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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 – Outcome of the European Parliament's proceedings (Strasbourg, 15 to 18 January 2018)

I. INTRODUCTION

The Rapporteur, Mr Gabriel MATO (EPP, ES) presented a report consisting of 267 amendments (amendments 1-267) to the proposal for a Regulation. In addition, 22 amendments were tabled by the rapporteur on behalf of EPP group (amendments 320-341).

Furthermore, the political groups tabled the following amendments: S&D twenty amendments (amendments 272-291), EUL/NGL fifteen amendments (amendments 343-357), ENF twelve amendments (amendments 307-314, 316-319), Greens/EFA six amendments (amendments 293-298), ALDE six amendments (amendments 299- 302), EFDD three amendments (amendments 270, 271, 358). Five amendments were tabled by more than 38 MEPs (amendments 292, 303-306).

II. DEBATE

The debate, which took place on 16 January 2018, was dominated by the issue of electric pulse fishing. Views were divided on the impact of this fishing technique. Some MEPs, namely shadow rapporteur Peter VAN DALEN (ECR, NL), Annie SCHREIJER-PIERIK (EPP, NL) and Jan HUITEMA (ALDE, NL) supported the extension of the technique, which they defined as innovative, while others like Alain CADEC (EPP, FR), Younous OMARJEE (GUE/NGL, FR), Yannick JADOT (greens/EFA, FR), Sylvie GODDYN (ENF, FR), John Stuart AGNEW (EFDD, UK) and Anja HAZEKAMP (GUE/NGL, NL), called for a ban of this method, which they considered destructive for the marine environment and damaging for small-scale fisheries.

Mr Karmenu Vella, Commissioner for Environment, Maritime Affairs and Fisheries, defended the Commission proposal saying it was based on two reliable scientific opinions and expressed his concern on two aspects of the report: the deletion of clear European targets and the exemptions to the landing obligation. He asked MEPs to reject some amendments that were unacceptable to the Commission, namely amendments 25,60,68,171,130,131,136.

III. VOTE

When it voted on 16 January 2018, the Parliament adopted amendments 1-16, 17 (1st part), 18 (1st part), 20-108, 111-135, 137-156, 158-206, 208-216, 218-221, 223-235, 242-243, 247, 251, 254-257, 259-267, 268, 272-291, 294, 296, 300, 303-306, 314, 315, 324, 346, 349, 355, 356.

The vote showed that the Plenary was clearly divided on many of the issues, amendments 252 and 258 were rejected because there was a tie.

GUE/ NGL amendment 349 on electric pulse fishing foreseeing the prohibition "to catch or harvest marine species using electric current" was adopted (402 votes in favour, 232 against, 40 abstentions).

Among the amendments Commissioner Vella asked MEPs to reject, only amendment 136 on the exemption to landing obligation conditional to the participation in a system of full documentation of catches and discards, was rejected by the Plenary (296 in favour, 334 against, 45 abstentions).

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

The amendments adopted are set out in the Annex.

Conservation of fishery resources and protection of marine ecosystems through technical measures ***I

Amendments adopted by the European Parliament on 16 January 2018 on the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (COM(2016)0134 – C8-0117/2016 – 2016/0074(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulations** (EU) No 1343/2011 and **(EU)** No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

Amendment

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulation** (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **and Commission Regulation (EC) No 494/2002**

¹ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0381/2017).

Amendment 2

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Simplification of the existing rules is necessary for a better understanding and compliance by operators, national authorities and stakeholders. The consultation process of the Advisory Councils should be respected in accordance with Regulation (EU) No 1380/2013, and attention should be paid to ensure that all objectives on conservation and sustainability are fully respected.

Amendment 3

Proposal for a regulation Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) Simplification of the current rules on technical measures should not result in a weakening of the standards of conservation and sustainability.

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of

(3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of

technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP.

technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP. ***That process should make it possible to combine effectively the common rules and local situations and situations per zone. However, the process should not result in a kind of renationalisation of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach in accordance with Recital 14 of Regulation (EU) No 1380/2013.***

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems.

Amendment

(4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems ***and also take into account socio-economic dynamics.***

Amendment 6

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) ***Technical measures where relevant should apply to*** recreational fisheries ***which*** can have a significant impact on the stocks of fish and ***shellfish*** species.

Amendment

(6) Recreational fisheries can have a significant impact on the ***marine environment***, stocks of fish and ***other*** species, ***and should therefore be subject to technical measures.***

Amendment 7

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Fish caught by recreational anglers (hook and line fishing) are released with a high survival rate, until proven otherwise by scientific evidence.

Amendment 8

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The landing obligation applies, pursuant to Regulation (EU) No 1380/2013, to all catches of species which are subject to catch limits. However, where specimens of those species are caught and immediately released in recreational fisheries and scientific evidence demonstrates high survival rates for those species, as may be the case for fish caught by recreational fishermen using angling equipment, it should be possible to exclude the fisheries concerned from the landing obligation by applying procedures set out in that Regulation, in particular by adopting measures to that effect under multiannual plans and/or discard plans.

Amendment 9

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) Technical measures should

(7) Technical measures should

contribute to achieving the CFP objectives *to fish at maximum sustainable yield levels, reduce unwanted catches and eliminate discards and to contribute to the achievement of good environmental status (GES) as set out in Directive 2008/56/EC of the European Parliament and of the Council*¹⁸.

contribute to achieving the CFP objectives.

¹⁸ *Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19).*

Amendment 10

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Technical measures should be proportionate to the objectives pursued. Their potential economic and social impact should be considered before they are adopted.

Amendment 11

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) The enforcement and implementation of technical measures, operational programmes and, where relevant, the issuing of licences, restrictions on the construction and operation of vessels and certain gear, should not be prejudicial to achieving

better health and safety standards for vessels conducting fishing operations and fishing activities.

Amendment 12

Proposal for a regulation Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) Technical measures adopted under this Regulation should be coherent with the Strategic Plan for Biodiversity 2011 – 2020, adopted under the UN Convention on Biological Diversity, and support the implementation of the EU 2020 Biodiversity Strategy, in particular the target to ensure the sustainable use of fisheries resources and the actions relating thereto.

Amendment 13

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) Technical measures should specifically **provide** protection **for** juveniles and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. Technical measures should also **minimise** and **eliminate** where possible, the impacts of fishing gears on the marine ecosystem and in particular on sensitive species and habitats. **They** should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC¹⁹, Directive 2009/147/EC of the European Parliament and of the Council²⁰ and

(8) Technical measures should specifically **contribute to the** protection **of** juveniles and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. Technical measures should also **contribute to minimising** and, where possible, **eliminating the negative** impacts of fishing gears on the marine ecosystem and in particular on sensitive species and habitats. **Incentives should be granted to encourage the use of gear and practices that have a low impact on the environment. Technical measures** should also contribute to having in place management measures for the

Directive 2008/56/EC.

purposes of complying with obligations under Council Directive 92/43/EEC¹⁹, Directive 2009/147/EC of the European Parliament and of the Council²⁰ and Directive 2008/56/EC.

¹⁹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²⁰ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.).

¹⁹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²⁰ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.).

Amendment 14

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The incidental catching of sensitive species should be addressed in a comprehensive manner across all fisheries and gear types in view of the strict level of protection they are afforded under Directives 92/43/EEC, 2009/147/EC and 2008/56/EC, their high level of vulnerability and the obligation to achieve a good environmental status by 2020.

