



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Fisheries

2013/0436(COD)

30.9.2014

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation
(COM(2013)0889 – C7-0465/2013 – 2013/0436(COD))

Committee on Fisheries

Rapporteur: Alain Cadec

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation (COM(2013)0889 – C7 0465/2013 – 2013/0436(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0889),
 - 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 (C7-0465/2013),
 - 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 29 April 2014¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0000/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Regulation (EU) No [xxxx] has a central objective of the progressive elimination of discards in all EU fisheries through the introduction of a landing obligation for catches of species subject to catch limits and species covered by minimum sizes in the Mediterranean. In order to make this landing obligation operational certain provisions within the current technical measures and control regulations run contrary to the landing obligation and oblige fishermen to discard fish and should be removed or amended.

Amendment

(1) Regulation (EU) No [xxxx] has a central objective of the progressive elimination of discards in all EU fisheries through the introduction of a landing obligation for catches of species subject to catch limits and species covered by minimum sizes in the Mediterranean. In order to make this landing obligation operational ***for the fisheries concerned on 1 January 2015***, certain provisions within the current technical measures and control regulations run contrary to the landing obligation and oblige fishermen to discard fish and should be removed or amended.

Or. fr

Justification

Under Article 15 of Regulation EU No 1380/2013, the landing obligation is only to be applied as from 1 January 2015 and for certain species.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) A new technical measures framework is awaited pending the reform of the Common Fisheries Policy (CFP). The unlikelihood that such a new framework will be in place by the start of 2015 when the landing obligation will be first introduced justifies the amendment or removal of certain elements of the current technical measures regulations to remove the incompatibility between these

Amendment

(2) Certain elements of the current technical measures regulations ***should be amended or removed*** to remove the incompatibility between these regulations and the landing obligation.

regulations and the landing obligation.

Or. fr

Justification

Update highlighting the fact that the reform of the common fisheries policy has already been adopted.

Amendment 3

**Proposal for a regulation
Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) The landing obligation constitutes a radical change for fisheries, and 2015 will be a test year in terms of implementing that change. Lessons should be drawn from this when implementing the obligation in the fisheries concerned after 2015.

Or. fr

Amendment 4

**Proposal for a regulation
Recital 2 b (new)**

Text proposed by the Commission

Amendment

(2b) One of the potential undesirable effects of the landing obligation could be the development of activities specifically devoted to catching marine organisms that are not of the required size, for uses other than human consumption. The development of such parallel activities should be prevented.

Or. fr

Justification

The Commission proposal does not allow certain undesirable effects of the landing obligation to be prevented. The possible emergence of a parallel market in juvenile organisms that cannot be monitored is a particular cause for concern.

Amendment 5

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In particular, in order to ensure the implementation of the landing obligation Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms should be amended by requiring that all unintended catches of marine organisms subject to the landing obligation and caught in excess of catch composition rules should be landed and counted against quotas; by replacing minimum landing sizes for marine organisms subject to the landing obligation with minimum conservation reference sizes; and by requiring all unintended catches of marine organisms caught in excess of bycatch provisions in specific areas, at specific times and for specified gear types to be landed and counted against quotas.

Amendment

(3) In particular, in order to ensure the implementation of the landing obligation ***for species to which that obligation applies as from 1 January 2015***, Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms should be amended by requiring that all unintended catches of marine organisms subject to the landing obligation and caught in excess of catch composition rules should be landed and counted against quotas; by replacing minimum landing sizes for marine organisms subject to the landing obligation with minimum conservation reference sizes; and by requiring all unintended catches of marine organisms caught in excess of bycatch provisions in specific areas, at specific times and for specified gear types to be landed and counted against quotas.

Or. fr

Justification

Under Article 15 of Regulation EU No 1380/2013, the landing obligation is only to be applied as from 1 January 2015 and for certain species.

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) In addition, in order to ensure legal certainty, provisions relating to an area closure for the protection of juvenile haddock in ICES division VIb should be amended. ***deleted***

Or. fr

Justification

This technical measure added by the Commission is not directly connected with the landing obligation. Since this Regulation seeks to ensure strict implementation of the landing obligation, there is no need for it to include this technical measure, which will fit into the review of technical measures currently being prepared by the Commission.

Amendment 7

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) In order to ensure the implementation of the landing obligation Council Regulation (EC) No 254/2002 establishing measures to be applicable in 2002 for the recovery of the stocks of cod in the Irish Sea (ICES division VIIa should be amended by requiring that in the trawl fishery for queen scallop that all unintentional catches of marine organisms subject to the landing obligation caught in excess of permitted bycatch percentages should be landed and counted against quotas. ***deleted***

Or. fr

Justification

The article in question has been deleted in order to fit with the stepwise introduction of the landing obligation as set out in Article 15 of Regulation (EU) No 1380/2013. Indeed, the landing obligation will only apply to cod caught in the Irish Sea from 2016 or 2019.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) In order to ensure the implementation of the landing obligation Council Regulation (EC) No 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks should be amended by requiring all catches of deep-sea species should be landed and counted against quotas. **deleted**

Or. fr

Justification

The article in question has been deleted in order to fit with the stepwise introduction of the landing obligation as set out in Article 15 of Regulation (EU) No 1380/2013. Indeed, the landing obligation will only apply to deep-sea stocks as from 2016.

