of living for those who depend on fishing activities;

###### *Amendment*

(d) contribute to a fair standard of living for those who depend on fishing activities ***and ensure improved working standards for fishermen, particularly through compliance with health and safety***

*legislation and through the provisions of workers' collective bargaining agreements;*

Or. en

**Amendment 38**  
**Proposal for a regulation**  
**Part 1 – Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) ensure systematic *and harmonised* data collection and management.

*Amendment*

(f) ensure systematic, *harmonised and ecosystem-wide* data collection and *transparent data* management.

Or. en

*Justification*

*An ecosystem-based approach to fisheries management requires ecosystem-wide data.*

**Amendment 39**  
**Proposal for a regulation**  
**Part 1 – Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

The Common Fisheries Policy shall *be guided by* the following principles of good governance:

*Amendment*

The Common Fisheries Policy shall *apply* the following principles of good governance:

Or. en

**Amendment 40**  
**Proposal for a regulation**  
**Part 1 – Article 4 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) broad involvement of stakeholders at all stages from conception to implementation of the measures;

*Amendment*

(d) broad involvement of stakeholders *including social partners* at all stages from conception to implementation of the

measures;

Or. en

**Amendment 41**

**Proposal for a regulation**

**Part 1 – Article 4 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the application of environmental impact assessments;***

Or. en

**Amendment 42**

**Proposal for a regulation**

**Part 1 – Article 4 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) parity between the internal and external dimension of the Common Fisheries Policy, such that standards and enforcement mechanisms applied within the Union are also, wherever applicable, applied externally;***

Or. en

**Amendment 43**

**Proposal for a regulation**

**Part 1 – Article 4 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

***(fb) transparent data-handling and decision-making in accordance 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 of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters<sup>1</sup>.*

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*1 OJ L 124, 17.5.2005, p. 1.*

Or. en

*Justification*

*Consistent with the EU's commitments under the Aarhus Convention and the EU's Transparency initiative.*

**Amendment 44**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*- 'fishermen' means any person engaging in professional fishing, as recognised by the Member State, on board an operational fishing vessel or engaging in professional harvesting of marine organisms, as recognised by the Member State, without a vessel;*

Or. en

**Amendment 45**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 6**

*Text proposed by the Commission*

*Amendment*

– 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely;

– 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock *continuously and* indefinitely

*without negatively affecting the reproduction of the stock;*

Or. en

*Justification*

*Maximum Sustainable Yield as a key concept of the reform should be clearly defined.*

**Amendment 46**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 7**

*Text proposed by the Commission*

– ‘precautionary approach to fisheries management’ means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;

*Amendment*

– ‘precautionary approach to fisheries management’, *as referred to in Article 6 of the UN Fish Stocks Agreement*, means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve **or prevent damage to** target species, associated or dependent species and non-target species and their environment;

Or. en

**Amendment 47**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**- 'FMSY' means the fishing mortality rate that is consistent with achieving the maximum sustainable yield;**

Or. en

**Amendment 48**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 11**

*Text proposed by the Commission*

– ‘catch limit’ means a quantitative limit **on landings** of a fish stock or group of fish stocks over a given period;

*Amendment*

– ‘catch limit’ means a quantitative limit **with regard to all fish** of a fish stock or group of fish stocks **that a fisherman or a group of fishermen is allowed to catch or kill (whether for harvest, collection or capture, or unintentionally)** over a given period;

Or. en

*Justification*

*Catch limits should apply to all fish caught not only to those that are landed.*

**Amendment 49**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 12**

*Text proposed by the Commission*

– ‘**conservation** reference point’ means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example **with respect to** an acceptable level of biological risk or a desired level of yield;

*Amendment*

– **limit** reference point’ means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management **to indicate a threshold above or below which fisheries management is consistent with**, for example, an acceptable level of biological risk or a desired level of yield;

Or. en

*Justification*

*Reference points must be understood as a limit which should not be transgressed and not a target reference for management.*

**Amendment 50**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 14 a (new)**

*Text proposed by the Commission*

*Amendment*

- **‘fishing protected area’ means a**

*geographically defined sea area in which all or certain fishing activities are temporarily or permanently banned or restricted in order to improve the exploitation and conservation of living aquatic resources or the protection of marine ecosystems;*

Or. en

*Justification*

*From Council Regulation (EC) No 1967/2006(OJ L 409, 30.12.2006., p.11) – Article 2.2 (Mediterranean Regulation).*

**Amendment 51**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 14 b (new)**

*Text proposed by the Commission*

*Amendment*

*- 'essential fish habitats' means fragile marine habitats that need to be protected due to their vital role in meeting the ecological and biological needs of fish species, including spawning, nursery and feeding grounds;*

Or. en

*Justification*

*Term used in Amendment to Article 8 (technical measures).*

**Amendment 52**

**Proposal for a regulation**

**Part 1 – Article 5 – paragraph 1 – indent 14 c (new)**

*Text proposed by the Commission*

*Amendment*

*- 'fish stock recovery area' means a clearly defined geographical area within a Member State's territorial waters in which all fishing activities are prohibited;*

Or. en

## *Justification*

*Term used in new Article 7a*

### **Amendment 53**

#### **Proposal for a regulation**

##### **Part 1 – Article 5 – paragraph 1 – indent 15**

*Text proposed by the Commission*

– ‘fishing opportunity’ means a quantified legal entitlement to fish, expressed in terms of catches *and/or* fishing effort *and conditions functionally linked thereto which are necessary to quantify them at a certain level*;

*Amendment*

– ‘fishing opportunity’ means a quantified legal entitlement to fish ***a certain fish stock***, expressed in terms of catches *or* fishing effort;

Or. en

### **Amendment 54**

#### **Proposal for a regulation**

##### **Part 1 – Article 5 – paragraph 1 – indent 17**

*Text proposed by the Commission*

– ‘***transferable*** fishing concessions’ means revocable user entitlements to a specific part of fishing opportunities allocated to a Member State *or established in management plans adopted by a Member State in accordance with Article 19 of Regulation (EC) No 1967/2006, which the holder may transfer to other eligible holders of such transferable fishing concessions*;

*Amendment*

– ‘fishing concessions’ means ***exclusive***, revocable ***and individual*** user entitlements to a specific part of fishing opportunities allocated to a Member State;

Or. en

## *Justification*

*Change of definition needed to bring definition in line with amendments to Articles 27 and 28.*

## Amendment 55

### Proposal for a regulation

#### Part 1 – Article 5 – paragraph 1 – indent 17 a (new)

*Text proposed by the Commission*

*Amendment*

**- 'Territorial Use Rights for Fishing' or 'TURFs' means exclusive, revocable and non-transferable user entitlements to fish in a specific area which are assigned by a Member State to an individual fisherman or a group of eligible holders;**

Or. en

*Justification*

*A definition of TURFs is necessary to for the transitional measures for the Mediterranean (new part IVa); other Member States may also elect to use this form of user entitlement as an alternative to fishing concessions for meeting sustainability targets for stocks that are not the subject of fishing opportunities set by the Council.*

## Amendment 56

### Proposal for a regulation

#### Part 1 – article 5 – paragraph 1 – indent 18

*Text proposed by the Commission*

*Amendment*

– ‘individual fishing opportunities’ means annual fishing opportunities allocated to holders of **transferable** fishing concessions in a Member State on the basis of the proportion of fishing opportunities pertaining to that Member State;

– ‘individual fishing opportunities’ means annual fishing opportunities allocated to holders of fishing concessions in a Member State on the basis of the proportion of fishing opportunities pertaining to that Member State, **after carrying out possible swaps between Member States;**

Or. en

*Justification*

*Clarification: Member states can only attribute those fishing opportunities to the holders of fishing concessions that they keep or that they receive through swaps from other Member States. They cannot attribute the opportunities which they gave away to the holders of the respective fishing concession.*

## Amendment 57

### Proposal for a regulation

#### Part 1 – Article 5 – paragraph 1 – indent 19

##### *Text proposed by the Commission*

– ‘fishing capacity’ means a vessel's tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of **Council** Regulation (EEC) No 2930/86;

##### *Amendment*

– ‘fishing capacity’ means a vessel's **ability to catch fish, measured by its** tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of Regulation (EEC) No 2930/86, **and where necessary, by additional features such as gear and operational characteristics, and other equipment;**

Or. en

##### *Justification*

*Fishing capacity essentially describes the ability of a vessel or fleet of vessels to catch fish. Gross tonnage and engine power serve as simplified indicators, but a number of other factors also affect fishing capacity, including size, equipment and operational characteristics of vessels. These should be considered, where a better measure of capacity is needed.*

## Amendment 58

### Proposal for a regulation

#### Part 1 – Article 5 – paragraph 1 – indent 25

##### *Text proposed by the Commission*

– ‘operator’ means the natural or legal person who operates or holds any enterprise carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;

##### *Amendment*

– ‘operator’ means the natural or legal person who operates or holds any enterprise carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products, **or any other organisation representing fisheries professionals which is legally recognised and is in charge of managing access to fisheries resources as well as professional fisheries activities and aquaculture;**

Or. en

## Amendment 59

### Proposal for a regulation

#### Part 1 – Article 5 – paragraph 1 – indent 28

##### *Text proposed by the Commission*

– ‘surplus of allowable catch’ means that part of the allowable catch which a coastal State does not have the capacity to harvest;

##### *Amendment*

– ‘surplus of allowable catch’ means that part of the allowable catch which a coastal State does not have the capacity to harvest, ***keeping the overall exploitation rate for individual stocks below levels that are capable of restoring themselves and maintaining populations of harvested species above levels which can produce the maximum sustainable yield;***

Or. en

##### *Justification*

*The definition of surplus has to ensure that overfishing in third countries waters is avoided.*

## Amendment 60

### Proposal for a regulation

#### Part 1 – Article 5 – paragraph 1 – indent 30

##### *Text proposed by the Commission*

– ‘spawning stock biomass’ means an estimate of the mass of the fish of a particular ***resource*** that ***reproduces at a defined time***, including both males and females and including fish that reproduce viviparously;

##### *Amendment*

– ‘spawning stock biomass’ means an estimate of the mass of the fish of a particular ***stock*** that ***is mature enough to reproduce***, including both males and females and including fish that reproduce viviparously;

Or. en

## Amendment 61

### Proposal for a regulation

#### Part 2 – Article 6 – paragraph 2

##### *Text proposed by the Commission*

2. In the waters up to 12 nautical miles from baselines under their sovereignty or

##### *Amendment*

2. In the waters up to 12 nautical miles from baselines under their sovereignty or



jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall inform the Commission of the restrictions put in place under this paragraph.

jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall *envisage exclusive or preferential access for small scale, artisanal or coastal fishermen, taking into account social and environmental factors including the potential benefits to be derived from awarding exclusive or preferential access for local or micro businesses and for fishermen pursuing selective and low-impact fishing practices.* Member States shall inform the Commission of the restrictions put in place under this paragraph.