Amendment 15

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) To evaluate the effectiveness of technical measures, ***targets*** relating to the ***levels of unwanted catches; to the level of***

(9) To evaluate the effectiveness of technical measures, ***performance indicators*** relating to the ***reduction of***

*bycatches of sensitive species and to the extent of seabed habitats adversely affected by fishing; should be established that reflect the objectives of the CFP, Union environmental legislation (in particular **Council** Directive 92/43 and Directive 2000/60/EC of the European Parliament and of the Council²¹), and international best practice.*

²¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

catches of fish below the minimum conservation reference size and incidental catches of sensitive species as well as to the reduction of negative environmental impacts on marine habitats as a result of fishing should be established that reflect the objectives of the CFP and Union environmental legislation (in particular Directive 92/43/EEC, Directive 2009/147/EC and Directive 2000/60/EC of the European Parliament and of the Council²¹).

²¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

Amendment 16

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Member States should make the broadest possible use of the available measures in Regulation (EU) No 508/2014 of the European Parliament and of the Council^{1a} to support fishermen in implementing technical measures and ensure that the socio-economic objectives of the CFP are taken into account.

^{1a} Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

Amendment 17

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited ***except in the specific case of the electric pulse trawl which may be used under certain strict conditions.***

Amendment

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited. ***In this regard it is necessary to ensure that there is appropriate knowledge about the impacts of innovative fishing gear including cumulative effects, before use of the gear is widely adopted. Additionally, a system for monitoring, control and evaluation should be in place, serving for enforcement and research as well as evaluation purposes. Finally, current licences should be made subject to scientific reassessment, before being given a permanently “non-prohibited” status.***

Amendment 18

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) There is a need for detailed and quantified knowledge concerning the impacts of innovative fishing gear including their cumulative effects on the marine environment and species, before their use is widely adopted on a commercial scale. An effective programme of monitoring and evaluation should be established.

Amendment 20

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) For certain *rare* fish species, *such as species of sharks and rays*, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment

(15) For certain fish species *that are rare or whose biological characteristics make them especially vulnerable to overexploitation*, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment 21

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In order to assist the catching sector *implement* the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.

Amendment

(21) In order to assist the catching sector *with the implementation of, and ensure a level playing field by having full compliance with*, the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.

Amendment 22

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) In cases where scientific advice indicates that there are significant

Amendment

(23) In cases where scientific advice indicates that there are significant

unwanted catches of species ***which are not subject to catch limits and therefore not subject to the application of the landing obligation***, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

unwanted catches of species, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

Amendment 23

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Where no technical measures are in place at regional level ***then*** defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to ***mitigate against bycatches*** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment

(24) Where no technical measures are in place at regional level, defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to ***minimise, and, where possible, eliminate incidental catches*** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment 24

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Member States in ***conjunction with stakeholders can*** develop joint recommendations for appropriate technical measures that deviate from the baselines in accordance with the regionalisation process set out in the CFP.

Amendment

(25) Member States, in ***close cooperation with the relevant Advisory Councils, should be able to*** develop joint recommendations for appropriate technical measures, ***based on the best available scientific advice***, that deviate from the baselines ***to adapt the technical measures to regional specificities of fisheries*** in accordance with the regionalisation process set out in the CFP, ***even if there is no multiannual plan.***

Amendment 25

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) Such regional technical measures should as a minimum ***be equivalent in terms of*** exploitation patterns and protection ***for sensitive species and habitats*** as the baseline standards.

Amendment

(26) ***Regionalisation should be used to create tailor-made measures that consider the specificities of each fisheries area including safeguarding their sensitive species and habitats.*** Such regional technical measures should ***be sustainable and*** as a minimum ***ensure the same*** exploitation patterns and ***level of*** protection as the baseline standards. ***The adoption of any regional technical measure should be based on the best available scientific advice.***

Amendment 26

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Decisions taken by regional groups of Member States under regionalisation should meet the same standards of democratic oversight as those in the Member States concerned.

Amendment 27

Proposal for a regulation Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) Regionalisation should be used as a tool to encourage the participation of all relevant stakeholders, including non-governmental organisations, and empower fishermen and their engagement so that they can work in close cooperation with Member States, Advisory Councils and scientists, to create tailor-made measures that consider the specificities of each fishing area and safeguard their environmental conditions.

Amendment 28

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Where there is a direct management interest concerning a single Member State, proposals for individual technical measures may be submitted, to modify existing conservation measures, subject to consultation of the relevant Advisory Councils.

Amendment 29

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes ***in multiannual plans*** regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

Amendment

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes, regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

Amendment 30

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In developing joint recommendations to amend or establish new closed or restricted areas ***in multiannual plans*** to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Amendment

(29) In developing joint recommendations to amend or establish new closed or restricted areas to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Amendment 31

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes ***in multiannual plans***, regional groups of Member States should ***ensure*** the objectives of the CFP ***are not jeopardised*** by ensuring that the protection of juveniles of marine species ***should be*** respected

Amendment

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes, regional groups of Member States should ***contribute to achieving*** the objectives of the CFP by ensuring that the protection of juveniles of marine species ***is fully*** respected while ensuring that no distortion is introduced

while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment 32

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Amendment

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations **or sensitive species** should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas, **including exemptions where appropriate**, as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Amendment 33

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, the use **of such** or extension **to the** use of **novel** gears, **such as the electric pulse trawl** could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative impacts on sensitive habitats **and** non-target species.

Amendment

(32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, **including the potential negative impact of certain gears**, the use or **the** extension **of** use of **innovative** gears could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative **direct or cumulative** impacts on **marine habitats, especially** sensitive habitats **or** non-target species, **or compromise the**

achievement of a good environmental status of marine waters.

Amendment 268

Proposal for a regulation Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Regional groups should develop additional mitigation measures based on gear type, using scientific advice and best practice to minimise and, where possible, eliminate bycatches of seabirds and marine mammals, aligned with Council Directive 92/43/EEC and Council Directive 79/409/EEC^{1a} and the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas of 17 March 1992, as amended (ASCOBANS).

^{1a} ***Council Directive of 2 April 1979 on the conservation of wild birds (79/409/EEC) (OJ L 103, 25.4.1979, p. 1).***

Amendment 34

Proposal for a regulation Recital 33

Text proposed by the Commission

Amendment

(33) In order to minimise ***the bycatches*** of sensitive species and impacts of fishing gears on sensitive habitats, regional groups

(33) In order to minimise ***and, where possible, eliminate the incidental catches*** of sensitive species and impacts of fishing

of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region ***to safeguard the marine environment, local fish stocks and the local coastal communities concerned.*** In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment 35

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

(35) In order to maintain existing detailed recommendations agreed by the North East Atlantic Fisheries Commission (NEAFC) the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of lists of vulnerable marine ecosystems and also specific technical measures related to defined measures to protect blue ling and redfish. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by NEAFC which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the

deleted

terms of this Convention. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Amendment 36

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) In order not to hinder scientific research, **artificial** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment

(36) In order not to hinder scientific research, **direct** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment 37

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Where available scientific advice indicates that immediate action is required to protect marine species, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish stocks which may threaten the status of a stock. **They** could include restrictions

Amendment

(37) Where **the best** available scientific advice indicates that immediate action is required to protect marine species **and habitats**, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, **or incidental catches of sensitive species**, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish

on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

stocks *or sensitive species*, which may threaten the status of a stock, *as well as to address deterioration of species populations and habitats due to fishing impacts and to provide for any other necessary conservation measures. Such measures* could include restrictions on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