Amendment 9

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) In order to ensure the implementation of the landing obligation Control Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC)

(10) In order to ensure the implementation of the landing obligation Control Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC)

No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 should be amended to ensure monitoring of the landing obligation. ***For this purpose fishing authorisations should apply to fisheries subject to a landing obligation ; data on catches of all species shall be recorded irrespective of a weight threshold; data on catches below minimum conservation reference sizes should be recorded separately; in view of the difficulty to establish the exact quantity of small catches on board a fishing vessel a higher margin of tolerance should apply for estimates of small catches in logbooks and transshipment declarations; rules for remote electronic monitoring (REM) should be established for the recording of data for monitoring the landing obligation at sea; rules on a separate stowage of catches and control of marketing of catches below minimum conservation reference sizes should be set up; and the conditions for the use of control observers for monitoring purposes should be defined.***

No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 should be amended to ensure monitoring of the landing obligation. Catches of all species shall be recorded, ***starting from the threshold of 50kg live weight***; data on catches below minimum conservation reference sizes should be recorded separately; in view of the difficulty to establish the exact quantity of small catches on board a fishing vessel a higher margin of tolerance should apply for estimates of small catches in logbooks and transshipment declarations; ***the prerogatives of Member States as regards monitoring and verifying compliance with the landing obligation at sea must be respected***; rules on a separate stowage of catches and control of marketing of catches below minimum conservation reference sizes should be set up; and the conditions for the use of control observers for monitoring purposes should be defined.

Or. fr

Justification

The Commission is proposing that the margins of tolerance be revised upwards and that all catches be recorded in logbooks, which would entail additional administrative costs for fishermen. Catches should be recorded as from 50kg live-weight equivalent, as established in Article 14 of Regulation (EU) No 1224/2009. This Regulation is not designed to impose a single monitoring system.

Amendment 10

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) As discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems and as a general observance of the landing obligation by operators is essential for its success a violation of the landing obligation should be defined as a serious infringement. The introduction of the landing obligation in combination with certain new inter-annual quota flexibility rules, requires adjustment of the rules on the deduction of quotas and effort.

Amendment

(11) As discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems and as a general observance of the landing obligation by operators is essential for its success a violation of the landing obligation should be defined as a serious infringement.

Nevertheless, bearing in mind the fundamental change that this will involve for fisheries, a two-year adaptation period should be granted, during which infringements of the landing obligation are not considered to be serious infringements. The introduction of the landing obligation in combination with certain new inter-annual quota flexibility rules, requires adjustment of the rules on the deduction of quotas and effort.

Or. fr

Justification

Gradual implementation between now and 2019 would enable fishermen to adapt.

Amendment 11

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, **(EC) No 254/2002, (EC) No 2347/2002** and (EC) No 1224/2009 should therefore be amended accordingly.

Amendment

(12) Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) 1967/2006, (EC) No 1098/2007 and (EC) No 1224/2009 should therefore be amended accordingly.

Justification

The rapporteur suggests eliminating the changes to the two regulations in question as the landing obligation does not apply to the species concerned as from 2015, but from a later date.

Amendment 12

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 850/98

Article 3 – point i

Text proposed by the Commission

“i) Unintended catches means incidental catches of marine organisms ***the fishing for which is prohibited in the relevant circumstances.***”

Amendment

“i) Unintended catches means incidental catches of marine organisms ***which, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council^{1a}, must be landed and counted against quotas either because they are smaller than the minimum conservation reference size or because they are caught in excess of the catch composition rules or of the available quotas.***

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).”

Justification

The definition given by the Commission is very broad, and should be clarified. The term 'unintended catches' must be defined precisely, in order to avoid any legal uncertainty for the fisheries sector and the national authorities.

Amendment 13

Proposal for a regulation

Article 1 – point 2 – subpoints b and c

Regulation (EC) No 850/98

Article 4 – paragraph 4 – points a and b

Text proposed by the Commission

2) b) Paragraph 4(a) the following subparagraph is added:

"By way of derogation from the first subparagraph, **landings shall not be prohibited where the conditions established in Annex X cannot be complied with because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU). Those unintended catches shall be landed and counted against quotas.**"

c) In paragraph 4(b) the following subparagraph is added:

"By way of derogation from the first subparagraph, **landings shall not be prohibited where the conditions established in Annex X cannot be complied with because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx]. Those unintended catches shall be landed and counted against quotas.**"

Amendment

2) b) Paragraph 4(a) the following subparagraph is added:

"By way of derogation from the first subparagraph, **the catch composition rules set out in Annexes I to V to this regulation shall not apply in the case of fisheries to which the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 applies as from 1 January 2015.**"

c) In paragraph 4(b) the following subparagraph is added:

"By way of derogation from the first subparagraph, **the catch composition rules set out in Annexes X to this regulation shall not apply in the case of fisheries to which the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 applies as from 1 January 2015.**"

Or. fr

Justification

Under Article 15 of Regulation EU No 1380/2013, the landing obligation is only to be applied

as from 1 January 2015 and for certain species. The catch composition rules can no longer be applied to such species as these require fishing operators to discard any fish caught in excess of their quota.