Or. en

#### *Justification*

*Small scale or artisanal fishers should get preferential access. They provide more jobs than large-scale vessels and more added value to coastal communities.*

### **Amendment 62** **Proposal for a regulation** **Part 3**

#### *Text proposed by the Commission*

MEASURES FOR THE  
CONSERVATION OF MARINE  
BIOLOGICAL RESOURCES

#### *Amendment*

MEASURES FOR THE  
CONSERVATION **AND SUSTAINABLE**  
**EXPLOITATION** OF MARINE  
BIOLOGICAL RESOURCES

Or. en

**Amendment 63**  
**Proposal for a regulation**  
**Part 3 – Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) establishing targets for the sustainable exploitation of stocks;

*Amendment*

(b) establishing targets for the sustainable exploitation of stocks ***and the protection of the marine environment***;

Or. en

*Justification*

*Conservation measures may also cover the establishment of targets to protect the marine environment, such as specific by-catch limits.*

**Amendment 64**  
**Proposal for a regulation**  
**Part 3 – Article 7 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) establishing incentives, ***including those of an economic nature***, to promote more selective or low impact fishing;

*Amendment*

(d) establishing incentives to promote more selective or low impact fishing ***methods, including preferential access to fishing opportunities and incentives of an economic nature***;

Or. en

*Justification*

*The most elegant incentive for the use of selective gears is a higher quota share for the concerned fisher.*

**Amendment 65**  
**Proposal for a regulation**  
**Part 3 – Article 7 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) adopting technical measures as referred to in ***Article 14***;

*Amendment*

(f) adopting technical measures as referred to in ***Articles 8 and 14***;

**Amendment 66**  
**Proposal for a regulation**  
**Part 3 – Article 7 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) adopting measures concerning the obligation to land all catches;

*Amendment*

(g) adopting measures concerning the obligation to land all catches *pursuant to Article 15*;

**Amendment 67**  
**Proposal for a regulation**  
**Part 3 – Article 7 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) adopting other measures that help to achieve the objectives of Articles 2 and 3.*

**Amendment 68**  
**Proposal for a regulation**  
**Part 3 – Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 7a**

***Establishment of fish stock recovery areas***

***1. In order to secure the reversal of the collapse of the fishing sector, and to conserve living aquatic resources and marine ecosystems, and as part of a precautionary approach, Member States shall establish a coherent network of fish stock recovery areas in which all fishing activities are prohibited, including areas important for fish productivity, in***

*particular nursery grounds, spawning grounds and feeding grounds for fish stocks.*

*2. Member States shall identify and designate as many areas as are necessary to establish a coherent network of fish stock recovery areas amounting to between 10 % and 20 % of territorial waters in each Member State and shall notify the Commission of these areas. The establishment of the network shall be gradual, in accordance with the following timeframe:*

*(a) By ...\*:*

*-Fish stock recovery areas shall amount to at least 5 % of the territorial waters of each Member State*

*(b) By ...\*\*:*

*- Fish stock recovery areas shall amount to at least 10 % of the territorial waters of each Member State*

*3. The location of fish stock recovery areas shall not be modified within the first five years of their establishment. If a modification is needed, this shall only occur after the establishment of another area or areas of the same dimensions;*

*4. The measures and decisions referred to paragraph 2 and 3 above shall be notified to the Commission, along with the scientific, technical, social and legal reasons for them and shall be made publicly available;*

*5. The competent authorities of the Member States concerned shall decide whether the fish stock recovery areas designated under paragraphs 1, 2 and 3, shall be surrounded by a zone or zones in which fishing activities are restricted and shall decide, after having notified the Commission, on the fishing gears that may be used in those zones, as well as the appropriate management measures and technical rules to be applied therein,*

*which cannot be less stringent than those of Union law. This information shall be made publicly available;*

*6. If a fishing vessel is transiting through a fish stock recovery area, it shall ensure that all gears carried on board that are used for fishing are lashed and stowed, during the transit;*

*7. The Union shall also take measures to reduce the possible negative social and economic consequences of the establishment of fish stock recovery areas.*

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

*\*\* OJ please insert the date three years after the date of entry into force of this Regulation.*

Or. en

*Justification*

*An explanation for this proposal can be found in the explanatory statement.*

**Amendment 69**

**Proposal for a regulation**

**Part 3 – Article 8 – paragraph 1 – point b – point ii**

*Text proposed by the Commission*

ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species;

*Amendment*

ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species, *as well as other unwanted catches*;

Or. en

**Amendment 70**

**Proposal for a regulation**

**Part 3 – Article 8 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) prohibitions of the use of certain fishing gears in certain areas or seasons;

(c) prohibitions of the use of certain fishing gears ***or other technical equipment*** in certain areas or seasons;

Or. en

**Amendment 71**

**Proposal for a regulation**

**Part 3 – Article 8 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) prohibition or restriction ***of*** fishing activities in certain zones and/or periods;

(d) prohibition ***of*** or restriction ***on*** fishing activities in certain zones and/or periods, ***including for the protection of spawning and nursery areas and other essential fish habitats***;

Or. en

**Amendment 72**

**Proposal for a regulation**

**Part 3 – Article 8 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) requirements for fishing vessels to cease operating in an area for a defined minimum period in order to protect ***a*** temporary ***aggregation*** of a vulnerable marine resource;

(e) requirements for fishing vessels to cease operating in an area for a defined minimum period in order to protect ***essential fish habitats and the functions they perform as well as the species listed in Annex IV of Directive 92/43/EEC and in Directive 2009/147/EC and temporary aggregations*** of a vulnerable marine resource;

Or. en

*Justification*

*Not only ‘vulnerable marine resources’ should be protected but also essential fish habitats*

*and their functions and protected species listed by the Birds and Habitats Directives.*

#### **Amendment 73**

##### **Proposal for a regulation**

##### **Part 3 – Article 9 – paragraph 1**

*Text proposed by the Commission*

1. **Multiannual** plans providing for conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield **shall be established as a priority**.

*Amendment*

1. **The European Parliament and the Council, acting under the ordinary legislative procedure, shall establish multiannual** plans providing for conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield **for all fisheries by ...\***.

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

Or. en

#### **Amendment 74**

##### **Proposal for a regulation**

##### **Part 3 – Article 9 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the basis for fixing fishing opportunities for the fish stocks concerned on the basis of predefined **conservation** reference points; and

*Amendment*

(a) the basis for fixing fishing opportunities for the fish stocks concerned on the basis of predefined **limit** reference points; and

Or. en

*Justification*

*Such reference points should be understood as limits which should not be transgressed.*

#### **Amendment 75**

##### **Proposal for a regulation**

##### **Part 3 – Article 9 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) measures capable of effectively preventing **conservation** reference points from being transgressed.

(b) measures capable of effectively preventing **limit** reference points from being transgressed.

Or. en

*Justification*

*Such reference points should be understood as limits which should not be transgressed.*

**Amendment 76**

**Proposal for a regulation**

**Part 3 – Article 9 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) measures that minimise the impact of fishing activities on the marine environment in accordance with Union law and international agreements.***

Or. en

*Justification*

*The CFP should make sure that environmental legislation is respected and implemented.*

**Amendment 77**

**Proposal for a regulation**

**Part 3 – Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks and **fisheries**.

3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks, **fisheries** and **the marine ecosystem**.

Or. en



### *Justification*

*In order to achieve real ecosystem management, the whole ecosystem should be taken into account.*

#### **Amendment 78**

##### **Proposal for a regulation**

##### **Part 3 – Article 9 – paragraph 4**

###### *Text proposed by the Commission*

4. Multiannual plans shall be based on the precautionary approach to fisheries management and **shall** take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner.

###### *Amendment*

4. Multiannual plans shall **comply with the objectives in Articles 2 and 3**, be based on the precautionary approach to fisheries management and take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner.

Or. en

### *Justification*

*Obviously, multiannual plans should aim at achieving the same objectives as this basic regulation.*

#### **Amendment 79**

##### **Proposal for a regulation**

##### **Part 3 – Article 10 – paragraph 1**

###### *Text proposed by the Commission*

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in **a fishing mortality rate that restores and maintains** all stocks above levels capable of producing maximum sustainable yield by 2015.

###### *Amendment*

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in **the restoration and maintenance of** all stocks above levels capable of producing maximum sustainable yield by 2015.

Or. en

### *Justification*

*Wording consistent with that of amended Article 2.*

**Amendment 80**  
**Proposal for a regulation**  
**Part 3 – Article 10 – paragraph 2**

*Text proposed by the Commission*

2. In cases where the determination of a fishing mortality rate that restores and maintains stocks above levels capable of producing maximum sustainable yield is not possible, multiannual plans shall ***provide for*** precautionary measures ***ensuring*** a comparable degree of conservation of the relevant stocks.

*Amendment*

2. In cases where the determination of a fishing mortality rate that restores and maintains stocks above levels capable of producing maximum sustainable yield is not possible, multiannual plans shall ***apply the precautionary approach to fisheries management and set out proxy standards and*** measures ***that ensure at least*** a comparable degree of conservation of the relevant stocks.

Or. en

*Justification*

*Data shortage should not be an excuse for inaction.*

**Amendment 81**  
**Proposal for a regulation**  
**Part 3 – Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Multiannual plans shall provide a framework that ensures that Member States that are active in the same fishery take measures that are consistent with one another, pursuant to Article 34, to adjust fleet capacity to levels that are compatible with Article 2.***

Or. en

*Justification*

*Measures to fight overcapacity should preferably be implemented on the level of fisheries and should be coordinated among concerned Member States.*

**Amendment 82**  
**Proposal for a regulation**  
**Part 3 – Article 10 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Multiannual plans shall provide for measures that contribute to the achievement and the maintenance of good environmental status for the marine environment and to a favourable conservation status of species and habitats, as set out in Union environmental legislation.***

Or. en

**Amendment 83**  
**Proposal for a regulation**  
**Part 3 – Article 11 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the scope, in terms of stocks, ***fishery*** and the marine ecosystem to which the multiannual plan shall be applied;

(a) the scope, in terms of stocks, ***fisheries*** and the marine ecosystem to which the multiannual plan shall be applied;

Or. en

*Justification*

*A multiannual plan might include several fisheries.*

**Amendment 84**  
**Proposal for a regulation**  
**Part 3 – Article 11 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) ***objectives*** consistent with the objectives set out in Articles 2 and 3;

(b) ***goals that are*** consistent with the objectives set out in Articles 2 and 3;

Or. en

*Justification*

*Rephrased to avoid confusion between the objectives of multiannual plans set in Article 10 and the content of multiannual plans, which should contain the agreed management goals.*

**Amendment 85**

**Proposal for a regulation**

**Part 3 – Article 11 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) an assessment of fleet capacity and, where fishing capacity is not in an effective balance with the available fishing opportunities, a capacity reduction plan including a timeline and the specific steps to be undertaken by each Member State concerned that will result in the alignment of such fishing capacity with the available fishing opportunities within one year of the entry into force of the multiannual plan;***

Or. en

*Justification*

*Capacity assessments and capacity reduction plans should preferably be conducted on the level of fisheries, not only on individual Member State level.*

**Amendment 86**

**Proposal for a regulation**

**Part 3 – Article 11 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) an assessment of the fleet's impact on target species and the marine environment;***

Or. en

**Amendment 87**

**Proposal for a regulation**

**Part 3 – Article 11 – paragraph 1 – point c – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

**iii a) fisheries related descriptors of good environmental status as set out in Directive 2008/56/EC and Decision 2010/477/EU;**

Or. en

*Justification*

*The CFP should contribute to the implementation of the marine strategy framework directive.*

**Amendment 88**

**Proposal for a regulation**

**Part 3 – Article 11 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) technical measures including measures concerning the elimination of unwanted catches;

(e) **conservation and** technical measures including measures concerning the elimination of unwanted catches;

Or. en

**Amendment 89**

**Proposal for a regulation**

**Part 3 – Article 11 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) specific measures and **objectives** for the freshwater part of the life cycle of anadromous and catadromous species;

(g) specific measures and **goals** for the freshwater part of the life cycle of anadromous and catadromous species;

Or. en

*Justification*

*Rephrased to avoid confusion between the objective of multiannual plans set in Article 10 and the content of multiannual plans, which should contain the agreed management goals.*

## Amendment 90

### Proposal for a regulation

#### Part 3 – Article 11 – paragraph 1 – point h

*Text proposed by the Commission*

(h) minimisation of impacts of fishing on the eco-system;

*Amendment*

(h) minimisation of ***the*** impacts of fishing on the eco-system, ***including measures to protect species and habitats covered by Directive 92/43/EEC and Directive 2009/147/EC from the impact of fishing;***

Or. en

*Justification*

*Directive 92/43/EC specifies ‘Animal and Plant Species of Community Interest in Need of Strict Protection’. Directive 2009/147/EC is on the protection of wild birds.*

## Amendment 91

### Proposal for a regulation

#### Part 3 – Article 11 – paragraph 1 – point h a (new)

*Text proposed by the Commission*

*Amendment*

***(ha) rules facilitating the obligation to land all catches pursuant to Article 15(1b);***

Or. en

*Justification*

*Multiannual plans are the most appropriate place to implement specific rules to facilitate the obligation to land all catches for a specific fishery.*

## Amendment 92

### Proposal for a regulation

#### Part 3 – Article 12 – title

*Text proposed by the Commission*

*Amendment*

Compliance with obligations under Union environmental legislation

Compliance with obligations under Union environmental legislation ***in relation to***

**Amendment 93**

**Proposal for a regulation**

**Part 3 – Article 12 – paragraph 1**

*Text proposed by the Commission*

1. In special areas of conservation within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC, fishing activities shall be *conducted* by Member *States* in *such* a way *so as to alleviate* the *impact from fishing activities in such special areas* of conservation.

*Amendment*

1. In special areas of conservation within the meaning of Article 6 of Directive 92/43/EEC, *special protection areas within the meaning* of Article 4 of Directive 2009/147/EC and *other marine protected areas within the meaning* of Article 13(4) of Directive 2008/56/EC, fishing activities shall be *regulated* by *the Member State that has designated the area* in a way *that complies with* the *objectives of the aforementioned Directives*.