Amendment 38

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of multiannual plans; and to adopt technical measures as part of temporary discard plans. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission *to define, for the purpose of establishing performance indicators for technical measures in relation to catches of fish below the minimum conservation reference size, key fisheries and the levels of such catches that apply to those key fisheries*, to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part *of multiannual plans or, where necessary, outside the framework* of multiannual plans; and to adopt technical measures as part of temporary discard plans. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level *and based on STECF assessment*. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 39

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) By **the end of 2020** and every third year thereafter the Commission should report to the European Parliament and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **targets** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives **and targets** can be met. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

Amendment

(40) By ... **[three years after the date of entry into force of this Regulation]** and every third year thereafter the Commission should report to the European Parliament and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **performance indicator levels** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives have not been met **or that the performance indicators remain at an unsatisfactory level**, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives can be met **and to improve the performance indicator levels**. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

Amendment 40

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Council Regulations (EC) No 1967/2006²⁹, (EC) No 1098/2007³⁰, (EC) No 1224/2009³¹ and **Regulations (EU) No**

Amendment

(42) Council Regulations (EC) No 1967/2006²⁹, (EC) No 1098/2007³⁰, (EC) No 1224/2009³¹ and **Regulation (EU) No**

1343/2011³² and (EU) No 1380/2013³³ of the European Parliament and of the Council should be amended accordingly.

²⁹ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409 30.12.2006 p.11).

³⁰ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

³¹ 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, 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 (OJ L 343, 22.12.2009, p. 1.).

³² Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

³³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council

1380/2013³³ of the European Parliament and of the Council should be amended accordingly.

²⁹ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409 30.12.2006 p.11).

³⁰ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

³¹ 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, 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 (OJ L 343, 22.12.2009, p. 1.).

³³ 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).

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).

Amendment 41

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) In order to supplement or amend existing detailed rules transposing recommendations agreed by the General Fisheries Commission for the Mediterranean (GFCM) the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of technical measures in Regulation (EU) No 1343/2011. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by GFCM which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the terms of the GFCM Agreement. Regulation (EU) No 1343/2011 should be amended accordingly. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

deleted

Amendment 42

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

Text proposed by the Commission

Amendment

(b) the operation of fishing gears ***and the interaction of fishing activities with marine ecosystems.***

(b) the operation of fishing gears.

Amendment 43

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) the interaction of those gears with marine ecosystems.

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

1. ***Without prejudice to Article 29***, this Regulation shall apply to ***all fishing activities (recreational and commercial)*** pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

Amendment 45

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

2. **Articles 7 and 14 and Part A of Annexes V to X** shall also apply to recreational fisheries.

Amendment

2. **This Regulation** shall also apply to recreational fisheries.

Amendment 46

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. **As tools to support the implementation of the Common Fisheries Policy (CFP)**, technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 **and in particular in paragraphs 2, 3 and 5(a) and (j) of that Article.**

Amendment

1. Technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013.

Amendment 47

Proposal for a regulation
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. **In addition**, technical measures shall in particular:

Amendment

2. Technical measures shall in particular **contribute to achieving the following objectives:**

Amendment 48

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

- (a) ***optimise*** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;

Amendment

- (a) ***ensuring sustainable*** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species; ***and providing appropriate safeguards;***

Amendment 49

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

- (b) ***ensure that bycatches of*** marine species listed under Directives 92/43/EEC and 2009/147/EC ***and other sensitive*** species that result from fishing are minimised and where possible eliminated ***such that they do not represent a threat to the conservation status of these species;***

Amendment

- (b) ***ensuring that incidental catches of sensitive*** marine species, ***in particular those*** listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;

Amendment 50

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

- (c) ***ensure*** that the environmental impacts of fishing on marine habitats are minimised and where possible eliminated ***such that they do not represent a threat to the conservation status of those habitats;***

Amendment

- (c) ***ensuring, including by using appropriate incentives,*** that the ***negative*** environmental impacts of fishing on marine habitats are minimised and where possible eliminated;

Amendment 51

Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) ***contribute to*** having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendment

(d) having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendments 294 and 300

Proposal for a regulation
Article 3 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensuring that the conditions described in Descriptors 1, 3, 4 and 6 of Commission Decision 2010/477/EU are fulfilled.

Amendment 52

Proposal for a regulation
Article 4 – title

Text proposed by the Commission

Amendment

Targets

Performance indicators

Amendment 53

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Technical measures ***shall aim to achieve*** the following ***targets***:

1. ***In order to assess whether*** technical measures ***contribute to achieving the objectives referred to in Article 3, the following performance indicators shall be***

used:

Amendment 54

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ***ensure that*** catches of marine species below minimum conservation reference sizes ***do not exceed 5% by volume in accordance with Article 2(2) and Article 15 of Regulation (EU) No 1380/2013.***

Amendment

(a) ***the extent to which*** catches of marine species below minimum conservation reference sizes ***are progressively reduced to specific levels for key fisheries;***

Amendment 55

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) ***ensure that bycatches*** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species ***do not exceed levels provided for in Union legislation and international agreements.***

Amendment

(b) ***the extent to which incidental catches*** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species ***are progressively reduced and, where possible, eliminated;***

Amendment 56

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) ***ensure that the*** environmental impacts of fishing activities on seabed habitats ***do not exceed*** the levels needed to achieve good environmental status for each habitat ***type*** assessed in the framework of Directive 2008/56/EC in each marine

Amendment

(c) ***the extent to which the negative*** environmental impacts of fishing activities on ***marine habitats, including sensitive*** seabed habitats, ***are minimised and maintained below*** the levels needed to achieve good environmental status, ***in***

region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

particular for each *of the* habitat *types* assessed in the framework of Directive 2008/56/EC, in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

Amendment 57

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 supplementing this Regulation by defining, for the purpose of point (a) of paragraph 1 of this Article:

(a) the key fisheries referred to in that point;

(b) the levels of current catches of marine species below minimum conservation reference sizes for each of those key fisheries, based on data supplied by Member States for the reference years 2013-2015;

(c) the specific levels to which catches of marine species below minimum conservation reference sizes for each of those key fisheries are to be reduced in order to achieve the objective of ensuring sustainable exploitation patterns and to provide protection for juveniles.

When establishing the specific levels referred to in point (c) of the first subparagraph, account shall be taken of the best available scientific advice, including by STECF, as well as of existing and future technical possibilities in relation to the avoidance of catches of marine species below minimum

conservation reference size.

Amendment 58

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. For the purpose of the delegated acts referred to in paragraph 1a, the Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation].

Amendment 59

Proposal for a regulation

Article 4 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Where no joint recommendation has been submitted by the deadline set out in paragraph 1b of this Article, or if a joint recommendation submitted by Member States is deemed not to be compatible with the objectives of this Regulation, the Commission shall by ... [18 months after the date of entry into force of this Regulation], and by way of derogation from Article 18(6) of Regulation (EU) No 1380/2013, adopt delegated acts supplementing this Regulation by defining the elements referred to in the first subparagraph of paragraph 1a of this Article, in accordance with Article 32 of this Regulation.

Amendment 60

Proposal for a regulation

Article 4 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. In order to achieve a progressive reduction of catches of marine species below minimum conservation reference sizes to levels which ensure sustainable exploitation patterns, the specific levels referred to in point (c) of the first subparagraph of paragraph 1a shall be reviewed every three years, using the procedure set out in paragraphs 1a, 1b and 1c, and they shall be further reduced, where appropriate, in accordance with the best available scientific advice and existing and future technical possibilities in relation to the avoidance of such catches.

Amendment 61

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The ***extent to which these targets have been achieved*** shall be ***reviewed as part*** of the reporting process set out in Article 34.