Amendment 14

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 850/98

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

4) In Article 7(5), the following subparagraph is added:

deleted

"The first subparagraph shall not apply where the crustaceans of the species *Pandalus* are subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx]. However, it shall be prohibited to fish for those crustaceans with nets referred to in the first subparagraph which are not equipped in accordance with that subparagraph. Unintended catches taken with such nets shall be landed and counted against quotas."

Or. fr

Justification

*This subparagraph concerns the *Pandalus*, which is a species that will only be subject to the landing obligation after 2016.*

Amendment 15

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 850/98

Article 10

Text proposed by the Commission

Amendment

5) In Article 10, the following

deleted

subparagraph is added:

"By way of derogation from point (b) of the first subparagraph, the retention on board and landing shall not be prohibited where the minimum percentage of bivalve molluscs cannot be achieved because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against quotas."

Or. fr

Justification

This subparagraph concerns demersal fisheries, which will only be subject to the landing obligation after 2016.

Amendment 16

Proposal for a regulation
Article 1 – point 6
Regulation (EC) No 850/98
Article 11

Text proposed by the Commission

6) Article 11 is amended as follows:

In paragraph (1) (a), the following subparagraph is added:

"By way of derogation from point (a) of the first subparagraph, **the use or keeping on board of bottom set gillnets, entangling nets or trammel nets shall not be prohibited where the conditions established in that point (a) cannot be complied with because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx]. Those unintended catches shall be landed and counted against quotas.** "

Amendment

6) Article 11 is amended as follows:

In paragraph (1) (a), the following subparagraph is added:

"By way of derogation from point (a) of the first subparagraph, **the catch composition rules set out in Annexes VI to VII to this regulation shall not apply in the case of fisheries to which the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 applies as from 1 January 2015.**"

Justification

Under Article 15 of Regulation EU No 1380/2013, the landing obligation is only to be applied as from 1 January 2015 and for certain species. The catch composition rules can no longer be applied to such species, as these require fishing operators to discard any fish caught in excess of their quota. Besides this, the landing obligation will only apply to certain species in 2015.

Amendment 17**Proposal for a regulation****Article 1 – point 8****Regulation (EC) No 850/98****Article 15 – paragraph 3**

Text proposed by the Commission

Amendment

3. Before they start fishing in any management area on a specific fishing trip, masters of fishing vessels shall ensure they have quotas for stocks subject to catch limits that are sufficient to cover their likely catch composition and the permitted percentages during that trip." ***deleted***

Justification

Skippers cannot guarantee they have sufficient quotas to cover their likely catch composition during fishing trips. The very nature of fishing operations mean it is impossible to forecast the volumes of fish that will be taken during a specific fishing trip.

Amendment 18**Proposal for a regulation****Article 1 – point 10****Regulation (EC) No 850/98****Article 19 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. By way of derogation from paragraph 2, undersized sardine, anchovy, horse mackerel and mackerel, caught for use as live bait may be retained on board, provided they are retained alive.

Or. fr

Justification

The specific case of species used as live bait under Article 15(1) of Regulation (EU) No 1380/2013 should be taken into account.

Amendment 19

Proposal for a regulation

Article 1 – point 10

Regulation (EC) No 850/98

Article 19 - paragraph 2 b (ew)

Text proposed by the Commission

Amendment

2b. In line with the objective set out in Article 7(1)(b) of Regulation (EU) No 1379/2013 of the European Parliament and the Council^{1a}, producer organisations shall ensure that, in the production and marketing plans which they submit pursuant to Article 28 of Regulation (EU) No 1379/2013, the landing of marine organisms referred to in paragraph 2 does not lead to the development of activities aimed specifically at the catching of those products, in accordance with Articles 7(1)(b) and 28 of Regulation (EU) No 1379/2013.

Member States shall, when carrying out the checks under Article 28(7) of Regulation (EU) No 1379/2013, ensure that producer organisations fulfil the obligation set out in the above subparagraph.

Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p.1)."

Or. fr

Justification

Fish and other marine organisms (especially juveniles) that are landed but are not marketable cannot be used for human consumption. However, there is a serious risk of fisheries developing that target juveniles for purposes other than direct human consumption. The production and marketing plans provided for in Regulation (EU) No 1379/2013 (CMO) should therefore cover the use of such catches.