*Justification*

*Rephrased to create clarify responsibilities of different Member States.*

**Amendment 94**

**Proposal for a regulation**

**Part 3 – Article 14 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Technical measures frameworks to ensure the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established. Technical measures frameworks shall:

*Amendment*

Technical measures frameworks to ensure the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established *in relation to the activities of Union fishing vessels inside and outside Union waters*. Technical measures frameworks shall:

**Amendment 95**

**Proposal for a regulation**

**Part 3 – Article 14 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) contribute to maintaining or restoring ***fish stocks*** above levels capable of producing maximum sustainable yield through improvements in ***size-selection*** and ***where appropriate species selection***;

*Amendment*

(a) contribute to maintaining or restoring ***populations of harvested species*** above levels capable of producing maximum sustainable yield through improvements in ***selectivity by species, size and sex***;

Or. en

*Justification*

*Consistent language throughout the regulation.*

**Amendment 96**

**Proposal for a regulation**

**Part 3 – Article 14 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) reduce catches of undersized individuals from fish stocks;

*Amendment*

(b) reduce ***and, where possible, eliminate*** catches of undersized individuals from fish stocks;

Or. en

**Amendment 97**

**Proposal for a regulation**

**Part 3 – Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) reduce catches of ***unwanted*** marine organisms;

*Amendment*

(c) reduce ***and, where possible, eliminate unwanted*** catches of marine organisms ***including seabirds***;

Or. en



### *Justification*

*Consistent language throughout the regulation. It is the catches that are unwanted not the marine organisms.*

#### **Amendment 98**

##### **Proposal for a regulation**

##### **Part 3 – Article 14 – paragraph 1 – point d**

###### *Text proposed by the Commission*

(d) ***mitigate*** the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats.

###### *Amendment*

(d) ***reduce and, where possible, eliminate*** the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats.

Or. en

#### **Amendment 99**

##### **Proposal for a regulation**

##### **Part 3 – Article 14 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

###### ***Article 14 a***

###### ***Pilot projects for increased selectivity***

***1. Member States shall conduct pilot projects aimed at improving selectivity in a fishery, by the end of 2014. The results of those pilot projects shall be reflected in the long-term management plan of each fishery in the form of additional incentives to use the most selective gears and fishing methods available.***

***2. The Union shall provide financial support for the use of selective gears in order to reduce unwanted and unauthorized catches. Financial support measures shall give special consideration to fishermen who are affected by the obligation to land all catches and who are operating in a mixed fishery.***

*Justification*

*The obligation to land all catches constitutes an incentive for fishers to take measures to increase selectivity. Nevertheless, additional support from authorities is needed to help fishers to reduce unwanted catches.*

**Amendment 100****Proposal for a regulation****Part 3 – Article 15 – title***Text proposed by the Commission**Amendment*

Obligation to land all catches

Obligation to land **and record** all catches

Or. en

**Amendment 101****Proposal for a regulation****Part 3 – Article 15 – paragraph 1 – introductory part***Text proposed by the Commission**Amendment*

1. All catches of the following **fish stocks subject to catch limits caught** during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and landed, except when used as live bait, , in accordance with the following timeframe:

1. All catches of **commercially-used species of fish caught in** the following **fisheries** during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and landed, except when used as live bait, in accordance with the following timeframe:

Or. en

*Justification*

*A fishery-by-fishery approach is easier to implement, as multiannual plans which specify rules can be adopted before the entry into force of the discard ban.*

**Amendment 102****Proposal for a regulation****Part 3 – Article 15 – paragraph 1 – point a – introductory part**

*Text proposed by the Commission*

*Amendment*

(a) At the latest from 1 January **2014**:

(a) At the latest from 1 January **2015**:

Or. en

*Justification*

*Sufficient time should be given in order to be able to adopt multiannual plans with specific rules regarding the landing obligations if needed*

### **Amendment 103**

#### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 – point a – indent 1**

*Text proposed by the Commission*

*Amendment*

– mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardinella, capelin;

– ***small pelagic fisheries and fisheries for industrial purposes, [e.g. targeting mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sardinella, capelin; sprat, sand-eel, and Norway pout;]***

Or. en

*Justification*

*Fisheries by fisheries approach. Pelagic fisheries should be the first to implement the discard ban, as here it is relatively easy to implement.*

### **Amendment 104**

#### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 – point a – indent 2**

*Text proposed by the Commission*

*Amendment*

– ***bluefin tuna, swordfish, albacore tuna, bigeye tuna, other billfish.***

***deleted***

Or. en

*Justification*

*moved to paragraph b*

## **Amendment 105**

### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) At the latest from 1 January **2015**: cod, hake, **sole**;

(b) At the latest from 1 January **2016**:

**- demersal fisheries targeting whitefish/gadoid species, [e.g. targeting cod, haddock, hake and saithe];**

Or. en

*Justification*

*Fisheries were pilot projects have already proven that a discard ban is possible shall implement a ban rather soon. One additional year should be given to have the possibility to adopt multiannual plans with specific rules if needed.*

## **Amendment 106**

### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 – point b – indent 1 (new)**

*Text proposed by the Commission*

*Amendment*

**- large pelagic fisheries, [e.g. targeting tuna species, swordfish and other billfish];**

Or. en

*Justification*

*Fisheries were pilot projects have already proven that a discard ban is possible shall implement a ban rather soon.*

## **Amendment 107**

### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) At the latest from 1 January **2016**:

(c) At the latest from 1 January **2018**: **all**

*haddock, whiting, megrim, anglerfish, plaice, ling, saithe, pollack, lemon sole, turbot, brill, blue ling, black scabbard, roundnose grenadier, orange roughy, Greenland halibut, tusk, redfish and Mediterranean demersal stocks.*

*other fisheries*

Or. en

*Justification*

*Ultimately, all fisheries should be covered by a discard ban.*

**Amendment 108**

**Proposal for a regulation**

**Part 3 – Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. As soon as an obligation to land all catches has been introduced in a fishery, all catches of species subject to catch limits shall be recorded and subtracted from the quota of the fisherman, producer organisation or collective management pool concerned, with the exception of species which may be released into the sea pursuant to paragraph 1b;*

Or. en

*Justification*

*All catches should be subtracted from the respective quota of the fisher concerned.*

**Amendment 109**

**Proposal for a regulation**

**Part 3 – Article 15 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*1b. The following species shall be exempt from the landing obligation laid down in paragraph 1:*

*- species for which the best available scientific advice indicates a high survival*

*rate when released into the sea under defined conditions for a given fishery;*

*- species listed as ‘Prohibited species’ in the relevant article of the Council regulations fixing annual fishing opportunities;*

*- species for which a zero TAC has been set;*

Or. en

### *Justification*

*Species that survive discarding in a certain fishery should be released to the sea. Species for which a zero TAC has been set and species for which fishing is prohibited should be excluded from the landing obligation due to their vulnerability in order to ensure that these do not enter the market.*

## **Amendment 110**

### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*1c. For the purpose of simplifying and harmonising the implementation of the obligation to land all catches and in order to avoid inappropriate disruptions of the target fisheries and to decrease the amount of unwanted catches, multiannual plans adopted pursuant to Article 9 or other legislative acts adopted by the Union shall, where appropriate, lay down*

*- a list of non-target species of low natural abundance which may be counted against the quota of the target species of that fishery after the national yearly quota for this non-target species is completely utilised and if their accumulated catches do not exceed a 5 % share of the overall catch of the target species and if the stock of the non-target species is within safe biological limits;*

*- de-minimis exceptions from the obligation to land all catches of certain*

*species in certain fisheries or for juveniles of certain species in certain fisheries, in cases where no utilisation for non-human consumption is possible;*

*- rules on incentives to avoid catching juvenile fish, including higher quota shares that have to be deducted from a fisher's quota in the event of catching juveniles;*

Or. en

#### *Justification*

*Exceptions and facilitators are necessary to ensure the workability of the discard ban.*

### **Amendment 111**

#### **Proposal for a regulation**

#### **Part 3 – Article 15 – paragraph 2**

##### *Text proposed by the Commission*

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks set out in paragraph 1. The sale of catches of such fish **stocks** below the minimum conservation reference size shall be **restricted for reduction** to fish meal or pet food **only**.

##### *Amendment*

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks **which are subject to the obligation to land all catches** set out in paragraph 1, **in cases where the landing obligation fails to induce sufficient avoidance of juvenile catches**. The sale of catches of such fish below the minimum conservation reference size shall be **restricted to non-human-consumption uses like fish meal, fish oil or pet food. The Commission shall monitor the market and shall adopt measures to ban the marketing of juvenile fish for non-human-consumption when prices exceed the normal market prices of adult fish destined for human consumption, or take other appropriate measures.**

Or. en

#### *Justification*

*Edible fish should not be transformed into fish meal if it has been caught unintentionally.*

*However, in cases where there is a minimum size and where undersized fish are only allowed to be sold for non-human consumption, the market for fish meal has to be monitored and the Commission should get the right to intervene in cases fish meal prices are too high and incentivize the catch of juveniles*

#### **Amendment 112**

##### **Proposal for a regulation**

##### **Part 3 – Article 15 – paragraph 3**

###### *Text proposed by the Commission*

3. Marketing standards for catches of fish caught in excess of fixed fishing opportunities shall be established in accordance with Article 27 of [the Regulation on the common organisation of the markets in fishery and aquaculture products].

###### *Amendment*

3. Marketing standards for catches of fish caught in excess of fixed fishing opportunities shall be established in accordance with Article 39 of [the Regulation on the common organisation of the markets in fishery and aquaculture products

Or. en

###### *Justification*

*Correction of an obvious mistake in the Commission proposal*

#### **Amendment 113**

##### **Proposal for a regulation**

##### **Part 3 – Article 15 – paragraph 4**

###### *Text proposed by the Commission*

4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches.

###### *Amendment*

4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches. ***For a transitional period, Member States shall promote voluntary full documentation by CCTV, and comparable means, by granting additional fishing opportunities in accordance with Article 29(4).***

Or. en



*Justification*

*Rewards increase acceptance of CCTV by fishers.*

**Amendment 114**

**Proposal for a regulation**

**Part 3 – Article 15 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. The Advisory Councils established pursuant to Article 52 shall give advice on how to carry out full documentation of all fishing and processing activities pursuant to paragraph 4. They shall also prepare advice on the specific exemptions for species with high survival rates under specific fishing conditions as referred to in paragraph 1b as well as on other specific measures in relation to the obligation to land all catches.***

Or. en

**Amendment 115**

**Proposal for a regulation**

**Part 3 – Article 15 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 ***to specify*** the measures set out in paragraph 1 for the purpose of complying with the Union's international obligations.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 ***laying down*** the measures set out in paragraph 1 for the purpose of complying with the Union's international obligations ***and laying down the measures set out in paragraph 2 to ban the marketing of juvenile fish for non-human consumption.***

Or. en

**Amendment 116**  
**Proposal for a regulation**  
**Part 3 – Article 16 – paragraph 1**

*Text proposed by the Commission*

1. **Fishing** opportunities *allocated* to Member States shall ensure each Member State relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated.

*Amendment*

1. **The Council, when fixing fishing opportunities *and allocating them* to Member States shall *act in accordance with Article 2 and apply a long-term perspective. It shall further* ensure each Member State relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated. *A delegation of the European Parliament shall be present when decisions on establishing fishing opportunities are taken by the Council.***

Or. en

*Justification*

*Consistency with the objectives of the CFP has to be strengthened. This might be achieved by referring to Article 2 here and by sending an EP delegation to the Council meetings.*

**Amendment 117**  
**Proposal for a regulation**  
**Part 3 – Article 16 – paragraph 3**

*Text proposed by the Commission*

3. Fishing opportunities shall comply with quantifiable targets, time frames and margins established in accordance with Article 9(2) and 11(b), (c) and (h).

*Amendment*

3. Fishing opportunities shall comply with quantifiable targets, time frames and margins established in ***multiannual plans in*** accordance with Article 9(2) and Article 11(b), (c) and (h).