2. The ***assessment referred to in paragraph 1*** shall be ***undertaken in the context*** of the reporting process set out in Article 34.

Amendment 346

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Socio-economic objectives

In order to take into account the socio-economic objectives set out in points (c), (f) and (i) of Article 2(5) of Regulation (EU) No 1380/2013, when adopting and implementing technical and conservation measures, Member States shall make extensive use of the measures set out in Articles 38, 39 and 40 of Regulation (EU) No 508/2014.

Amendment 62

Proposal for a regulation Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) 'North Sea' means ICES divisions³⁴ IIa, IIIa and IV;

(a) 'North Sea' means ***Union waters in*** ICES divisions³⁴ IIa, IIIa and IV;

³⁴ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

³⁴ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

Amendment 63

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) ‘North Western waters’ means **ICES sub-areas V (excluding Va and non-Union waters of Vb)**, VI and VII;

Amendment

(c) ‘North Western waters’ means **Union waters in ICES sub-areas V, VI and VII**;

Amendment 64

Proposal for a regulation
Article 5 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘**Outermost Regions**’ means waters around **the outermost regions as referred to in the first paragraph of Article 349 of the Treaty divided into three sea basins: West Atlantic, East Atlantic and Indian Ocean**;

Amendment

(g) ‘**Union waters in the Indian Ocean and the West Atlantic**’ means waters around **Guadeloupe, French Guyana, Martinique, Mayotte, Réunion and Saint Martin under the sovereignty or jurisdiction of a Member State**.

Amendment 65

Proposal for a regulation
Article 6 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘exploitation pattern’ means how fishing **pressure** is distributed across the age profile of a stock;

Amendment

(1) ‘exploitation pattern’ means how fishing **mortality** is distributed across the age **and size** profile of a stock;

Amendment 66

Proposal for a regulation
Article 6 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'selectivity' means ***a quantitative expression represented as a*** probability of capture of a certain size of fish ***in a*** certain size of mesh (or hook);

Amendment

(2) 'selectivity' means ***the*** probability of capture of a certain ***species or*** size of fish ***with*** certain gear characteristics;

Amendment 67

Proposal for a regulation

Article 6 – paragraph 1 – point 3

Text proposed by the Commission

(3) '***selective fishing***' means ***a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species to be avoided or released unharmed;***

Amendment

deleted

Amendment 68

Proposal for a regulation

Article 6 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'directed fishing' means fishing ***for a defined*** species or ***combination*** of species where the ***total catch of that/those species makes up more than 50% of the economic value of the catch;***

Amendment

(4) 'directed fishing' means fishing ***effort targeted towards a specific*** species or ***group*** of species where the ***exact composition varies across fisheries and the specific rules governing the minimum technical specifications of mesh sizes and selective devices by fishery is established at regional level;***

Amendment 69

Proposal for a regulation
Article 6 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘conservation status of a species’ means the conservation status of species as defined in point (i) of Article 1 of Directive 92/43/EEC;

Amendment 70

Proposal for a regulation
Article 6 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

(5b) ‘conservation status of a habitat’ means the conservation status of a natural habitat as defined in point (e) of Article 1 of Directive 92/43/EEC;

Amendment 71

Proposal for a regulation
Article 6 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘sensitive species’ means a species whose conservation status, including its habitat, distribution, population size **and** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

(7) ‘sensitive species’ means a species whose conservation status, including its habitat, distribution, population size **or** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

Amendment 72

Proposal for a regulation
Article 6 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘small pelagic species’ means mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish;

Amendment

(8) ‘small pelagic species’ means ***inter alia*** mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish, ***bogue, Sardinella aurita and Sardinella maderensis***;

Amendment 73

Proposal for a regulation
Article 6 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘traditional (subsistence) fisheries with passive fishing gears’ means non-commercial fishing activities exploiting marine living aquatic resources on a limited scale at local level, exclusively for personal needs and using only traditional fishing gear and techniques;

Amendment 74

Proposal for a regulation
Article 6 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘Advisory Councils’ means stakeholder groups established under ***the CFP to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives of the CFP***;

Amendment

(10) ‘Advisory Councils’ means stakeholder groups established under ***Article 43 of Regulation (EU) No 1380/2013, conducting their activity according to Article 44 and 45 of and Annex III to that Regulation***;

Amendment 75

Proposal for a regulation

Article 6 – paragraph 1 – point 11

Text proposed by the Commission

(11) 'trawl' means fishing gear which is actively towed by one or more fishing vessels and **consisting of a net having a cone- or pyramid-shaped body (as trawl body) closed at the back by a codend; 'towed gear' means any trawls, Danish seines and similar gear with a cone- or pyramid shaped body closed at the back by a bag (codend) or comprising two long wings, a body and a bag (codend) and which are actively moved in the water;**

Amendment

(11) 'trawl' means **a** fishing gear **comprising a net** which is actively towed by one or more fishing vessels and closed at the back by a bag (codend);

Amendment 76

Proposal for a regulation

Article 6 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment

(11a) 'towed gear' means any trawls, Danish seines and similar gear which are actively moved in the water by one or more vessels or any other mechanical system;

Amendment 77

Proposal for a regulation

Article 6 – paragraph 1 – point 12

Text proposed by the Commission

(12) 'demersal trawl' means a trawl designed and rigged to operate on or near

Amendment

(12) 'demersal **bottom** trawl' means a trawl designed and rigged to operate on or

the seabed;

near the seabed;

Amendment 78

Proposal for a regulation

Article 6 – paragraph 1 – point 13

Text proposed by the Commission

(13) 'demersal pair trawl' means a **demersal** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment

(13) 'demersal pair **bottom** trawl' means a **bottom** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment 79

Proposal for a regulation

Article 6 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'beam trawl' means gear with a trawl net open horizontally by a **steel or wooden tube, the beam, and netting with ground chains, chain mats or tickler chains actively towed on the bottom**;

Amendment

(15) 'beam trawl' means gear with a trawl net open horizontally by a **beam, wings or other similar devices**;

Amendment 80

Proposal for a regulation

Article 6 – paragraph 1 – point 16

Text proposed by the Commission

(16) 'electric pulse trawl' means a **fishing technique** which uses **an** electric **field to**

Amendment

(16) 'electric pulse trawl' means a **trawl** which uses electric **pulse current to catch**

catch fish. The pulse trawl gear consists of a number of electrodes, attached to the gear in the towing direction, that emit short electric pulses;

marine biological resources;

Amendment 81

Proposal for a regulation

Article 6 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) ‘shore seines’ means surrounding nets and towed seines set from a boat and towed from the shore or from a boat moored or anchored to the shore;

Amendment 82

Proposal for a regulation

Article 6 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) ‘static nets’ means any type of gillnet, entangling net or trammel net that is ***either*** anchored to the seabed (gill nets or set nets) ***or allowed to drift with the tide (drift nets)*** for fish to swim into and become entangled or enmeshed in the netting;

(20) ‘static nets’ means any type of gillnet, entangling net or trammel net that is anchored to the seabed (gill nets or set nets) for fish to swim into and become entangled or enmeshed in the netting;

Amendment 83

Proposal for a regulation

Article 6 – paragraph 1 – point 21

Text proposed by the Commission

Amendment

(21) ‘driftnet’ means a net ***made up of***

(21) ‘driftnet’ means a net held on the

one or more walls of netting, hung jointly in parallel on the headline(s), held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift ***such as a sea-anchor or an anchor on the bottom attached at one single end of the net***;

water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift;