Amendment 20

Proposal for a regulation

Article 1 – point 18

Regulation (EC) No 850/98

Article 29 quater

Text proposed by the Commission

Amendment

18) Article 29c is replaced by the following: **deleted**

"Article 29c

Rockall haddock box in ICES sub-area VI

1. All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

– 57°00' N, 15°00' O

– 57°00' N, 14°00' O

– 56°30' N, 14°00' O

- 56030' N, 15000' O
- 56030' N, 15000' O
- 57000' N, 15000' O.».

Or. fr

Justification

This technical measure added by the Commission is not directly connected with the landing obligation. Since this Regulation seeks to ensure strict implementation of the landing obligation, there is no need for it to include this technical measure. It will fit into the review of technical measures currently being prepared by the Commission.

Amendment 21

Proposal for a regulation

Article 1 – point 19

Regulation (EC) No 850/98

Article 29 d

Text proposed by the Commission

19) Article 29d is amended as follows:

a) In paragraph 3, the following subparagraph is added:

"Where the fish or shellfish referred to in point (b) of the first subparagraph is subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx], the condition laid down in that point (b) shall be replaced by the condition that such fish or shellfish is not targeted. Unintended catches of such fish or shellfish shall be landed and counted against quotas."

b) In paragraph 4, the following subparagraph is added:

"Where the fish referred to in point (b) of the first subparagraph is subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx], the condition laid down in that point (b) shall be replaced by the condition that such fish is not targeted. Unintended catches of such fish shall be landed and counted against

Amendment

19) Article 29d is amended as follows:

a) In paragraph 3, the following subparagraph is added:

"Unintended catches of species subject as from 1 January 2015 to the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 shall be landed and counted against quotas. However, targeted fishing for species not listed in point b) shall be prohibited";

b) In paragraph 4, the following subparagraph is added:

"Unintended catches of species subject as from 1 January 2015 to the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 shall be landed and counted against quotas. However, targeted fishing for species not listed in point b) shall be prohibited";

quotas."

Or. fr

Justification

The legislator would like a stepwise introduction of the landing obligation; the timetable set out in Article 15 of Regulation EU No 1380/2013 should be followed and reference only made to the species subject to that obligation as from 2015. The proposed change does not alter the tenor of the provisions on the restrictions applicable to cod, haddock and whiting fisheries in ICES area VI.

Amendment 22

Proposal for a regulation

Article 1 – point 20

Regulation (EC) No 850/98

Article 29 e – paragraph 2

Text proposed by the Commission

20) Article 29e(2), the following subparagraph is added:

"Where the fish referred to in point (b) of the first subparagraph is subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx], the condition laid down in that point (b) shall be replaced by the condition that such fish is not targeted. Unintended catches of such fish shall be landed and counted against quotas."

Amendment

20) Article 29e(2), the following subparagraph is added:

"Unintended catches of species subject as from 1 January 2015 to the landing obligation set out in Article 15 of Regulation (EU) 1380/2013 shall be landed and counted against quotas. However, targeted fishing for species not listed in point b) shall be prohibited";

Or. fr

Justification

The legislator would like a stepwise introduction of the landing obligation; the timetable set out in Article 15 of Regulation (EU) No 1380/2013 should be followed and reference only made to the species subject to that obligation as from 2015. The proposed change does not alter the tenor of the provisions on the restrictions applicable to cod, haddock and whiting fisheries in ICES area VII.

Amendment 23

Proposal for a regulation

Article 1 – point 21

Regulation (EC) No 850/98

Article 29 f – paragraph 1 a

Text proposed by the Commission

Amendment

21) In Article 29f, the following paragraph 1a shall be inserted:

deleted

"1a. Where blue ling is subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx], the prohibition to retain on board established in paragraph 1 of this Article shall not apply. However, in the period and within the areas referred to in that paragraph, it shall be prohibited to fish for that species. Unintended catches of blue ling shall be landed and counted against quotas."

Or. fr

Justification

Since the legislator would like to see a stepwise introduction of the landing obligation, the timetable set out in Article 15 of Regulation (EU) No 1380/2013 should be followed. The landing obligation is only applicable to blue ling after 2015.

Amendment 24

Proposal for a regulation

Article 2 – point 1

Regulation (EC) No 2187/2005

Article 2 – point p

Text proposed by the Commission

Amendment

1) In Article 2, the following point (p) is added:

“p) Unintended catches means incidental catches of marine organisms ***the fishing for which is prohibited in the relevant circumstances.***”

1) In Article 2, the following point (p) is added:

“p) Unintended catches means incidental catches of marine organisms ***which, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council^{1a}, must be***

landed and counted against quotas either because they are smaller than the minimum conservation reference size or because they are caught in excess of the catch composition rules or of the available quotas.

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).”