Or. en

**Amendment 118**  
**Proposal for a regulation**  
**Part 3 – Article 16 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. If no corresponding multiannual plan has been adopted for a commercially used fish stock, the Council shall ensure that maximum exploitation rates are set below FMSY for this stock.***

Or. en

*Justification*

*The basic regulation has to ensure that the necessary steps are undertaken to reach MSY also in case no multiannual plans could be adopted. F has to be set below FMSY in order to allow biomass levels above BMSY. Besides, heavily overfished stocks only grow if fishing mortality is below FMSY.*

#### **Amendment 119**

#### **Proposal for a regulation**

#### **Part 3 – Article 16 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. In the case of stocks for which, because of data deficiencies, it is not possible to determine exploitation rates consistent with the maximum sustainable yield:***

***(i) the precautionary approach to fisheries management shall apply;***

***(ii) proxy standards based on the methodologies set out in paragraphs 3.1 and 3.2 of Part B of the Annex to Decision 2010/477/EU shall be adopted and fishing mortality shall be further reduced on a precautionary basis with the aim of ensuring that biomass levels of relevant stocks show positive trends or, in cases where there are indications that stock status is sufficiently good, stable trends;***

***(iii) the Commission and the Member States shall evaluate research and knowledge barriers, and take measures to ensure that additional stock and***

*ecosystem data become available without undue delay.*

Or. en

*Justification*

*Data shortage should not be an excuse for inaction. Proxy standards for fisheries management have already been established.*

**Amendment 120**

**Proposal for a regulation**

**Part 3 – Article 16 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***3c. Within one month of fixing fishing opportunities and allocating them to Member States, the Council shall report the result and the basis for its decision to the European Parliament. The Commission shall present its opinion as to whether the outcome is consistent with paragraph 1.***

Or. en

**Amendment 121**

**Proposal for a regulation**

**Part 3 – Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.  
***The Commission shall publish all notifications. As of 1 January 2015, the Commission may propose mandatory quota swaps in order to facilitate the entry into force of the obligation to land all catches. These mandatory quota swaps shall be based on a fair system (e.g. cod equivalents) in order to preserve overall relative stability.***

*Justification*

*In order to implement the obligation to land all catches (Art. 15) it has to be ensured that by-catch quotas needed by one Member State are not being withheld by another Member State.*

**Amendment 122**

**Proposal for a regulation**

**Part 3 – Article 17 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) are compatible with the scope and ***objectives*** of the multiannual plan;

*Amendment*

(b) are compatible with the scope and ***goals*** of the multiannual plan;

*Justification*

*consistent with amendment to Article 11 (b)*

**Amendment 123**

**Proposal for a regulation**

**Part 3 – Article 17 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) meet the ***objectives*** and quantifiable targets set out in a multiannual plan effectively; and

*Amendment*

(c) meet the ***goals*** and quantifiable targets set out in a multiannual plan effectively; and

*Justification*

*consistent with amendment to Article 11 (b)*

**Amendment 124**

**Proposal for a regulation**

**Part 3 – Article 17 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) are coherent with measures taken***

*pursuant to Articles 12 and 21.*

Or. en

**Amendment 125**

**Proposal for a regulation**

**Part 3 – Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall cooperate with one another to ensure the adoption of compatible measures that will meet the objectives set out in multiannual plans and shall coordinate these measures with one another. To this end, Member States shall, where practical and appropriate, use existing regional institutional cooperation structures and mechanisms, including those existing under the Regional Sea Conventions covering the relevant area or fishery.***

Or. en

*Justification*

*Member States should cooperate when taking national measures for the same fishery.*

**Amendment 126**

**Proposal for a regulation**

**Part 3 – Article 17 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Member States shall consult the relevant Advisory Councils and the Scientific, Technical and Economic Committee for Fisheries (STEF) on a draft of the measures accompanied by an explanatory memorandum. Such drafts shall at the same time be notified to the Commission and other Member States.***

Or. en

**Amendment 127**  
**Proposal for a regulation**  
**Part 3 – Article 17 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. Member States shall duly take into account the opinions submitted by the relevant Advisory Councils and STECF and, where the final measures adopted diverge from these opinions, shall provide detailed explanations of the reasons why they diverge. Member States shall make every effort to involve in this consultation, at an early stage and in an open and transparent manner, other relevant stakeholders of the fishery concerned, in order to identify the views and proposals of all the relevant parties during the preparation of the measures envisaged.***

Or. en

**Amendment 128**  
**Proposal for a regulation**  
**Part 3 – Article 17 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. Where Member States wish to amend the adopted measures, paragraphs 2a to 2c shall also apply.***

Or. en

**Amendment 129**  
**Proposal for a regulation**  
**Part 3 – Article 17 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

***2e. The Commission may adopt guidelines***

*setting out the details of the procedure to be followed for the application of paragraphs 2a to 2c, in order to ensure that the adopted measures are coherent and coordinated at regional level and in accordance to the established multiannual plans.*

Or. en

**Amendment 130**  
**Proposal for a regulation**  
**Part 3 – Article 19 – paragraph 1**

*Text proposed by the Commission*

The Commission may at any time assess the compatibility and effectiveness of conservation measures adopted by Member States pursuant to Article 17(I).

*Amendment*

The Commission may at any time assess the compatibility and effectiveness of conservation measures adopted by Member States pursuant to Article 17 *and shall, in any event, assess, and report on, the those issues not less than once every 3 years or as may be required by the relevant multiannual plan.*

Or. en

*Justification*

*A regular assessment of Member State measures is needed in order to ensure proper implementation of CFP objectives and measures on the regional / national level.*

**Amendment 131**  
**Proposal for a regulation**  
**Part 3 – Article 20 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the conservation measures for fisheries covered by a multiannual plan, if the Member States authorised to take measures in accordance with Article 17 do not notify such

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the conservation measures for fisheries covered by a multiannual plan, if the Member States authorised to take measures in accordance with Article 17 do not notify such



measures to the Commission within **three** months after the date of entry into force of the multiannual plan.

measures to the Commission within **six** months after the date of entry into force of the multiannual plan.

Or. en

*Justification*

*The proposed additional obligations for Member States under Article 17 make a longer period necessary.*

**Amendment 132**

**Proposal for a regulation**

**Part 3 – Article 20 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) Member State measures are deemed not to be compatible with the objectives of a multiannual plan on the basis of an assessment carried out pursuant to Article 19 or

*Amendment*

(a) Member State measures ***have not been adopted or*** are deemed not to be compatible with the objectives of a multiannual plan on the basis of an assessment carried out pursuant to Article 19 or

Or. en

**Amendment 133**

**Proposal for a regulation**

**Part 3 – Article 21 – paragraph 1 – introductory part**

*Text proposed by the Commission*

In a technical measures framework established pursuant to Article 14 Member States may be ***authorised*** to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels flying their flag in relation to stocks in ***their*** waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

*Amendment*

1. In a technical measures framework established pursuant to Article 14 Member States may be ***empowered*** to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels flying their flag in relation to stocks in ***Union*** waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

Or. en

*Justification*

*Consistent with the use of language in Article 2(1) TFEU. Reference to ‘Union’ waters instead of ‘their’ waters in order to be consistent with Article 17*

**Amendment 134**

**Proposal for a regulation**

**Part 3 – Article 21 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall cooperate with one another to ensure the adoption of compatible measures that will meet the objectives set out in technical measures frameworks and coordinate these measures with one another. To this end, Member States shall, where practical and appropriate, use existing regional institutional cooperation structures and mechanisms, including those under the Regional Sea Conventions covering the relevant area or fishery.***

Or. en

*Justification*

*Member States should cooperate when taking national measures for the same fishery.*

**Amendment 135**

**Proposal for a regulation**

**Part 3 – Article 21 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall consult the relevant Advisory Councils and STECF on a draft of the measures accompanied by an explanatory memorandum. Such drafts shall, at the same time, be notified to the Commission.***

Or. en

**Amendment 136**  
**Proposal for a regulation**  
**Part 3 – Article 21 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Member States shall duly take into account the opinions submitted by the relevant Advisory Councils and STECF and, where the final measures adopted diverge from these opinions, shall provide detailed explanations of the reasons why they diverge. Member States shall make every effort to involve in this consultation, at an early stage and in an open and transparent manner, other relevant stakeholders of the fishery concerned, in order to identify the views and proposals of all the relevant parties during the preparation of the measures envisaged.***

Or. en

**Amendment 137**  
**Proposal for a regulation**  
**Part 3 – Article 21 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. Where Member States wish to amend the adopted measures, paragraphs 1a to 1c shall also apply.***

Or. en

**Amendment 138**  
**Proposal for a regulation**  
**Part 3 – Article 21 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***1e. The Commission may adopt guidelines setting out the details of the procedure to be followed for the application of***

*paragraphs 1a to 1c, in order to ensure that the adopted measures are coherent, coordinated at regional level and in conformity with the established technical measures framework.*

Or. en

**Amendment 139**  
**Proposal for a regulation**  
**Part 3 – Article 22 – paragraph 1**

*Text proposed by the Commission*

Member States adopting technical measures pursuant to Article 21 shall notify the Commission, other interested Member States and relevant Advisory Councils of such measures.

*Amendment*

Member States adopting technical measures pursuant to Article 21 shall ***publish such measures and*** notify the Commission, other interested Member States and relevant Advisory Councils of such measures.

Or. en

**Amendment 140**  
**Proposal for a regulation**  
**Part 3 – Article 23 – paragraph 1**

*Text proposed by the Commission*

The Commission may at any time assess the compatibility and effectiveness of technical measures adopted by Member States pursuant to Article 21.

*Amendment*

The Commission may at any time assess the compatibility and effectiveness of technical measures adopted by Member States pursuant to Article 21 ***and shall, in any event, assess and report on the same at least once every 3 years or as may be required by the relevant technical measures framework.***

Or. en

*Justification*

*A regular assessment of Member State measures is needed in order to ensure proper implementation of CFP objectives and measures on the regional / national level.*

**Amendment 141**  
**Proposal for a regulation**  
**Part 3 – Article 24 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States authorised to take measures in accordance with Article 21 do not notify such measures to the Commission within **three** months after the date of entry into force of the technical measures framework.

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States authorised to take measures in accordance with Article 21 do not notify such measures to the Commission within **six** months after the date of entry into force of the technical measures framework.

Or. en

*Justification*

*The proposed additional obligations for Member States under Article 21 make a longer period necessary.*

**Amendment 142**  
**Proposal for a regulation**  
**Part 4 – Article 27 – title**

*Text proposed by the Commission*

Establishment of systems of **transferable** fishing concessions

*Amendment*

Establishment of systems of fishing concessions

Or. en

**Amendment 143**  
**Proposal for a regulation**  
**Part 4 – Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **Each** Member State shall establish a system of **transferable** fishing concessions

*Amendment*

1. **By ...\*, each** Member State shall establish a system of fishing concessions

*no later than 31 December 2013 for*

*for all fishing vessels that fish stocks for which Union fishing opportunities have been allocated pursuant to Article 16. If new fishing opportunities are fixed and allocated pursuant to Article 16, each Member State concerned shall also establish a system of fishing concessions for all vessels that fish that stock.*

*(a) all fishing vessels of 12 metres length over all or more; and*

*(b) all fishing vessels under 12 metres length overall fishing with towed gear.*

---

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

Or. en

#### *Justification*

*A system where it is clear who has the right to fish should be established. A system of fishing concessions increases the responsibility and ownership of each individual fisher. Transferability should only be mandatory if a Member State fails to adjust its fishing capacity to available resources. If concessions are not transferable but constitute a stable right of a fisher to fish a certain share of a stock, it does not make sense to exclude certain vessels from this system as this will lead to disadvantages for small scale fishers.*

#### **Amendment 144**

##### **Proposal for a regulation**

##### **Part 4 – Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The establishment of the national system of fishing concessions and the implementation of this system at the level of individual fisheries shall be carried out in an open, participatory and transparent way, whereby:*

*(a) all current holders of fishing rights and all other relevant stakeholders including local authorities are consulted;*

*(b) goals and priorities of the Member State are identified, within the framework of the Common Fisheries Policy and other applicable legislation;*

*(c) eligibility criteria which are consistent with Articles 28, 28a and 28b are identified; eligibility criteria must include equitable and transparent social and environmental criteria and may include other criteria such as historic catch levels or compliance history.*

Or. en

*Justification*

*The establishment of a new system must be preceded by a fair and transparent process. The question of who gets the right to fish is obviously very important for the fishers, so the Member States should take a clear and transparent decision on the goals and priorities of their fisheries policy.*

**Amendment 145**

**Proposal for a regulation**

**Part 4 – Article 27 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*2. Member States may extend the system of transferable fishing concessions to fishing vessels of less than 12 meters length overall and deploying other types of gear than towed gear and shall inform the Commission thereof.*

*deleted*

Or. en

**Amendment 146**

**Proposal for a regulation**

**Part 4 – Article 28 – title**

*Text proposed by the Commission*

*Amendment*

Allocation of *transferable* fishing concessions

Allocation of fishing concessions

**Amendment 147**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 1**

*Text proposed by the Commission*

1. A **transferable** fishing concession shall establish an entitlement to use the **individual** fishing opportunities allocated in accordance with Article 29(1).