Amendment 84

Proposal for a regulation

Article 6 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘***bottom-set*** gillnet’ means a net made up of a single piece of net and held vertically in the water by floats and weights. ***It catches living aquatic resources by enmeshing them and is fixed, or capable of being fixed by any means to the seabed***;

Amendment

(22) ‘gillnet’ means a ***static*** net made up of a single piece of net and held vertically in the water by floats and weights;

Amendment 85

Proposal for a regulation

Article 6 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘***bottom-set*** entangling net’ means a ***single*** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet. ***Entangling nets usually have less floatation on the head rope and do not stand as high when fishing, as the average bottom set gill net and are fixed, or capable of being fixed by any means to***

Amendment

(23) ‘entangling net’ means a ***static net consisting of a*** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet;

the seabed;

Amendment 86

Proposal for a regulation

Article 6 – paragraph 1 – point 24

Text proposed by the Commission

(24) ‘**bottom-set** trammel net’ means a net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of ***fine*** small mesh sandwiched between them ***and is fixed, or capable of being fixed by any means to the seabed;***

Amendment

(24) ‘trammel net’ means a ***static*** net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of small mesh sandwiched between them;

Amendment 87

Proposal for a regulation

Article 6 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘longline’ means a fishing gear consisting of a main line, ***sometimes of considerable*** length, to which ***snoods*** with ***baited or unbaited*** hooks are fixed at ***regular*** intervals. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment

(26) ‘longline’ means a fishing gear consisting of a main line of ***variable*** length, to which ***branch lines (snoods)*** with hooks are fixed at intervals ***determined by the target species***. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment 88

Proposal for a regulation

Article 6 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘pots and creels’ means traps in the form of cages or baskets ***made with various materials*** designed to catch crustaceans or fish that are set on the seabed either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment

(27) ‘pots and creels’ means traps in the form of cages or baskets designed to catch crustaceans, ***molluscs*** or fish that are set on the seabed ***or suspended on it***, either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment 89

Proposal for a regulation

Article 6 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘handline’ means ***a fishing technique where*** a single fishing line ***is held in the hands***. One or more lures or baited hooks are attached ***to the line***;

Amendment

(28) ‘handline’ means a single ***hand-held*** fishing line ***to which*** one or more lures or baited hooks are attached;

Amendment 90

Proposal for a regulation

Article 6 – paragraph 1 – point 29

Text proposed by the Commission

(29) ‘St Andrews cross’ means a grab which ***employs*** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment

(29) ‘St Andrews cross’ means a grab which ***may employ*** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment 91

Proposal for a regulation

Article 6 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘codend’ means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) ***of the same mesh size*** attached to one another along their sides ***in the axis of the trawl by a seam where a side rope may be attached***. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment

(30) ‘codend’ means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) attached to one another along their sides. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment 92

Proposal for a regulation

Article 6 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘mesh size’ means ***the mesh size of any codend of a towed gear as measured in accordance with the procedure set out in Commission Regulation (EC) No 517/2008⁴⁰***;

Amendment

(31) ‘mesh size’ means:

(a) in knotted nets: the greatest distance between two opposite knots on the same mesh when it is fully extended;

(b) in knotless nets: the greatest distance between two opposite corners along the longest axis on the same mesh when it is fully extended;

⁴⁰ ***Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as***

regards the determination of the mesh size and assessing the thickness of twine of fishing nets (OJ L 151, 11.6.2008, p. 5).

Amendment 93

Proposal for a regulation

Article 6 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘square mesh’ means *the mesh shape originating from mounting netting with 45° deviation from the N-direction such that the bars run parallel and at 90° to the trawl axis*;

Amendment

(32) ‘square mesh’ means *a four-sided mesh consisting of two sets of parallel bars with the same nominal length, where one set is parallel, and the other is at a right angle to the longitudinal axis of the net*;

Amendment 94

Proposal for a regulation

Article 6 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘diamond mesh’ means *normal rhomboid shape of meshes in sheet netting*;

Amendment

(33) ‘diamond mesh’ means *four bars of the same length, in which the diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the netting*;

Amendment 95

Proposal for a regulation

Article 6 – paragraph 1 – point 36

Text proposed by the Commission

(36) ‘sieve net’ means *a device attached*

Amendment

deleted

to the full circumference of the shrimp trawl near the beam, and tapering to an apex where it is attached to the bottom sheet of the shrimp trawl. An exit hole is cut where the sieve net and codend join, allowing species or individuals too large to pass through the sieve to escape, whereas the shrimp can pass through the sieve and into the codend;

Amendment 96

Proposal for a regulation

Article 6 – paragraph 1 – point 38

Text proposed by the Commission

(38) ‘immersion time’ means the period from the point of time when ***the nets are*** first put in the water until the point of time when ***the nets are*** fully recovered on board the fishing vessel;

Amendment

(38) ‘immersion time’ means the period from the point of time when ***a gear is*** first put in the water until the point of time when ***it is*** fully recovered on board the fishing vessel;

Amendment 97

Proposal for a regulation

Article 6 – paragraph 1 – point 39

Text proposed by the Commission

(39) ‘gear monitoring sensors’ means remote electronic sensors that ***can be placed on trawls or purse seine*** to monitor key ***performance*** parameters such as the distance between trawl doors or ***size*** of the catch;

Amendment

(39) ‘gear monitoring sensors’ means remote electronic sensors that ***are attached*** to monitor key parameters such as the distance between trawl doors or ***volume*** of the catch;

Amendment 98

Proposal for a regulation

Article 6 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) ‘weighted line’ means a line of baited hooks with added weight to increase its sinking speed and thereby reduce its time of exposure to seabirds;

Amendment 99

Proposal for a regulation

Article 6 – paragraph 1 – point 40

Text proposed by the Commission

Amendment

(40) 'acoustic deterrent device' means remote devices ***used to make*** species such as marine mammals ***aware and warn them of the presence of*** fishing gears ***by emitting acoustic signals***;

(40) 'acoustic deterrent device' means remote devices ***that emit acoustic signals to deter*** species such as marine mammals ***from*** fishing gears;

Amendment 100

Proposal for a regulation

Article 6 – paragraph 1 – point 42

Text proposed by the Commission

Amendment

(42) ‘high grading’ means the practice of discarding low priced fish that are subject to catch limits, even though they ***could*** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.

(42) ‘high grading’ means the practice of discarding low priced fish that are subject to catch limits, even though they ***should*** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour;

Amendment 101

Proposal for a regulation

Article 6 – paragraph 1 – point 43 a (new)

Text proposed by the Commission

Amendment

(43a) 'significant adverse impacts' means significant adverse impacts as defined in point (c) of Article 2 of Regulation (EC) No 734/2008;

Amendment 102

Proposal for a regulation

Article 6 – paragraph 1 – point 45 a (new)

Text proposed by the Commission

Amendment

(45a) 'performance indicators' means a set of parameters aimed at assessing the efficiency of technical measures.

Amendments 303 and 349

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) electric current *except for the use of the electric pulse trawl as set out in Article 24 and Part E of Annex V*;

(b) electric current;

Amendment 103

Proposal for a regulation

Article 7 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) any type of projectile;

(g) any type of projectile, ***with the exception of those used to kill caged or trapped tuna and of handheld spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk;***

Amendment 296

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Notwithstanding the provisions of Article 2, this Article shall apply in international waters and the waters of third countries.

Amendment 104

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. No part of any towed gear shall be ***constructed*** of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors.

1. No part of any towed gear shall be of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors ***or to selectivity devices to improve size or species selectivity for marine species.***

Amendment 105

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. ***It shall be prohibited to construct any codend or attach*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears.