Or. fr

Justification

The definition given by the Commission is very broad, and should be clarified. The term ‘unintended catches’ must be defined precisely, in order to avoid any legal uncertainty for the fisheries sector and the national authorities.

Amendment 25

Proposal for a regulation

Article 2 – point 4

Regulation (EC) No 2187/2005

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Before they start fishing in any management area on a specific fishing trip, masters of all fishing vessels shall ensure they have quotas for stocks subject to catch limits that are sufficient to cover their likely catch composition and the percentages contained in Annexes II and III.

deleted

Or. fr

Justification

Skippers cannot guarantee they have sufficient quotas to cover their likely catch composition during fishing trips. The very nature of fishing operations mean it is impossible to forecast the volumes of fish that will be taken during a specific fishing trip.

Amendment 26

Proposal for a regulation

Article 3 – point 1

Regulation (EC) No 1967/2006

Article 2 – point 18

Text proposed by the Commission

1) In Article 2, the following point (18) is added:

“18) 'Unintended catches' means incidental catches of marine organisms ***the fishing for which is prohibited in the relevant circumstances.***”

Amendment

1) In Article 2, the following point (18) is added:

“18) 'Unintended catches' means incidental catches of marine organisms ***which, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council^{1a}, must be landed and counted against quotas either because they are smaller than the minimum conservation reference size or because they are caught in excess of the catch composition rules or of the available quotas.***”

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).”

Or. fr

Justification

The definition given by the Commission is very broad, and should be clarified. The term 'unintended catches' must be defined precisely, in order to avoid any legal uncertainty for the fisheries sector and the national authorities.

Amendment 27

Proposal for a regulation

Article 3 – point 2 – subpoint a

Regulation (EC) No 1967/2006

Article 15 – paragraph 1 – second subparagraph

Text proposed by the Commission

Amendment

Unintended catches of undersized marine organisms which are subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx] shall be retained on board, and landed. They shall not be sold, displayed or offered for sale for human consumption.

Unintended catches of undersized marine organisms which are subject **as from 1 January 2015** to the landing obligation set out in Article 15 of Regulation (EU) **No 1380/2013, which is to say sardines, anchovies, mackerel and horse mackerel caught using pelagic gear**, shall be retained on board, and landed. They shall not be sold, displayed or offered for sale for human consumption.

Or. fr

Justification

A clear definition should be provided of which species are subject to the landing obligation in the Mediterranean as from 1 January 2015.

Amendment 28

Proposal for a regulation

Article 3 – point 2 – subpoint b

Regulation (EC) No 1967/2006

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

b) Paragraph 3 is deleted.

deleted

Or. fr

Justification

Point b) relates to a derogation in respect of minimum sizes for marine organisms in the case of fries of sardine landed for human consumption. The derogation only applies in certain well-defined cases, including when the fries are caught using boat seines or shore seines and when this complies with the national provisions in force. The derogation should be maintained.

Amendment 29

Proposal for a regulation

Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Amendments to Regulation (EC) No 254/2002

Regulation (EC) No 254/2002 is hereby amended as follows:

1) In Article 3(1), the following subparagraph is added:

"By way of derogation from the first subparagraph, landings shall not be prohibited if the conditions established in that subparagraph cannot be complied with because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx]. Those unintended catches shall be landed and counted against quotas. "

2) In Article 4, the following subparagraph is added:

"By way of derogation from the first subparagraph, landings shall not be prohibited if the conditions established in that subparagraph cannot be complied with because of unintended catches of marine organisms subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx]. Those unintended catches shall be landed and counted against quotas."

Justification

The article in question has been deleted in order to fit with the stepwise introduction of the landing obligation as set out in Article 15 of Regulation (EU) No 1380/2013. Indeed, the landing obligation will only apply to cod caught in the Irish Sea from 2016 or 2019.

Amendment 30**Proposal for a regulation****Article 6**

Text proposed by the Commission

Amendment

Article 6

deleted

Amendments to Regulation (EC) No 2347/2002

Regulation (EC) No 2347/2002 is hereby amended as follows:

1) In Article 2, the following point (f) is added:

“f) 'Unintended catches' means incidental catches of marine organisms the fishing for which is prohibited in the relevant circumstances.”

2) In Article 3(1), the second subparagraph is replaced by the following:

"Fishing vessels not holding a deep-sea permit shall be prohibited from fishing for deep-sea species in excess of 100 kg in each sea trip. Deep-sea species caught in excess of 100 kg by such vessels shall not be retained on board, transhipped or landed.

By way of derogation from the second subparagraph, the retention on board, transhipment and landing shall not be prohibited if the 100 kg limit established in that subparagraph is exceeded because of unintended catches of deep-sea species subject to the landing obligation set out in Article 15 of Regulation (EU) [xxxx].