*Amendment*

1. A fishing concession shall establish an entitlement to use **a defined part of** the **Member State's** fishing opportunities allocated in accordance with Article 16(1).

Or. en

*Justification*

*Clarification: Fishing Concessions should give the right to fish a certain share of a national quota.*

**Amendment 148**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 2**

*Text proposed by the Commission*

2. Each Member State shall allocate **transferable** fishing concessions on the basis of transparent criteria, for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained under sustainable fisheries agreements.

*Amendment*

2. Each Member State shall allocate fishing concessions on the basis of transparent **eligibility** criteria **pursuant to Article 27**, for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained under sustainable fisheries agreements.

Or. en

**Amendment 149**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 3**

*Text proposed by the Commission*

3. For the allocation of **transferable** fishing

*Amendment*

3. For the allocation of fishing concessions



concessions pertaining to mixed fisheries, Member States shall take account of the likely catch composition of vessels participating in such fisheries.

pertaining to mixed fisheries, Member States shall take account of the likely catch composition of vessels participating in such fisheries.

Or. en

**Amendment 150**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 4**

*Text proposed by the Commission*

4. ***Transferable fishing*** concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, ***or*** to legal or natural persons for the purpose of being used on such a vessel. ***Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer organisations. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.***

*Amendment*

4. ***Fishing*** concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, to legal or natural persons for the purpose of being used on such a vessel

Or. en

*Justification*

*Pooling moved to new article 28c.*

**Amendment 151**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 5**

*Text proposed by the Commission*

5. Member States may limit the period of validity of ***transferable*** fishing concessions to a period of at least ***15*** years, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the ***transferable***

*Amendment*

5. Member States may limit the period of validity of fishing concessions to a period of at least ***eight*** years, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the fishing concessions, they

fishing concessions, they may recall such concessions with a notice of at least **15** years.

may recall such concessions with a notice of at least **eight** years.

Or. en

*Justification*

*A duration of 15 years seems excessive and disproportionate.*

**Amendment 152**

**Proposal for a regulation**

**Part 4 – Article 28 – paragraph 6**

*Text proposed by the Commission*

6. Member States may recall **transferable** fishing concessions with **a shorter notice** in the event of an established serious infringement committed by the holder of the concessions. Such recalls shall be operated in a manner which gives full effect to the Common Fisheries Policy, the proportionality principle **and, whenever necessary, with immediate effect.**

*Amendment*

6. Member States may recall fishing concessions with **immediate effect** in the event of an established serious infringement committed by the holder of the concessions. Such recalls shall be operated in a manner which gives full effect to the Common Fisheries Policy **and** the proportionality principle.

Or. en

**Amendment 153**

**Proposal for a regulation**

**Part 4 – Article 28 – paragraph 7**

*Text proposed by the Commission*

7. Notwithstanding paragraph 5 and 6, Member States may recall **transferable** fishing concessions that have not been used on a fishing vessel for a period of **three** consecutive years.

*Amendment*

7. Notwithstanding paragraph 5 and 6, Member States may recall fishing concessions that have not been used on a fishing vessel for a period of **two** consecutive years.

Or. en

**Amendment 154**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. Member States may reserve up to 5 % of their fishing concessions for new entrants.***

Or. en

*Justification*

*A fisheries concession system should be flexible enough to give the possibility to the state to grant fishing rights to young fishers.*

**Amendment 155**  
**Proposal for a regulation**  
**Part 4 – Article 28 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***7b. Member States shall inform the Commission, the European Parliament and other Member States of the allocation method chosen with regard to paragraphs 2, 3, 4, 5 and 7a.***

Or. en

**Amendment 156**  
**Proposal for a regulation**  
**Part 4 – Article 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 28a***

***Protection of artisanal and small scale fishermen; rewards for selective fishing***  
***1. When establishing systems of fishing concessions pursuant to Article 27 and when allocating fishing concessions pursuant to Article 28, Member States***

*shall take into account social and environmental factors including the potential benefits to be derived from awarding an increased share to local or micro businesses and to fishermen pursuing selective and low impact fishing practices.*

*2. When allocating fishing concessions pursuant to Article 28 Member States shall designate for special consideration a segment or segments of the fleet within a fishery as artisanal or small scale in order to reflect particularities of the Member State or individual fisheries within the Member State.*

*3. Owners, operators and employees of vessels in fleet segments designated for special consideration in accordance with paragraph 2 shall be represented in the process of designing and developing the system of fishing concessions applicable to that fishery.*

*4. In the allocation of fishing concessions pursuant to Article 28, the proportion allocated to a fleet segment designated for special consideration in accordance with paragraph 2 shall never be less than the average proportion of fishing rights assigned to that fleet segment during the five years preceding the creation of the fishing concession system.*

Or. en

#### *Justification*

*Artisanal and Small scale fishers should receive higher quota shares as they create more employment. Their traditional rights should be protected. Fishers who use more selective fishing should be rewarded.*

**Amendment 157**  
**Proposal for a regulation**  
**Part 4 – Article 28 b (new)**

***Article 28b***

***Minimum eligibility criteria for the allocation of fishing concessions***

***1. A legal or natural person may only be eligible for the allocation of fishing concessions if***

***(a) there are no compelling grounds for doubting the good repute of the fishing vessel owner or recognised producer organisation, such as convictions or the imposition of penalties for any serious infringement of national rules in force in the fields of:***

***(i) fisheries law***

***(ii) commercial law***

***(iii) insolvency law***

***(iv) pay and employment conditions in the profession***

***(v) professional liability***

***(vi) trafficking in human beings or drugs; and***

***(b) the fishing vessel owner or recognised producer organisation concerned have not been convicted in a Member State of a serious criminal offence or have not incurred a penalty for a serious infringement of Union rules relating, in particular, to:***

***(i) working time and rest periods of fishermen,***

***(ii) health and safety legislation***

***(iii) initial qualifications and continuous training of fishers.***

Or. en

*Justification*

*This article is inserted on the basis of an example used in the Transport Sector, namely*

**Amendment 158**  
**Proposal for a regulation**  
**Part 4 – Article 28 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 28 c**

***Pooling of fishing concessions***

***Holders of fishing concessions shall be permitted to pool their concessions in order to manage fisheries resources collectively, for example through a recognised producer organisation. Member States may specify the minimum periods of notice that are to be respected when a holder of a fishing concession wants to leave a pool.***

Or. en

*Justification*

*Individualisation of fishing concessions shall not rule out the possibility of collective and/or community-based management of resources, e.g. through producer organisations.*

**Amendment 159**  
**Proposal for a regulation**  
**Part 4 – Article 29 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall allocate individual fishing opportunities to holders of ***transferable*** fishing concessions, as referred to in Article 28, on the basis of fishing opportunities allocated to the Member ***States***, or ***established*** in ***management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.***

1. Member States shall allocate individual fishing opportunities to holders of fishing concessions, as referred to in Article 28, on the basis of ***all*** fishing opportunities allocated to ***and retained by*** the Member ***State pursuant to Article 16(1)*** or ***obtained in an exchange with another Member State pursuant to Article 16(4).***

Or. en

### *Justification*

*Member states can only attribute those fishing opportunities to the holders of fishing concessions that they keep or that they receive through swaps from other Member States. They cannot attribute the opportunities which they gave away to the holders of the respective fishing concession. Effort share introduced by Mediterranean Regulation shall not become transferable.*

#### **Amendment 160**

##### **Proposal for a regulation**

##### **Part 4 – Article 29 – paragraph 3**

###### *Text proposed by the Commission*

3. Fishing vessels shall undertake fishing activities **only** when in possession of sufficient individual fishing opportunities to cover all **their** potential catch.

###### *Amendment*

3. Fishing vessels shall **only be authorised to** undertake fishing activities when in possession of sufficient individual fishing opportunities to cover all **the** potential catch **that is likely on the part of the fishing vessel, given the area in which it is operating and the fishing gear that it is using.**

Or. en

### *Justification*

*Clarification: After a change of gear and/or of fishing area, a fishing vessel may continue fishing if it has the right mix of fishing opportunities.*

#### **Amendment 161**

##### **Proposal for a regulation**

##### **Part 4 – Article 29 – paragraph 4**

###### *Text proposed by the Commission*

4. Member States may reserve up to **5%** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. Those fishing opportunities may only be allocated to eligible holders of **transferable** fishing concessions as set out in Article 28(4).

###### *Amendment*

4. Member States may reserve up to **15 %** of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. Those fishing opportunities may only be allocated to eligible holders of fishing concessions as set out in Article **27 (1a)(c) and Article 28(4).**

Or. en

**Amendment 162**  
**Proposal for a regulation**  
**Part 4 – Article 29 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels deploying selective fishing gear that eliminates unwanted by-catch within the fishing opportunities assigned to that Member State.**

**deleted**

Or. en

*Justification*

*covered by new Article 28a*

**Amendment 163**  
**Proposal for a regulation**  
**Part 4 – Article 30 – title**

*Text proposed by the Commission*

*Amendment*

Register of **transferable** fishing concessions and individual fishing opportunities

Register of fishing concessions and individual fishing opportunities

Or. en

**Amendment 164**  
**Proposal for a regulation**  
**Part 4 – Article 30 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall establish and maintain a register of **transferable** fishing

Member States shall establish and maintain a register of fishing concessions and



concessions and individual fishing opportunities.

individual fishing opportunities. ***This register shall include the information transmitted to the Commission concerning the method chosen for the allocation of fishing concessions pursuant to Article 28(7b). This register shall be made publically available and shall be integrated into the Union fishing fleet register set up under Article 36(3).***

Or. en

**Amendment 165**  
**Proposal for a regulation**  
**Part 4 – Article 31 – title**

*Text proposed by the Commission*

***Transfer*** of ***transferable*** fishing concessions

*Amendment*

***Transferability*** of fishing concessions

Or. en

**Amendment 166**  
**Proposal for a regulation**  
**Part 4 – Article 31 – paragraph 1**

*Text proposed by the Commission*

1. ***Transferable*** fishing concessions ***may be fully or partially transferred within a Member State*** among eligible holders of such concessions.

*Amendment*

1. ***Six years after the introduction of a system of*** fishing concessions, ***they shall become transferable*** among eligible holders of such concessions ***within the Member State.***

Or. en

*Justification*

*Member States should be given time to adjust capacity through other means, before transferability becomes mandatory.*

**Amendment 167**  
**Proposal for a regulation**  
**Part 4 – Article 31 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. At a Member State's request, the Commission shall allow that Member State to not introduce transferability of fishing concessions in a given fishery or, where transferability has already been introduced, to suspend that transferability, provided that, with regard to the given fishery, the Member State has fulfilled all obligations pursuant to Article 34 concerning the assessment of its fishing capacity and the adjustment of fishing capacity to available resources.***

Or. en

*Justification*

*Member States should be given time to adjust capacity through other means, before transferability becomes mandatory.*

**Amendment 168**  
**Proposal for a regulation**  
**Part 4 – Article 31 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. A Member State may authorise transfer of ***transferable*** fishing concessions to and from other Member States.

2. A Member State may authorise transfer of fishing concessions to and from other Member States.

Or. en

**Amendment 169**  
**Proposal for a regulation**  
**Part 4 – Article 31 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. With regard to paragraphs 1 and 1b,***

*Member States shall determine, for each fishery, which limits to transferability shall be established in order to prevent an excessive concentration of ownership, preserve or improve fleet structure, encourage less damaging gear types, secure access for artisanal, coastal, small scale and other specific fleet segments or to avoid an excessive geographic concentration of fishing concessions. These limits may include:*

*(a) setting maximum percentages of shares of fishing opportunities that can be held by any given vessel owner or collective management pool;*

*(b) requiring the owner's presence on board the vessel;*

*(c) limiting the transfer of concessions to within specific fisheries or segments of the fishing fleet;*

*(d) requiring an economic link between the concession holder and the coastal community of his home port;*

*(e) any other limit to transferability that the Member State considers appropriate.*

Or. en

**Amendment 170**  
**Proposal for a regulation**  
**Part 4 – Article 31 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*2b. In the case of a mandatory introduction of transferable fishing concessions pursuant to paragraph 1, any safeguards adopted pursuant to paragraph 2a that unduly impede the achievement of the fleet adjustment targets adopted in accordance with Article 35 must be revised by the Member State.*

*Justification*

*Safeguards against excessive concentration should be established. However, they should not be abused so as to completely hamper tradability in cases of overcapacity which the Member State did not reduce by other means.*

**Amendment 171**

**Proposal for a regulation**

**Part 4 – Article 31 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. Member States shall ensure that a fishing vessel cannot be used for further fishing activities if the vessel owner has transferred all his fishing concessions and does not have available to him any other fishing opportunities, unless the vessel is sold to another fisherman who still disposes of fishing opportunities.***

Or. en

*Justification*

*Without this provision, envisaged capacity reduction does not work.*

**Amendment 172**

**Proposal for a regulation**

**Part 4 – Article 32 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Individual fishing opportunities may be fully or partially leased within a Member State.