Amendment

3. ***The use and transport on board fishing vessels of*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear ***shall be prohibited***. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears, ***or the installation of catch control devices***.

Amendment 106

Proposal for a regulation
Article 10 – title

Text proposed by the Commission

General restrictions on the use of static nets

Amendment

General restrictions on the use of static nets
and driftnets

Amendment 107

Proposal for a regulation
Article 10 – paragraph 4 – indent 1

Text proposed by the Commission

- Albacore (*Thunnus alalunga*),

Amendment

(Does not affect English version.)

Amendment 108

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **600** metres.

Amendment

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **200** metres.

Amendment 109

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Notwithstanding paragraph 5:

(a) specific derogations as specified in Annex V Part C point 6, Annex VI Part C points 6 and 9 and Annex VII Part C point 4 shall apply where the charted depth is between 200 and 600 metres;

(b) the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres shall be allowed in the fishing zone defined in point (e) of Article 5.

Amendment 272

Proposal for a regulation

Article 10 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. It shall be prohibited to deploy any bottom set gillnet, entangling net or trammel net in sites designated in accordance with Directives 92/43/EEC, 2009/147/EC and 2008/56/EC where this

has an adverse effect on the conservation status of the sensitive species and habitats.

Amendment 111

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. When caught *as bycatches*, species referred to in paragraph *1 and 2* shall not be harmed and specimens shall be promptly released back into the sea.

Amendment

3. When caught *accidentally*, species referred to in paragraph 2 shall not be harmed and specimens shall be promptly released back into the sea.

Amendment 112

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 3 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of the species listed in Annex I.

Amendment 113

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require

Amendment

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require

protection, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

protection *or the deletion of species which no longer need to remain on the list*, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment 114

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to paragraph 4 of this Article *shall aim at achieving the target set out* in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article *should be preceded by an assessment of the performance indicators set out* in Article 4(1)(b).

Amendment 115

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Bycatches of marine mammals, seabirds and marine reptiles

Amendment

Catches of marine mammals, seabirds and marine reptiles

Amendment 116

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. When caught *as bycatch*, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly

Amendment

2. When caught *accidentally*, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly

released.

released. *Fishing vessel operators shall record and transmit to the relevant authorities information on those incidental catches, in accordance with Regulation (EU) 2017/1004 of the European Parliament and of the Council^{1a}.*

^{1a} *Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).*

Amendment 117

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught *as bycatch*, shall be **authorised** as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned **have been** fully informed in advance.

Amendment

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught **accidentally**, shall be **permitted** as far as this activity is necessary to secure assistance for the recovery of the individual animals. **The retention on board, transshipment or landing of specimens of marine species shall be permitted where the specimen is dead** and provided that **it can be used for scientific purposes**. The competent national authorities concerned **shall be** fully informed in advance.

Amendment 118

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraphs 1 and 2 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of seabirds, reptiles or marine mammals.

Amendment 119

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to **in** paragraph 4 of this Article shall aim at achieving the **target** set out in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the **objectives of this Regulation in relation to the performance indicators** set out in Article 4(1)(b).

Amendment 120

Proposal for a regulation Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall monitor the effectiveness of measures adopted under this Article on minimising incidental catches and report to the Commission on progress by ... [two years after the date of entry into force of this Regulation] and every three years thereafter.

Amendment 121

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.

Amendment

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.
Appropriate assessment shall be carried out by Member States when fishing gears are deployed in special areas of conservation under Directive 92/43/EEC and special protection areas under Directive 2009/147/EC.

Amendment 122

Proposal for a regulation Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The deliberate disturbance, deterioration or destruction of sensitive habitats and of breeding sites or resting places of sensitive species shall be prohibited.

Amendment 123

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the best available scientific advice recommends an amendment of the list of areas in Annex II, ***including the addition of new areas***, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) 1380/2013. When ***adopting*** such amendments, the Commission shall give particular attention to the mitigation of

2. Where the best available scientific advice recommends an ***urgent*** amendment of the list of areas in Annex II, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) ***No*** 1380/2013. When ***presenting a proposal with*** such amendments, the Commission shall ***provide a full map of the vulnerable area and*** give particular

negative effects of the displacement of fishing activity to other *sensitive* areas.

attention to the mitigation of negative *social, economic and environmental* effects of the displacement of fishing activity to other areas.

Amendment 124

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. Where *such habitats occur* in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as measures under Union law.

Amendment

3. Where *the areas referred to in Annex II are* in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) *No* 1380/2013 and be at least as stringent as measures under Union law.

Amendment 125

Proposal for a regulation Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall adopt measures to protect areas where vulnerable marine ecosystems as defined in point (b) of Article 2 of Regulation (EC) No 734/2008 occur or are likely to occur in waters falling under their sovereignty or jurisdictions and close those areas to bottom fishing activities unless the best available scientific advice demonstrates that such activities do not have significant adverse impacts on those ecosystems. Such measures shall be consistent with

the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, and shall as a minimum be equivalent in terms of level of protection provided for vulnerable marine ecosystems under Regulation (EC) No 734/2008.

Amendment 126

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

- (a) ensuring the protection of juveniles of marine species pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment

- (a) ensuring the protection of juveniles of marine species ***so that the majority of the fish caught have reached spawning age before being caught*** and pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment 127

Proposal for a regulation

Article 14 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

- (aa) prohibiting the placing on the market for human consumption of juveniles of marine species pursuant to point (b) of Article 2(5) and Article 15(11) of Regulation (EU) No 1380/2013;***

Amendment 128

Proposal for a regulation

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Imported fisheries products intended for human consumption

Imported fisheries products intended for human consumption that have been caught outside Union waters in the areas, subareas and divisions referred to in Article 5 shall comply with the minimum conservation reference sizes laid down in the Annexes to this Regulation.

Amendment 129

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

Member States shall have in place measures to facilitate the storage of or find outlets for catches below minimum conservation reference sizes landed in accordance with Article 15(1) of Regulation (EU) No 1380/2013. Those measures ***may*** include support for investment in the construction and adaptation of landing sites and shelters, ***or*** support for investments to add value to fishery products.

Amendment

Member States shall have in place ***adequate*** measures to facilitate the storage of or find outlets for catches below minimum conservation reference sizes landed in accordance with Article 15(1) of Regulation (EU) No 1380/2013. Those measures ***shall*** include support for investment in the construction and adaptation of landing sites and shelters, ***as well as*** support for investments to add value to fishery products.

Amendment 130

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The ***practices*** of high grading ***and slipping*** shall be prohibited.

Amendment

1. The ***practice*** of high grading shall be prohibited.

Amendment 131

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment

2. Paragraph 1 shall not apply to ***fishing activities in the Mediterranean Sea or*** catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment 132

Proposal for a regulation Article 17 – title

Text proposed by the Commission

Species not subject to catch limits

Amendment

Pilot projects for the avoidance of unwanted catches

Amendment 133

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches ***of the species not subject to catch limits***. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Amendment

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Amendment 134

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States **may** establish technical measures to reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) 1380/2013. ***Those technical measures shall apply solely to fishing vessels flying the flag of that Member State.***

Amendment

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States **shall** establish technical measures to ***avoid or as far as possible*** reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) ***No*** 1380/2013 ***or in Article 18 of this Regulation.***

Amendment 135

Proposal for a regulation Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In cases where other Member States wish to establish similar technical measures, a joint recommendation may be submitted in accordance with Article 18.