Those unintended catches shall be landed and counted against quotas. "

Or. fr

Justification

The article in question has been deleted in order to fit with the stepwise introduction of the landing obligation as set out in Article 15 of Regulation (EU) No 1380/2013. Indeed, the landing obligation will only apply to deep-sea stocks as from 2016.

Amendment 31

Proposal for a regulation

Article 7 – point 1

Regulation (EC) No 1224/2009

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1) Article 7(1) is amended as follows: *deleted*

a) Point (e) is replaced by the following:

“e) a landing obligation in part of the fisheries or in all fisheries as referred to in Article 15 of Regulation (EU) [xxxx].”

b) The following point (f) is inserted:

“f) other cases laid down in Union legislation.”

Or. fr

Justification

The Commission is requiring that vessels whose fishing operations are subject in whole or in part to the landing obligation obtain specific authorisation to fish in zones where the landing obligation applies. Such authorisation would be additional to all the other authorisations already required and would increase administrative burdens for fishermen and the Member States.

Amendment 32

Proposal for a regulation

Article 7 – point 2 – subpoints a, b and c

Regulation (EC) No 1224/2009

Article 14 – paragraphs 1, 2 and 3

Text proposed by the Commission

2) Article 14 is amended as follows:

a) Paragraph 1 is replaced by the following:

“1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 10 metres' length overall or more shall keep a fishing logbook of their operations, indicating specifically all quantities of each species caught and kept on board.”

b) In paragraph 2, the point (f) is replaced by the following:

“f) the estimated quantities of each species in kilograms live weight, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below a the applicable minimum conservation reference size;”

c) Paragraph 3 is replaced by the following:

The permitted margin of tolerance in estimates recorded in the fishing logbook of the quantities in kilograms of fish retained on board shall be 10 % for all species. Where for one or more species, the respective total catch is below 50 kilograms, the permitted margin of tolerance shall be 20%.”;

Amendment

2) Article 14 is amended as follows:

a) Paragraph 1 is replaced by the following:

“1. Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 10 metres' length overall or more shall keep a fishing logbook of their operations, indicating specifically all quantities of each species caught and kept on board ***above 50kg of live-weight equivalent. The 50kg threshold applies as soon as catches of a species exceed 50kg.***”;

b) In paragraph 2, the point (f) is replaced by the following:

“f) the estimated quantities of each species in kilograms live weight, or, where appropriate, the number of individuals, including, as a separate entry, the quantities or individuals below a the applicable minimum conservation reference size;”;

Or. fr

Justification

The Commission is proposing that the margins of tolerance be revised upwards and that all catches be recorded in logbooks, which would entail additional administrative costs for fishermen. Catches should be recorded in logbooks as from 50kg live-weight equivalent, as established in Article 14 of Regulation (EU) No 1224/2009.

Amendment 33

Proposal for a regulation

Article 7 – point 2 – subpoint d

Regulation (EC) No 1224/2009

Article 14 - paragraph 4

Text proposed by the Commission

Amendment

d) Paragraph 4 is replaced by the following: **deleted**

“4. Masters of Union fishing vessels shall also record in their fishing logbook all estimated discards in volume for any species.”

Or. fr

Justification

The Commission is proposing that the entire catch retained on board, including any actual discards, now be recorded in the logbook, regardless of catch volumes. This change cannot be justified under the scope of this regulation, since it is not strictly connected with implementation of the landing obligation.

Amendment 34

Proposal for a regulation

Article 7 – point 4 – subpoint c

Regulation (EC) No 1224/2009

Article 21 – paragraph 3

Text proposed by the Commission

Amendment

c) Paragraph 3 is replaced by the following: **deleted**

“The permitted margin of tolerance in estimates recorded in the transshipment

declaration of the quantities in kilograms of fish transhipped on board shall be 10 % for all species. Where for one or more species, the respective total catch is below 50 kilograms, the permitted margin of tolerance shall be 20%."

Or. fr

Justification

Catches should be recorded in logbooks as from 50kg live-weight equivalent, as established in Article 14 of Regulation (EU) No 1224/2009, and it is not necessary to alter this in the current regulation.

Amendment 35

Proposal for a regulation

Article 7 – point 6

Regulation (EC) No 1224/2009

Article 25 a

Text proposed by the Commission

6) The following Article 25a is inserted after Article 25:

"Article 25a

Remote electronic monitoring

1. Fishing vessels that, in accordance with Union legislation or a decision of a Member State, are subject to the utilisation of remote electronic monitoring for the purpose of monitoring of the landing obligation as established in Article 15 of Regulation (EU) [xxxx], shall have installed the devices of a remote electronic monitoring system. That system shall ensure the recording at all times of data of fishing activities and activities related to them by cameras, including the processing of the catch.

2. The fishing vessels referred to in paragraph 1 shall also be equipped with:

Amendment

6) The following Article 25a is inserted after Article 25:

"Article 25a

Monitoring, verification and recording of data of fishing activities

1. Member States must ensure that they have at their disposal, in line with the timetable for implementation of the landing obligation as established in Article 15 of Regulation (EU) No 1380/2013, the requisite technical capacities and human resources to ensure the permanent recording of data of fishing activities and related activities, including the processing of catches.