1. Individual fishing opportunities may be fully or partially leased within a Member State ***to holders of individual fishing opportunities. The leasing period shall not exceed one year.***

Or. en

*Justification*

*Fishing opportunities should only be leased among active fishers, in order to avoid 'slipper skippers'.*

**Amendment 173**  
**Proposal for a regulation**  
**Part 4 – Article 32 – paragraph 2**

*Text proposed by the Commission*

2. A Member State may authorise the leasing of individual fishing opportunities to and from other Member States.

*Amendment*

2. A Member State may authorise the leasing of individual fishing opportunities to and from ***holders of individual fishing opportunities in*** other Member States.

Or. en

*Justification*

*Fishing opportunities should only be leased among active fishers, in order to avoid 'slipper skippers'.*

**Amendment 174**  
**Proposal for a regulation**  
**Part 4 – Article 32 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In order to ensure that the goals and priorities laid down in Articles 27, 28a and 28b are protected and enhanced, a Member State may limit the right of holders of fishing opportunities to lease individual fishing opportunities on condition that such limitations do not interfere with the Member State's obligations under Article 15.***

Or. en

*Justification*

*Member States have to be allowed to control who has the right to fish. However, the overarching aim to stop discards should prevail if it can be achieved through allowing leasing.*

**Amendment 175**  
**Proposal for a regulation**  
**Part 4 – Article 33**

*Text proposed by the Commission*

*Amendment*

***Allocation of fishing opportunities not subject to a system of transferable fishing concessions***

***deleted***

***1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag. It shall inform the Commission of the allocation method.***

Or. en

*Justification*

*All fishing opportunities distributed pursuant to Art. 16 should be subject to Fishing Concessions, so this Article is not needed anymore.*

**Amendment 176**  
**Proposal for a regulation**  
**Part 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***ENHANCED PROTECTION AND  
SUSTAINABLE EXPLOITATION OF  
MARINE RESOURCES IN THE  
MEDITERRANEAN***

Or. en

**Amendment 177**  
**Proposal for a regulation**  
**Part 4 – Article 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 33a***

***Specific transitional rules for the***

***Mediterranean Sea; Introduction of a  
TURF-system***

***1. A scientific body shall be established or designated to provide scientific advice for Mediterranean fisheries analogous to that of ICES by 31 December 2014, in order to provide scientific advice to support compliance by the Union and Member State authorities with the objectives of this Regulation.***

***2. By ...[two years after the entry into force of this Regulation], Member States shall identify, further designate and map all fishing protected areas as defined in Article 2(2) of Council Regulation (EC) No 1967/2006, including but not limited to: protected habitats under Article 4 of that Regulation, Community fishing protected areas under article 6 and national fishing protected areas under article 7 of that Regulation, as well as all fish stock recovery areas established pursuant to Article 7a of this Regulation. Member States shall also identify, within their territorial waters, essential fish habitats and sensitive areas containing seagrass beds, coralligenous habitat and maerl beds.***

***3. By ... [three years of the entry into force of this Regulation] all protected areas identified under paragraph 2 shall be closed to all fishing activity for a minimum period of five years to allow fish stocks to recover, unless the scientific body referred to in paragraph 1 determines through fisheries specific assessments that stocks are not overfished and that fishing activities can be undertaken without compromising the achievement of the objectives in Article 2 and without endangering protected habitats and species within a particular fishing protected area. Fishing activities can only recommence after the establishment of another area or areas of the same dimensions where all fishing***

*activities are banned.*

*4. Member States with coastal waters in the Mediterranean Sea shall establish a system of territorially based user rights for fishing (TURFs) where the Member State does not implement a system of fishing concessions. In such cases, Member States shall delineate the areas within their territorial waters within which their fishing vessels operate, and determine which vessels shall be authorised to operate within each such area. When delineating their fisheries Member States shall delineate both the spatial extent of the fishery as a whole, and the placement of all fishing protected areas and aim to maintain the benefits of the spillover from fishing protected areas for eligible holders.*

*5. A non transferable share of the TURF, expressed as spatially delineated user entitlements, individual limits on catch, or individual limits on effort or any combination thereof, shall be assigned to each eligible holder in the TURF, in accordance with eligibility requirements and other criteria established in accordance with Articles 27, 28 and 28a;*

*6. Fishing mortality shall be limited to levels that meet the objectives of Article 2, and the Union shall seek cooperation with third countries when setting limits on harvesting for stocks shared with such third countries in accordance with the following principles:*

*(a) Scientific advice on appropriate fishing mortality levels in the Mediterranean shall be obtained from the best available sources.*

*(b) In fisheries where data are limited, levels of fishing mortality shall be established using assessment methods and harvest control rules suitable for managing data poor fisheries based on the methodologies set out in paragraphs 3.1 and 3.2 of Part B of the Annex of*



***Decision 2010/477/EU on criteria and methodological standards on good environmental status of marine waters, and a plan for improving data quality shall be established as a priority as part of the applicable multiannual plans, but at least by 31 July 2014.***

***(c) Member States shall take measures to expand data collection pursuant to Article 17(4) of Regulation (EC) No 1967/2006 to cover catches of all species resulting from all fishing vessels, including recreational fisheries, by no later than 31 December 2014.***

***(d) Member States may establish and enforce additional protection measures (including the exclusion of recreational fishing or restrictions on the quantity, gear types, spatial area or timing of fishing) that will enhance the abundance, or profitability of their fisheries.***

***7. Accountability measures shall be established and implemented to ensure that eligible holders of TURFs stay within their assigned catch, area, and/or effort limits. Member States' authorities shall establish mechanisms to ensure that all catches are recorded on a daily basis, and that fishery-level data are made available to ensure compliance and for management and scientific assessment purposes.***

***8. The establishment and implementation of TURFs shall be financially supported by the Union. The Union shall also take measures to reduce possible negative social and economic consequences of TURFs which might arise.***

***9. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, comprising default measures with regards to paragraph 2,3,4,5, 6 and 7 if a Member State fails to fulfil its obligations under these paragraphs.***

*Justification*

*An explanation for this proposal can be found in the explanatory statement.*

**Amendment 178**

**Proposal for a regulation**

**Part 5 – Article 34 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall put in place measures to adjust the fishing capacity of their fleets in order to achieve an effective balance between **such** fishing capacity and their fishing opportunities.

*Amendment*

1. Member States shall put in place measures to adjust the fishing capacity of their **national** fleets in order to achieve an effective balance between **their** fishing capacity and their fishing opportunities **in line with the general objectives set out in Article 2.**

**Amendment 179**

**Proposal for a regulation**

**Part 5 – Article 34 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In order to implement the objective specified in paragraph 1, Member States shall conduct capacity assessments by ...\* and transmit the results to the Commission. Capacity assessments shall include an analysis of the total fleet capacity per fishery and fleet segment at the time of assessment, and its impacts on stocks and the wider marine ecosystem. Assessments shall be made in accordance with the Commission's guidelines for an improved analysis of the balance between fleet capacity and fishing opportunities<sup>1</sup>.***

---

***\*OJ please insert the date six months from the date of entry into force of this***

***Regulation.***

***<sup>1</sup> DG Mare, 2008. Guidelines for an improved analysis of the balance between fishing capacity and fishing opportunities. The use of indicators for reporting according to Article 14 of Council Regulation 2371/2002, March 2008.***

Or. en

***Justification***

*Member States should make a full assessment of their fishing capacities and stick to existing guidelines.*

**Amendment 180**

**Proposal for a regulation**

**Part 5 – Article 34 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Notwithstanding Article 11, Member States shall adopt capacity reduction plans by ...\* for each fishery where fishing capacity is not in an effective balance with the available fishing opportunities.***

---

***\* OJ Please insert the date five year after the date of entry into force of this Regulation***

Or. en

***Justification***

*Member States should be given sufficient time to allow coordinated capacity alignment according to Art. 11. However, for cases where no multiannual plans are adopted in time, a clear obligation to align capacity has to stand.*

**Amendment 181**

**Proposal for a regulation**

**Part 5 – article 34 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. The Commission shall, every year, present a report to the European Parliament and to the Council on compliance with the provisions of this Article and progress made in achieving a 'balanced fleet' in accordance with paragraph 1.***

Or. en

#### **Amendment 182**

##### **Proposal for a regulation**

##### **Part 5 – Article 34 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. If a Member State exceeds its allowable catch within a fishery by 10 % or more for two consecutive years, the fishery concerned will be presumed to have too much fishing capacity, and Member States shall make fishing concessions transferable within that fishery within one year.***

Or. en

#### *Justification*

*Continued overshooting of quota is the most obvious sign for prevailing overcapacity.*

#### **Amendment 183**

##### **Proposal for a regulation**

##### **Part 5 – Article 34 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. No exit from the fleet supported by public aid ***granted under the framework of the European Fisheries Fund for the 2007-2013 programming period*** shall be permitted unless preceded by the

2. No exit from the fleet supported by public aid shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.

withdrawal of the fishing licence and the fishing authorisations.

Or. en

**Amendment 184**  
**Proposal for a regulation**  
**Part 5 – Article 34 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Aid for the modernization of fishing vessels shall be conditional upon the implementation by Member States of the provisions of this Article.***

Or. en

**Amendment 185**  
**Proposal for a regulation**  
**Part 5 – Article 35 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Member States may request the Commission to exclude fishing vessels subject to a system of transferable fishing concessions established in accordance with Article 27 from the fishing capacity ceilings established in accordance with paragraph 1. In that case the fishing capacity ceilings shall be re-calculated to take into account the fishing vessels which are not subject to a system of transferable fishing concessions.***

***deleted***

Or. en

**Amendment 186**  
**Proposal for a regulation**  
**Part 5 – Article 35 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the re-calculation of the fishing capacity ceilings as referred to in *paragraphs 1 and 2*.

*Amendment*

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 55, concerning the re-calculation of the fishing capacity ceilings as referred to in *paragraph 1. The Commission shall propose a revision of Annex II by ...\* and shall consider setting capacity ceilings for different segments, e.g. for vessels operating under sustainable fisheries agreements.*

---

*\* OJ Please insert the date one year after the entry into force of this Regulation.*

Or. en

**Amendment 187**

**Proposal for a regulation**

**Part 5 – Article 36 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall record the information on characteristics and activity *for* Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation.

*Amendment*

1. *Without prejudice to their data collection obligations under Regulation (EC) No 199/2008 and other Union law,* Member States shall record *and publish* the information on *vessel and gear* characteristics, *ownership* and *the spatial and time-related* activity *of* Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation.

Or. en

**Amendment 188**

**Proposal for a regulation**

**Part 5 – Article 36 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall set up a Union fishing fleet register containing the information that it receives pursuant paragraph 2.

*Amendment*

3. The Commission shall set up a Union fishing fleet register containing the information that it receives pursuant to paragraph 2 ***of this Article and to Article 30.***

Or. en

**Amendment 189**

**Proposal for a regulation**

**Part 5 – Article 36 – paragraph 4**

*Text proposed by the Commission*

4. The information contained in the Union fishing fleet register shall be made available to all ***Member States***. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

*Amendment*

4. The information contained in the Union fishing fleet register shall be made available to all ***interested parties***. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.