Amendment 137

Proposal for a regulation Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Documentation

In accordance with Article 49 of Regulation (EC) No 1224/2009, Member States may introduce electronic monitoring arrangements in order to document catches, discards and fishing

activity.

Amendment 138

Proposal for a regulation Chapter 2 – section 5 a (new)

Text proposed by the Commission

Amendment

SECTION 5a

ADAPTATION OF FISHING VESSELS

Article 17b

Adaptation of tonnage

On new and existing fishing vessels, increases in the tonnage of the vessel intended to improve safety on board, working conditions and the hygiene and quality of products, as well as increases in the tonnage of the vessel intended to store unwanted catches subject to the landing obligation in accordance with Article 15 of Regulation (EU) No 1380/2013 shall be authorised, provided that they do not result in an increase in the vessel's catch potential. The corresponding volumes shall not be taken into account for the purpose of assessing fishing capacity in the light of the ceilings imposed in Annex II to Regulation (EU) No 1380/2013 or in the entry/exit schemes referred to in Article 23 of that Regulation.

Amendment 139

Proposal for a regulation Article 18 – title

Text proposed by the Commission

Amendment

Guiding principles

Regional technical measures

Amendment 140

Proposal for a regulation

Article 18 – paragraph 1 – point g

(g) in Annex XI for the *Outermost Regions*.

(g) in Annex XI for the *Union waters in the Indian Ocean and the West Atlantic*.

Amendment 141

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

However, the provisions on mesh sizes set out in Part B of Annexes V to XI shall only apply in so far as, by ... [18 months after the date of entry into force of this Regulation], no delegated act has been adopted pursuant to paragraph 2 of this Article covering the same subject-matter for the fisheries concerned. In the event that Part B of an Annex to this Regulation becomes applicable, the Commission shall, notwithstanding point 4 of Article 6(1), by the same date adopt a delegated act in accordance with Article 32 supplementing this Regulation by providing a definition of “directed fishing” for the purpose of applying Part B in the relevant fishing zone and to the fisheries concerned.

Until the date of expiry of the deadline set out in the second subparagraph of this paragraph or until the date of adoption of the delegated act referred to in that subparagraph, whichever is earlier, the provisions applicable to mesh sizes on ... [the day before the date of entry into force of this Regulation] shall continue to apply in respect of the fishing areas concerned.*

** If this approach is accepted, Articles 35-41 are to be adapted in the course of the*

negotiations with Council, after having identified the measures that will remain applicable after the date indicated here.

Amendment 142

Proposal for a regulation

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where appropriate in order to achieve the objectives of the CFP and to take into account the specificities of a region, technical measures that deviate from the measures referred to in paragraph 1 of this Article may be adopted in the context of a multiannual plan referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013.

Amendment 143

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. In accordance with ***the procedure set out in*** Article 18 of Regulation (EU) No 1380/2013 ***Member States may submit joint recommendations*** defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.

2. ***Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 supplementing this Regulation by defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1, in particular by establishing mesh sizes to be applied at regional level. For the purpose of adopting such***

delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.

Amendment 144

Proposal for a regulation Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The measures adopted pursuant to paragraphs 1a and 2 shall:

(a) aim at achieving the objectives set out in Article 3 of this Regulation, taking particular account of the performance indicators set out in Article 4 hereof;

(b) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;

(c) provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, including through the allocation of fishing opportunities; and

(d) be at least equivalent to the measures referred to in paragraph 1 or, in the case of rules on mesh sizes, to the measures applicable on... [the day before the date of entry into force of this Regulation] in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.

Amendment 145

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. ***Technical measures recommended*** in accordance with paragraph 2 shall ***as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.***

Amendment

3. In accordance with ***Article 18(5) of Regulation (EU) No 1380/2013, Member States shall base the joint recommendations referred to in paragraph 2 of this Article on the best available scientific advice. That scientific advice shall take into account the impact of such measures on the targeted species and sensitive species and habitats, demonstrating the benefits for the conservation of the marine ecosystem.***

Amendment 146

Proposal for a regulation Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Notwithstanding Article 18(1), (3) and (6) of Regulation (EU) No 1380/2013, the Commission may adopt such delegated acts also in the absence of a joint recommendation referred to in these paragraphs.

Amendment 147

Proposal for a regulation Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Regional measures under multiannual plans

1. The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.

2. Measures established in accordance with paragraph 1 may:

(a) amend or supplement the measures set out in Annexes V to XI;

(b) derogate from the measures set out in Annexes V to XI for a specific area or time period, provided it can be demonstrated that those measures have no conservation benefit in that area or period or that the alternative measures achieve the same objectives.

3. A multiannual plan may define the kind of technical measures that may be adopted pursuant to paragraphs 1 and 2 for the relevant region.

4. The measures adopted pursuant to paragraphs 1 and 2 shall

(a) aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;

(b) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and

(c) provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact through the allocation of fishing opportunities.

5. Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures.

6. The Commission may require the STECF to assess the joint

recommendations referred to in paragraph 5.

Amendment 148

Proposal for a regulation

Article 20 – paragraph 1 – introductory part

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment 149

Proposal for a regulation

Article 21 – paragraph 1 – introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article **19** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI *or* establish new closed or restricted areas they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment

When Member States submit joint recommendations in accordance with Article **18** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI, establish new closed or restricted areas, *or do away with them*, they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment 150

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

If Member States do not adopt joint recommendations, the Commission may adopt delegated acts in accordance with Article 32 establishing closed or restricted areas on the basis of the best available scientific advice.

Amendment 151

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species.

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species. ***Joint recommendations shall be based on the best available scientific evidence and shall take into account biological grounds, in particular the maturity size of the species. Joint recommendations shall not jeopardise the control and enforcement provisions relating to the landing and marketing of fishery products.***

Amendment 152

Proposal for a regulation Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article **19** to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species, they shall include the

Amendment

When Member States submit joint recommendations in accordance with Article **18** to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species ***or sensitive species***,

following elements:

they shall include the following elements:

Amendment 153

Proposal for a regulation

Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the event that the vessels of only one Member State are affected by the real-time closures or the displacements, measures based on the best available scientific advice shall be adopted to reduce the impact on the affected vessels.

Amendments 304 and 154

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. When Member States submit joint recommendations in accordance with Article **19** to allow for the use or extend the use of innovative fishing gears ***including the pulse trawl as described in Part E of Annex V*** within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

1. When Member States submit joint recommendations in accordance with Article **18** to allow for the use or extend the use of innovative fishing gears within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5 % of the vessels currently in that métier for a period of at least four years.

Amendment 155

Proposal for a regulation
Article 24 – paragraph 3

Text proposed by the Commission

3. The use of innovative fishing gears shall **not** be permitted where **those assessments indicate that** their use will lead to negative impacts on sensitive habitats **and** non-target species.

Amendment

3. The use of innovative fishing gears shall **only** be permitted **on a commercial scale** where **the assessment referred to in paragraph 1 indicates that in comparison with existing regulated fishing gear and techniques**, their use will **not** lead to **direct or cumulative** negative impacts on **marine habitats, including** sensitive habitats **or** non-target species.

Amendment 156

Proposal for a regulation
Article 25 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- **provide information on the effectiveness of existing mitigation measures and monitoring arrangements;**

Amendment 158

Proposal for a regulation
Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the fishermen directly concerned by these measures are appropriately consulted.

Amendment 159

Proposal for a regulation
Article 26 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) derogations adopted on the basis of Article 15(4) of Regulation (EU) No 1380/2013;

Amendment 160

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species.