2. The recording of data referred to in paragraph 1 shall be performed, in line with EU law or specific decisions adopted

by Member States, using transparent data on catches and logbooks and:

a) removable data storage devices approved by the competent authorities where all images of the fishing activities shall be saved at all times; and

b) sensors attached to the systems operating the fishing gear and to the winch or the net drum, recording all movements related to the setting and hauling of the fishing gear.

a) an ‘on-board observer’ system; or

b) an ‘inspection at sea’ system, by means of aircraft or patrol vessels; or

c) a remote electronic monitoring system; or

d) any other equivalent monitoring system.

3. The remote electronic monitoring systems installed on board fishing vessels shall operate fully automatically, shall not permit the input or output of false positions and shall not be capable of being manually over-ridden.

4. Member States shall ensure that they have the technical capacity to analyse and make effective use of the information provided by the remote electronic monitoring system.

5. The Commission shall be empowered to adopt delegated acts in accordance with the Article 119a concerning:

a) the data to be recorded and processed by the remote electronic monitoring systems;

b) the responsibilities of masters concerning the remote electronic monitoring systems;

b) the responsibilities of masters concerning the remote electronic monitoring systems;

c) the measures to be taken in case of a technical failure or non-functioning of

3. The Commission shall be empowered to adopt delegated acts, in accordance with the Article 119a, in respect of the common requirements and criteria for the remote electronic monitoring systems referred to in paragraph 2(c).

the remote electronic monitoring systems;

d) reporting obligations of Member States on the use of remote electronic monitoring systems.

6. The Commission shall, by means of implementing acts, lay down detailed rules on:

a) the requirements of remote electronic monitoring systems;

b) the specifications of remote electronic monitoring systems;

c) the control measures to be adopted by the flag Member State;

d) the access of the Commission to data of the remote electronic monitoring systems.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 119(2)."

Or. fr

Justification

This Regulation is not designed to impose a single monitoring system. It is important that monitoring remain a Member State competence.

Amendment 36

Proposal for a regulation

Article 7 – point 8

Regulation (EC) No 1224/2009

Article 49 a – paragraph 1

Text proposed by the Commission

1. All catches below the applicable minimum conservation reference size retained on board a Union fishing vessel shall be placed in boxes, compartments or containers *separately for each stock* in such a way that they are identifiable from other boxes, compartments or containers.

Amendment

1. All catches below the applicable minimum conservation reference size retained on board a Union fishing vessel shall be placed in boxes, compartments or containers in such a way that they are identifiable from other boxes, compartments or containers.

Justification

The requirement to separate out everything in a catch below the minimum conservation reference size on a species-by-species is disproportionate and inapplicable. It would lead to a lack of storage space on vessels and create on-board technical constraints.

Amendment 37

Proposal for a regulation

Article 7 – point 19

Regulation (EC) No 1224/2009

Article 119 a – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of powers referred to in Article 25a(5) shall be conferred for **an indeterminate** period of **time**.

2. The delegation of powers referred to in Article 25a(5) shall be conferred for **a** period of **three years**.

Justification

This amendment seeks to strike the necessary balance as regards the Commission's powers to adopt delegated acts.

Amendment 38

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, Article 7(15) and (16) of this regulation shall enter into force two years after the landing obligation takes effect in each fishery, in line with the stepwise timetable for the entry into force of the landing obligation established in Article 15 of Regulation (EU) No 1380/2013, or in other words:

- as from 1 January 2017 for the fisheries referred to in Article 15(1)(a) of Regulation (EU) No 1380/2013;

- as from 1 January 2019 for the fisheries and species referred to in Article 15(1)(b) and (c) of Regulation (EU) No 1380/2013;

- as from 1 January 2021 for the fisheries and species referred to in Article 15(1)(d) of Regulation (EU) No 1380/2013.

Or. fr

Justification

The landing obligation constitutes a major change for fisheries. In order to ensure its successful implementation, fisheries operators should be allowed sufficient flexibility to ensure that this can be done on a gradual basis.

Amendment 39

Proposal for a regulation

Annex I

Regulation (EC) No 850/98

Annex XII

Text proposed by the Commission

1) Annex XII is replaced by the following:

[...]

Amendment

1) In Annex XII to Regulation (EU) No 850/98, the term "Minimum size/s" shall be replaced by the term "Minimum conservation reference size/s".

Or. fr

Justification

Aims to avoid any potential legal inconsistencies between Article 15 of Regulation (EU) No 2013/1380 and the technical measures regulation, as opposed to extensively reforming the latter.