Or. en

**Amendment 190**

**Proposal for a regulation**

**Part 6 – Article 37 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the level of fishing ***and*** the impact that fishing activities have on the marine biological resources and on the marine ecosystems, and

*Amendment*

(b) the level of fishing ***activities, including quantities of unwanted catches of commercially-used species***, the impact that fishing activities have on the marine biological resources and on the marine ecosystems, and ***the achievement and maintenance of good environmental status as defined in Directive 2008/56/EC and Decision 2010/477/EU;***

Or. en

## Amendment 191

### Proposal for a regulation

#### Part 6 – Article 37 – paragraph 2 – point a

*Text proposed by the Commission*

(a) ensure that the collected data are accurate and reliable;

*Amendment*

(a) ensure that ***data are collected in a timely manner and that*** the collected data are accurate and reliable;

Or. en

*Justification*

*It is extremely important for good management decisions to have data timely available.*

## Amendment 192

### Proposal for a regulation

#### Part 6 – Article 37 – paragraph 2 – point c

*Text proposed by the Commission*

(c) ensure safe storage of collected data and where ***applicable appropriate*** protection ***and*** confidentiality ***of collected data***;

*Amendment*

(c) ensure safe storage of collected data and , where ***appropriate, its protection, including that of its confidentiality while paying due consideration to any overriding public interest in disclosure***;

Or. en

*Justification*

*The Aarhus Convention requires that due consideration is given to any overriding public interest in disclosure.*

## Amendment 193

### Proposal for a regulation

#### Part 7 – Article 39 – paragraph 1

*Text proposed by the Commission*

1. The Union shall ***participate in*** the activities of international organisations dealing with fisheries, including regional fisheries management organisations

*Amendment*

1. The Union shall ***promote the effective implementation of international fisheries instruments and regulations, and support the*** activities of international organisations



(RFMOs) in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.

dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international **commitments**, obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3 **and the good governance principles set out in Article 4.**

Or. en

**Amendment 194**  
**Proposal for a regulation**  
**Part 7 – Article 39 – paragraph 2**

*Text proposed by the Commission*

2. The positions of the Union in international organisations dealing with fisheries and RFMOs shall be based on the best available scientific advice to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield.

*Amendment*

2. The positions of the Union in international organisations dealing with fisheries and RFMOs shall be based on the best available scientific advice **and comply with Union law. The Union shall promote measures** to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield. **The Union shall further promote the establishment and strengthening of RFMO compliance committees, periodical compliance reviews and appropriate remedial actions, including dissuasive and effective sanctions which need to be applied in a transparent and non-discriminatory fashion.**

Or. en

**Amendment 195**  
**Proposal for a regulation**  
**Part 7 – Article 39 – paragraph 3**

*Text proposed by the Commission*

3. The Union shall actively contribute to

*Amendment*

3. The Union shall actively contribute to

and support the development of scientific knowledge and advice in RFMOs and international organisations.

and support the development of scientific knowledge and advice in RFMOs and international organisations ***and adhere to any recommendations that result.***

Or. en

**Amendment 196**  
**Proposal for a regulation**  
**Part 7 – Article 41 – paragraph 1**

*Text proposed by the Commission*

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic and environmental governance framework for fishing activities carried out by Union fishing vessels in third country waters.

*Amendment*

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic, ***social*** and environmental governance framework for fishing activities carried out by Union fishing vessels in third country waters.

Or. en

**Amendment 197**  
**Proposal for a regulation**  
**Part 7 – Article 41 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In order to allow for the identification of the surplus of the allowable catch referred to in paragraph 2, Sustainable Fisheries Agreements shall ensure transparency and make provision for the exchange, between the Union and the third country concerned, of all relevant information regarding the total fishing effort, by national and, where appropriate, foreign vessels, on the stocks concerned.***

Or. en

### *Justification*

*Under UNCLOS, third countries are allowed to claim access to the surplus of allowable catches (Art 62.2). In many cases, it is difficult if not impossible to quantify the surplus accessible to the EU because of lack of data, transparency, etc. EU bilateral fisheries agreements must provide the conditions to ensure that foreign fishing activities do not result in overfishing.*

#### **Amendment 198**

##### **Proposal for a regulation**

##### **Part 7 – Article 41 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Sustainable Fisheries Agreements shall ensure that Union fishing vessels are only permitted to operate in the waters of the third country with which an agreement has been concluded if they are in possession of a fishing authorisation, which has been issued in accordance with a procedure agreed by both parties to the agreement.***

Or. en

### *Justification*

*The so-called ‘exclusivity clause’ ensures that there are certain minimum terms and conditions, and degree of compliance, for the entire EU fleet. Without the exclusivity clause, vessel owners could enter into private agreements with those third countries, over which the EU or even the flag Member State has no control or information*

#### **Amendment 199**

##### **Proposal for a regulation**

##### **Part 7 – Article 41 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

***2c. Sustainable Fisheries Agreements shall contain provisions that aim at avoiding situations where Union vessels that have used up the fishing opportunities which they received through the agreement can reflag to the third country in order to acquire additional***

*fishing opportunities.*

Or. en

**Amendment 200**  
**Proposal for a regulation**  
**Part 7 – Article 41 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. Sustainable Fisheries Agreements shall set out provisions that require unconditional respect for democratic principles and human rights, as laid down in the United Nations Universal Declaration of Human Rights and other relevant international human rights instruments, as well as for the principle of the rule of law.***

Or. en

*Justification*

*Consistent with the general approach to EU foreign affairs and development policy.*

**Amendment 201**  
**Proposal for a regulation**  
**Part 7 – Article 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 41a***

***Sustainable fisheries cooperation agreements***

***1. In order to achieve a more concerted, coherent and sustainable fisheries policy in all shared sea basins, the Union shall aim to conclude, as soon as possible, Sustainable Fisheries Cooperation Agreements with neighbouring countries. These agreements shall provide for Union funding and technical support, to the third countries concerned. These***

*agreements shall be concluded in the spirit of a fair and equitable cooperation and shall aim to share responsibilities fairly between the Union and the respective partner country.*

Or. en

*Justification*

*The objective of Sustainable Fisheries Cooperation Agreements is to fund and support EU Neighbour countries in exchange for a transmission / sharing of fishing rules and a shared management of fish stocks. In this sense, the EU might become the direct exporter of its own model of fisheries management to neighbouring countries. There are some geographical areas (in particular in the Mediterranean and Black Sea) where it is necessary to apply this model of fisheries agreements based on cooperation*

**Amendment 202**  
**Proposal for a regulation**  
**Part 8 – Article 43 – title**

*Text proposed by the Commission*

Promoting aquaculture

*Amendment*

Promoting aquaculture *through Union strategic guidelines and national strategic plans*

Or. en

**Amendment 203**  
**Proposal for a regulation**  
**Part 8 – Article 43 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) improving the competitiveness of the aquaculture industry and supporting its development and innovation;

*Amendment*

(a) improving the competitiveness of the aquaculture industry and supporting its development and innovation *so that it is possible for Union aquaculture products to satisfy at least 60 % of the demand for aquaculture products in the Union by 2023;*

Or. en

**Amendment 204**

**Proposal for a regulation**

**Part 8 – Article 43 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) encouraging economic activity;

(b) encouraging ***and supporting*** economic activity;

Or. en

**Amendment 205**

**Proposal for a regulation**

**Part 8 – Article 43 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) diversification and improvement of the quality of life in coastal and rural areas;

(c) ***making aquaculture a contributor to the*** diversification and improvement of the ***economic performance, and to the improvement of the*** quality of life, in coastal and rural areas;

Or. en

**Amendment 206**

**Proposal for a regulation**

**Part 8 – Article 43 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) promoting the environmental, social and economic sustainability of the Union aquaculture sector;***

Or. en

**Amendment 207**

**Proposal for a regulation**

**Part 8 – Article 43 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) ensuring healthy and safe products;***

Or. en

**Amendment 208**

**Proposal for a regulation**

**Part 8 – Article 43 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) administrative simplification, in particular regarding licenses;

(a) ***reduction of red tape and*** administrative simplification, in particular regarding licenses;

Or. en

**Amendment 209**

**Proposal for a regulation**

**Part 8 – Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 43a***

***Union initiatives for the promotion of sustainable aquaculture***

***1. The Union shall contribute to the promotion of sustainable aquaculture with adequate initiatives regarding***

***(a) the simplification of legislation in the sector and the reduction of administrative burdens at Union level;***

***(b) the integration of aquaculture activities into other areas such as policies for coastal zones, sea strategies and guidelines for marine spatial planning, the implementation of the Water Framework Directive and environmental policy.***

***2. The Union shall support the production***

*and consumption of sustainable Union aquaculture products through:*

*(a) establishing rigorous, transparent and general qualitative criteria for aquaculture by 2014 the implementation of which should be ensured throughout the Union and which should ensure that the possible negative ecological and social impact of aquaculture activities are reduced and, where possible, eliminated*

*(b) raising the awareness of European consumers as to the high quality of Union aquaculture products;*

*(c) laying down rules regarding the traceability of Union and imported aquaculture products;*

*(d) introducing and strengthening aquaculture labelling criteria at Union level, to introduce minimum standards that reflect high-quality, sustainability, ecological and organic production methodologies;*

*(e) ensuring a level playing field for Union aquaculture operators and products in relation to imported aquaculture products; ensuring that imported aquaculture products are produced according to the relevant Union quality standards i.e. ecological or animal welfare standards;*

*(f) making additional funding from the European Maritime and Fisheries Fund available for environmentally sustainable aquaculture in particular for small and medium-sized operators;*

Or. en

**Amendment 210**  
**Proposal for a regulation**  
**Part 8 – Article 43 b (new)**



*Text proposed by the Commission*

*Amendment*

**Article 43b**

**Animal Welfare**

***The Union and Member States shall ensure that aquaculture activities are carried out in accordance with:***

***(a) the recommendation concerning the welfare of farmed fish that has been adopted by the Standing Committee of the European Convention on the Protection of Animals Kept for Farming Purposes, and***

***(b) the recommendations of the World Organisation for Animal Health concerning the welfare of farmed fish during transport and the welfare aspects of the stunning and killing of farmed fish for human consumption.***

Or. en

**Amendment 211**

**Proposal for a regulation**

**Part 8 – Article 44 – paragraph 1**

*Text proposed by the Commission*

An Advisory Council on aquaculture shall be established in accordance with **Article 53**.

*Amendment*

An Advisory Council on aquaculture shall be established in accordance with **Articles 52 and 54**.

Or. en

**Amendment 212**

**Proposal for a regulation**

**Part 9 – Article 45 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) improve the transparency of the

*Amendment*

(d) improve the transparency of the

markets, in particular as regards economic knowledge and understanding of the Union markets for fishery and aquaculture products along the supply chain *and* consumer awareness;

markets, in particular as regards economic knowledge and understanding of the Union markets for fishery and aquaculture products along the supply chain, *as well as* consumer *information and* awareness;

Or. en

### **Amendment 213**

#### **Proposal for a regulation**

#### **Part 10 – Article 46 – paragraph 2 – point d**

##### *Text proposed by the Commission*

(d) the development of a culture of compliance among operators;

##### *Amendment*

(d) the development of a culture of compliance among operators, *vessel owners and fishermen*;

Or. en

### **Amendment 214**

#### **Proposal for a regulation**

#### **Part 11 – Article 50 – paragraph 2**

##### *Text proposed by the Commission*

2. Non compliance by Member States with the rules of the Common Fisheries Policy *may* result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

##### *Amendment*

2. Non compliance by Member States with the rules of the Common Fisheries Policy *shall* result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

Or. en

##### *Justification*

*Strong incentives are needed to increase compliance with CFP.*

**Amendment 215**  
**Proposal for a regulation**  
**Part 11 – Article 51 – title**

*Text proposed by the Commission*

Conditions for financial assistance towards operators

*Amendment*

Conditions for financial assistance towards operators, ***vessel owners and fishermen***

Or. en

**Amendment 216**  
**Proposal for a regulation**  
**Part 11 – Article 51 – paragraph 1**

*Text proposed by the Commission*

1. Union financial assistance towards operators shall be conditional upon compliance with the rules of the Common Fisheries Policy by operators.

*Amendment*

1. Union financial assistance towards operators, ***vessel owners and fishermen*** shall be conditional upon compliance with the rules of the Common Fisheries Policy by operators.

Or. en

**Amendment 217**  
**Proposal for a regulation**  
**Part 11 – Article 51 – paragraph 2**

*Text proposed by the Commission*

2. Serious infringements by operators of the rules of the Common Fisheries Policy shall result in temporary or permanent bans on access to the Union financial assistance and/or the application of financial reductions. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

*Amendment*

2. Serious infringements by operators, ***vessel owners or fishermen*** of the rules of the Common Fisheries Policy shall result in temporary or permanent bans on access to the Union financial assistance and/or the application of financial reductions. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.

Or. en

**Amendment 218**  
**Proposal for a regulation**  
**Part 11 – Article 51 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been ***imposed to*** the concerned operator within a period of ***1 year*** prior to the date of application for Union financial assistance.

*Amendment*

3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been ***committed by*** the concerned operator, ***vessel owner or fisherman*** within a period of ***three years*** prior to the date of application for Union financial assistance.

Or. en

**Amendment 219**  
**Proposal for a regulation**  
**Part 12 – Article 53 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. The Commission shall consult Advisory Councils that relate specifically to the fisheries in the geographical area concerned as well as STECF in respect of proposals for measures to be adopted on the basis of Article 43(2) TFEU, such as multiannual plans or technical measures frameworks, and delegated acts adopted pursuant to Article 55 of this Regulation.***

Or. en

**Amendment 220**  
**Proposal for a regulation**  
**Part 12 – Article 53 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) inform the Commission and Member States of problems relating to fisheries management and aquaculture in their area of competence;

*Amendment*

(b) inform the Commission and Member States of problems relating to fisheries management and aquaculture in their area of competence, ***and propose solutions to***

*overcome these problems;*

Or. en

**Amendment 221**

**Proposal for a regulation**

**Part 12 – Article 53 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) conduct any other activities necessary to fulfil their tasks;*

Or. en

**Amendment 222**

**Proposal for a regulation**

**Part 12 – Article 53 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission and, where relevant, the Member State concerned, shall reply within a reasonable time period to any recommendation, suggestion or information received pursuant to *paragraph 1*.

2. The Commission and, where relevant, the Member State concerned, shall ***duly take into account the opinions and recommendations received pursuant to paragraph 1 and, where the final measures adopted diverge from these opinions and recommendations, shall provide detailed explanations of the reasons why they diverge. The Commission and, where relevant, the Member State concerned, shall*** reply within a reasonable time period to any ***opinion***, recommendation, suggestion or information received pursuant to ***paragraphs -1 and 1. Advisory Councils shall consult STECF for scientific advice before adopting opinions, recommendations or suggestions according to paragraphs -1 and 1.***

Or. en

**Amendment 223**  
**Proposal for a regulation**  
**Part 12 – Article 54 – paragraph 1**

*Text proposed by the Commission*

1. Advisory Councils shall be composed of organisations representing the fisheries operators and other interest groups affected by the Common Fisheries Policy.

*Amendment*

1. Advisory Councils shall be composed of organisations representing the fisheries operators and other interest groups affected by the Common Fisheries Policy, *e.g. employees, environmental organisations and consumer groups, as well as scientists and representatives of national and regional administrations. The composition shall ensure that the fisheries sector is represented in its full diversity and that at least half of the seats in the general assembly and executive committee are allotted to representatives from outside the fisheries sector.*

Or. en

**Amendment 224**  
**Proposal for a regulation**  
**Part 14 – Article 57 – paragraph 4**

*Text proposed by the Commission*

***4. Regulation (EC) No 199/2008 is repealed.***

*Amendment*

***deleted***

Or. en

*Justification*

*The Data Collection Directive should not be repealed. Necessary changes should be done through the ordinary legislative procedure.*

**Amendment 225**  
**Proposal for a regulation**  
**Part 14 – Article 57 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 57a**

**Review**

***The Commission shall report to the European Parliament and the Council on the operation and implementation of the Common Fisheries Policy before the end of 2022.***

Or. en

**Amendment 226**

**Proposal for a regulation**

**Part 14 – Article 58 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Notwithstanding Article 57(4), Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data for the years 2011 - 2013.*** ***deleted***

Or. en

*Justification*

*The Data Collection Directive should not be repealed. Necessary changes should be done through the ordinary legislative procedure.*

**Amendment 227**

**Proposal for a regulation**

**Annex III**

*Text proposed by the Commission*

*Amendment*

**ADVISORY COUNCILS**

**ADVISORY COUNCILS**

Name of the Advisory Council	Area of competence
Baltic Sea	ICES zones IIIb, IIIc and IIId
Mediterranean	Maritime Waters

Name of the Advisory Council	Area of competence
Baltic Sea	ICES zones IIIb, IIIc and IIId
Mediterranean	Maritime Waters

Sea	of the Mediterranean of the East of line 5°36' West	Sea	of the Mediterranean of the East of line 5°36' West
North Sea	ICES zones IV and IIIa	North Sea	ICES zones IV and IIIa
North Western waters	ICES zones V (excluding Va and only Union waters of Vb), VI and VII	North Western waters	ICES zones V (excluding Va and only Union waters of Vb), VI and VII
South Western waters	ICES zones VIII, IX and X (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)	South Western waters	ICES zones VIII, IX and X (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)
Pelagic stocks (blue whiting, mackerel, horse mackerel, herring)	All areas competence (excluding the Baltic Sea, the Mediterranean Sea and Aquaculture)	Pelagic stocks (blue whiting, mackerel, horse mackerel, herring)	All areas competence (excluding the Baltic Sea, the Mediterranean Sea and Aquaculture)
High seas/long distance fleet Aquaculture	All non-Union waters Aquaculture, as defined in Article 5	High seas/long distance fleet Aquaculture	All non-Union waters Aquaculture, as defined in Article 5
		<b><i>General Advisory Council of Fisheries and Markets</i></b>	<b><i>Horizontal issues on the implementation of the objectives laid down in Articles 2 and 3, and issues relating to the Common Market Organisation</i></b>

Or. en



## **EXPLANATORY STATEMENT**

### **Justification**

The current Common Fisheries Policy (CFP) has failed to a large extent. It has proved impossible to resolve the long-standing problems (overfishing, overcapacities, the poor economic situation of many undertakings in the fisheries sector, social problems caused by the decline of fisheries in many coastal regions). The new basic Regulation must be ambitious in laying the groundwork for a reversal of the persistently negative trend and for the development of sustainable, successful fishing in Europe.

The main thrust of the draft report is based on the rapporteur's working documents on reform of the Common Fisheries Policy (PE 480.830, PE 491.603 und PE 480.832); the many constructive comments on these documents by Parliament, the Council, the Commission and the public were very useful in the subsequent development of the ideas in the draft report.

What follows is a summary of the most important points.

### **Maximum sustainable yield (MSY)**

The Commission proposes, as an objective of Regulation, that by 2015 all fish stocks should be exploited at the level of MSY. The rapporteur supports that objective. In order to achieve it, the EU should endeavour insofar as possible to stick to the commitments it gave in Johannesburg in 2002.

The statement in principle of the objective in Article 2 is, however, insufficient. In addition, a legally binding obligation must be placed on the Council to reduce fishing mortality to an MSY-compatible level (FMSY) by 2015. In the case of heavily overfished stocks there must, for a transitional period, be an even sharper reduction in fishing mortality in order to allow the stocks to grow.

### **Obligation to land all catches / discard ban**

The proposed landing rule should be retained with a view to generating a significant incentive to greater selectivity and thus to the avoidance of unintended by-catches. Intelligently applied, this measure will contribute in the long term to increased landings.

To make the landing rule work, however, certain amendments and additions to the Commission proposal are necessary. These include:

- placing an obligation on Member States to conduct pilot projects on improving selectivity in order to pave the way for the landing rule and help operators to reduce by-catches;
- directing the financial support for improved selectivity towards those fisheries in which application of the landing rule is particularly problematic;

- provision for a gradual and fishery-based (rather than species-based) approach, so that detailed regulations can be worked out in multiannual plans before the landing rule comes into force;
- rules to ease the impact of the landing rule on operators, including, inter alia, de minimis exceptions for small-volume by-catches if they cannot be processed on land, and an exemption for by-catches with a high survival rate after discarding at sea.

### **A transparent system of individual and collective fishing concessions**

Criticism of the Commission's proposed 'transferable fishing concessions' (TFCs) focuses primarily on the fact that they are to be tradable and can therefore be monetised.

The rapporteur wishes to highlight another aspect of fishing concessions – the fact that, for operators, they constitute not just a financial resource but also a guaranteed right to fish. Operators know that they are entitled, for a specified period of time, to fish a specified proportion of the national quota. They can thus plan ahead more securely and that security is also a good thing for the environment because the operators in question have a full year to fish their quota and do not need to try to catch as much as possible in the shortest possible time.

As a means of realising these advantages without monetising fishing rights, the rapporteur therefore suggests that the word 'transferable' in Article 27 be deleted. TFCs will thus become FCs. These fishing concessions will remain the property of the Member States and are transferred to operators for specified periods of time only.

The proposal permits the voluntary 'pooling' of fishing concessions in order to allow traditional collective forms of management or management by producer organisations.

The question of who will be granted these fishing concessions is obviously of the utmost importance. The Member States should be required to take social and environmental criteria into account so that small local fisheries and selective catching practices are reinforced.

### **Reducing overcapacity**

The rapporteur is convinced that, in many European fisheries, overcapacity is a problem that urgently needs to be resolved. Economic concentration makes TFCs one means of reducing overcapacity. However, this applies only in the case of fleets fishing those species that are regulated by TACs and quotas. Measures to limit fishing by restricting fishing effort, such as those provided for in the Mediterranean Regulation (1967/2006), would seem unsuited to tradability.

The proposal gives the Member States concerned the option of using alternative means to bring capacity into line with available fishing opportunities. Only where this has not been achieved after six years will the fishing concessions in the fisheries concerned have to be made tradable.

It is preferable that capacity adjustment be coordinated between Member States – and multiannual plans can and should be used as a tool in this regard.

The proposal also makes it clear that Member States may limit the tradability of fishing concessions, for example by prohibiting their trading between specific sections of the fishing fleet.

### **Regionalisation and stakeholder consultation**

The rapporteur's proposal aims to achieve closer coordination among the Member States so that when responsibilities are delegated to them, under a multiannual plan or a technical framework regulation, the result is not a patchwork of varying national measures.

The draft report therefore calls on the Member States to cooperate on the adoption of ('regionalised') national measures.

At the same time, the Advisory Councils – formerly 'Regional Advisory Councils' (RACs) – are to be given a stronger role, in that they will have to be consulted by both the Commission and the Member States before any measure is taken. If the Commission or the Member States subsequently depart from their recommendations they must present sound reasons for doing so. The Advisory Councils thus have the potential to ensure that the measures taken by the Member States are consistent. Their involvement will also make the rules in question more acceptable within the fisheries sector and in civil society.

As a further step towards improving consistency and ensuring that the objectives of the CFP are implemented, the Commission will have to carry out regular evaluation of the national measures.

The Advisory Councils should also be consulted when the landing rule is being introduced and, before it comes into force, should submit proposals for the implementation of fully documented fishing. It is also part of their role to make proposals for exemptions for species of fish with higher survival rates. Obviously, such proposals must then be subject to further scientific assessment.

### **Additional measures for fish stock recovery**

The draft report goes a step further than the Commission proposal in that it suggests an additional measure (the new Article 7(a)) requiring the Member States to close between 10% and 20% of their territorial waters to fishing within three years. Such closures can not only be used, on the one hand, as a means of protecting vulnerable habitats but can also help to improve the productivity of fish stocks, where, for example, spawning areas are closed to fishing. Such an approach is particularly effective in areas where the fish stocks have previously been managed inadequately and on which insufficient data is available.

### **Transitional measures for the Mediterranean**

The EU currently imposes no catch restrictions on Mediterranean fish stocks. Despite some worthy national initiatives and the shift in Mediterranean fisheries management that was achieved through the implementation of the Mediterranean Regulation (1967/2006), the situation there remains unsatisfactory. The number of overfished stocks in the Mediterranean

is particularly high and the available data particularly poor. The fragmentary nature of the fleets makes it difficult to implement control measures.

One of the major problems in the Mediterranean is that of monitoring implementation of Regulation 1967/2006 and checking the catches landed, because there is a myriad of tiny ports and landing places. The rapporteur therefore suggests the introduction in the Mediterranean of a system of territorial use rights in fisheries (TURFs). Under this system, a group of operators will share a given area in which they are allowed to fish. The rights-based scheme will enhance the operators' sense of responsibility, facilitating self-monitoring or reciprocal monitoring arrangements, as the operators have an interest in ensuring that no illegal fishing takes place in their area.

When delimiting the geographical extent of TURFs, the Member States must take account of the situation in the areas closed to fishing, so as to use these two management tools in combination.

The Member States must see to it that fishing mortality in the TURFs is restricted so as to allow the Regulation's objectives, especially that of MSY, to be achieved. Clearly, such restrictions, which may entail limiting either catches or fishing effort, must be coordinated between TURFs in which the same species is caught. If better data becomes available over time, it may be possible for the Council to introduce long-term limits on catches or fishing effort in respect of certain fish stocks.

### **Joint fisheries management partnerships with third countries**

In sea basins where the EU shares fish stocks with non-EU countries, it should strive for improved joint management of the fisheries. This should entail not only improving coordination within the regional fisheries organisations but also concluding bilateral – or, where appropriate, multilateral – cooperation agreements. Under such agreements, the EU could make available financial resources and technical assistance. In return, the partner countries concerned would commit to effective fisheries management arrangements compatible with those of the EU.