Amendment 40

Proposal for a regulation

Annex II

Regulation (EC) No 2187/2005

Annex IV

Text proposed by the Commission

Amendment

1) Annex IV *is replaced by the following:*

1) *In Annex IV to Regulation (EU) No 2187/2005, the term "Minimum size/s" shall be replaced by the term "Minimum conservation reference size/s".*

[...]

Or. fr

Justification

The aim is to avoid any potential legal inconsistencies between Article 15 of Regulation (EU) No 2013/1380 and the Baltic Sea technical measures regulation, as opposed to extensively reforming the latter.

Amendment 41

Proposal for a regulation

Annex III

Regulation (EC) No 1967/2006

Annex III

Text proposed by the Commission

Amendment

1) Annex III to Regulation (EC) No 1967/2006 *is replaced by the following:*

1) *In Annex III to Regulation (EC) No 1967/2006, the term "Minimum size/s" shall be replaced by the term "Minimum conservation reference size/s".*

[...]

Or. fr

Justification

The aim is to avoid any potential legal inconsistencies between Article 15 of Regulation (EU) No 2013/1380 and the Mediterranean Sea technical measures regulation, as opposed to

extensively reforming the latter.

EXPLANATORY STATEMENT

The reform of the common fisheries policy adopted by the legislator during the previous parliamentary term saw fundamental changes being made to the rules applicable to fisheries. More specifically, Article 15 of the basic common fisheries policy regulation imposes a landing obligation for all catches. That obligation will enter into effect in a stepwise manner over the period 2015 to 2019.

As a result, fishermen will have to land any catch that is unintended and non-marketable either because they do not have the quota for this or because it is under the minimum conservation reference size.

Since this landing obligation conflicts with several EU regulations currently in force, the Commission has brought forward an ‘Omnibus’ regulation which seeks to amend seven regulations in parallel so as to bring them into line with Article 15 of the basic common fisheries policy regulation. Under the current rules, fishermen have to discard any non-marketable catch. This situation is at odds with the landing obligation and must therefore be remedied.

The omnibus regulation will amend the following regulations:

- Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms;
- Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound;
- Council Regulation (EC) No 1967/2006 on concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea;
- Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks;
- Council Regulation (EC) No 254/2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa).
- Council Regulation (EC) No 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks; and
- Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

Your rapporteur considers that the changes made by the omnibus regulation should be strictly limited to implementation of the landing obligation, and only to the fisheries concerned as from 1 January 2015, which is to say:

- small pelagic fisheries (i.e. fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat);
- large pelagic fisheries (i.e. fisheries for bluefin tuna, swordfish, albacore tuna, bigeye tuna, blue and white marlin);
- fisheries for industrial purposes (i.e. fisheries for capelin, sandeel and Norway pout);
- fisheries for Baltic Sea salmon;

- the species which define fisheries activities in the Baltic Sea other than those already listed above.

Your rapporteur feels that legal alignment for the fisheries subject to the landing obligation after 2015 should be performed subsequently, and in conjunction with the new technical measures framework that the Commission will bring forward in the coming months. The omnibus regulation should, as a result, only be concerned with the urgent issue of the implementation of the landing obligation for the fisheries concerned in 2015. Your rapporteur therefore proposes that the provisions relating to the other fisheries be deleted. He stresses that 2015 will be a test year for assessing the effects of implementing the landing obligation.

Your rapporteur also notes that some of the changes proposed by the Commission go beyond a straightforward alignment with the landing obligation. He therefore proposes that the following changes be deleted as they relate to technical or monitoring measures and not to compatibility with the landing obligation:

- Regulation 850/98, Article 15 and Regulation 2187/2005, Article 12: deletion of the provisions requiring that the captains of fishing vessels have sufficient quotas, which are very hazy and impossible to implement.
- Regulation No 1224/2009, Article 14: The change concerning logbook records is not connected with the landing obligation. The existing provisions should be maintained.
- Regulation No 1224/2009, Article 25a: Your rapporteur proposes that this article on remote electronic monitoring be simplified, and points out that the Member States are responsible for monitoring and therefore free to decide on monitoring arrangements. The omnibus regulation is not designed to implement widespread remote monitoring.
- Regulation No 1224/2009, Article 49a: Your rapporteur proposes that the requirement to store catch of less than the minimum conservation reference size in separate containers for each stock be deleted. Quite apart from the complexities it creates for fishermen, this provision is not essential for the effective implementation of the landing obligation.

The Commission also proposes that failure to comply with the landing obligation be included on the list of serious infringements under Regulation 1224/2009 and, therefore, that penalty points be applied for that infringement. Your rapporteur is not averse to that approach, but proposes that it be implemented gradually between now and 2019 so as to allow fishing operators time to adapt to it.

Lastly, your rapporteur considers that the Commission proposal does not allow certain undesirable effects of the landing obligation to be prevented. The possible emergence of a parallel market in juvenile organisms that cannot be monitored is a particular cause for concern. He therefore proposes that producer organisations assume greater responsibility for this area as part of the drawing-up of production and marketing plans.