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species. ***They shall be at least as stringent as technical measures applicable under Union law.***

Amendment 161

Proposal for a regulation Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Pilot projects on full documentation of catches and discards

1. The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013, supplementing this Regulation by defining pilot projects that develop a system of full documentation of catches and discards based on measurable targets and objectives, for the purpose of a results-based management of fisheries.

2. The pilot projects referred to in paragraph 1 of this Article may derogate from the measures set out in Part B of Annexes V to XI for a specific area and for a maximum period of one year, provided that it can be demonstrated that such pilot projects aim at achieving the objectives set out in Article 3 and complying with the performance indicators set out in Article 4 and, in particular, aim at improving the selectivity of the fishing gear or practice concerned or otherwise reduce its environmental impact. That one-year period may be extended by one more year under the same conditions. It shall be limited to no more than 5% of the vessels in that metier per Member State.

3. Where Member States submit joint recommendations for the establishment of pilot projects as referred to in paragraph 1, they shall provide scientific evidence to support their adoption. STEFC shall assess those joint recommendations and shall make that assessment public. Within six months of the conclusion of the project, the Member States shall submit a report to the Commission outlining the results, including a detailed assessment of the changes in selectivity and other environmental impacts.

4. STECF shall assess the report referred to in paragraph 3. Where STECF concludes that the new gear or practice successfully achieves the objectives set out in paragraph 2, the Commission may submit a proposal in accordance with the TFEU to allow for the generalised use of that gear or practice. The STECF assessment shall be made public.

5. The Commission shall adopt delegated acts in accordance with Article 32 supplementing this Regulation by defining the technical specifications of a system for the full documentation of catches and discards referred to in paragraph 1.

Amendment 162

Proposal for a regulation Chapter IV

Text proposed by the Commission

Amendment

CHAPTER IV

deleted

REGIONAL FISHERIES MANAGEMENT ORGANISATIONS

Article 28

North East Atlantic Fisheries Commission (NEAFC)

*The Commission shall be empowered to
adopt delegated acts in accordance with
Article 32 in order to*

*(a) transpose into Union law certain
technical measures agreed by the North
East Atlantic Fisheries Commission
(NEAFC), including lists of vulnerable
marine ecosystems and specific technical
measures related to fisheries for blue ling
and redfish defined in NEAFC
Recommendations 05:2013, 19:2014,
01:2015, 02:2015; and*

*(b) adopt other technical measures
supplementing or amending certain non-
essential elements of legislative acts which
transpose NEAFC recommendations.*

Amendment 163

Proposal for a regulation Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The technical measures provided for
in this Regulation shall not apply to fishing
operations conducted ***solely for the
purpose*** of scientific investigations subject
to the following conditions:

1. The technical measures provided for
in this Regulation shall not apply to fishing
operations conducted ***in the context*** of
scientific investigations subject to the
following conditions:

Amendment 164

Proposal for a regulation

Article 29 – paragraph 2 – point b

Text proposed by the Commission

(b) they are sold for purposes other than direct human consumption.

Amendment

(b) ***in the case of fish below the minimum conservation reference size***, they are sold for purposes other than direct human consumption.

Amendment 165

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Artificial restocking and transplantation

Amendment

Direct restocking and transplantation

Amendment 166

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of ***artificial*** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of ***direct*** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment 167

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Where the **artificial** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment

2. Where the **direct** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment 168

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

1. Where available scientific advice indicates that immediate action is required to protect marine species, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods.

Amendment

1. Where available scientific advice indicates that immediate action is required to protect marine species **or marine habitats**, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods, **or any other conservation measure needed**.

Amendment 273

Proposal for a regulation Article 31 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) provide protection for sensitive

species and habitats, where there is evidence of a serious threat to their conservation.

Amendment 169

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than **three** years without prejudice to paragraph 6 of Article 32.

Amendment

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than **two** years without prejudice to paragraph 6 of Article 32.

Amendment 170

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. By **the end of 2020** and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives **set out** in Article 3 **and in reaching the targets** set out in Article 4.

Amendment

1. By ... **[three years after the date of entry into force of this Regulation]** and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives **referred to** in Article 3 **on the basis of the performance indicators** set out in article 4.

Amendment 171

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, within **six** months after the submission of the report **as** referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **those** objectives **and targets** can be met.

Amendment

2. On the basis of that report, where at regional level there is evidence that the objectives have not been met **or the specific levels of catches below minimum conservation size for key fisheries as referred to in point (a) of Article 4(1) have been exceeded**, within **twelve** months after the submission of the report referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **the objectives set out in Article 3 can be met and catches of marine species below minimum conservation reference sizes can be reduced to the levels referred to in point (a) of Article 4(1)**.

Amendment 172

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall assist Member States in establishing a national action plan in order to address identified difficulties in implementing new technical measures to achieve the requirements set out in Article 4. Member States shall take all measures necessary to implement that action plan.

Amendment 173

Proposal for a regulation

Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the report shows that a Member State has failed to comply with its obligations regarding control and data collection, the Commission may interrupt or suspend the EMFF funding for that Member State, in accordance with Articles 100 and 101 of Regulation (EU) No 508/2014.

Amendment 174

Proposal for a regulation

Article 35 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Articles 3, 8, 9, 10, 11, 12, 14, 15, 16 and 25 are deleted;

(a) Articles 3, 8, 9, 10, 11, 12, **the second subparagraph of Article 13(3), and Articles 14, 15, 16 and 25 are deleted;**

Amendment 175

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Amendments to Regulation (EC) No 1098/2007

In Regulation (EC) No 1098/2007, Articles 8 and 9 are deleted.

Amendment 176

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point a

Text proposed by the Commission

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **80** mm or one or more purse seines or similar fishing gears; or

Amendment

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **70** mm or one or more purse seines or similar fishing gears; or

Amendment 177

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point b – indent 2

Text proposed by the Commission

the graded fish are frozen ***immediately*** after grading and no graded fish are returned to the sea; and

Amendment

the graded fish are frozen after grading and no graded fish are returned to the sea; and

Amendment 178

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point b – indent 3

Text proposed by the Commission

(the equipment is installed and located on the vessel in such a way as to ensure ***immediate*** freezing and not to allow the return of marine species to the sea.

Amendment

the equipment is installed and located on the vessel in such a way as to ensure freezing and not to allow the return of marine species to the sea.

Amendment 179

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The competent authority of the flag State shall certify the freezer trawler plans to ensure that they are in accordance with the applicable rules.

Amendment 180

Proposal for a regulation

Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Amendment to Regulation (EU) No 1343/2011

Article 26 of Regulation (EC) No 1343/2011, is amended as follows:

(1) the following point is added:

‘(h) technical measures in Articles 4, 10, 12, 15, 15a, 16, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16j and 16k; ’

(2) the following paragraph is added:

‘The Commission shall also be empowered to adopt delegated acts, in accordance with Article 27, in order to transpose into Union law other technical measures established by the GFCM that become obligatory for the Union and to supplement or amend certain non-essential elements of legislative acts which transpose GFCM recommendations on technical measures. ’

Amendment 181

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

Regulations (EC) No 894/97, (EC) No 850/98, ((EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

Amendment

Regulations (EEC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **as well as Commission Regulation (EC) No 494/2002^{1a}** are repealed.

^{1a} **Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).**

Amendment 182

Proposal for a regulation Annex I – point n a (new)

Text proposed by the Commission

Amendment

(na) houting (*Coregonus oxyrhynchus*) in ICES sub-area IVb (Union waters);

Amendment 183

Proposal for a regulation Annex I – point n b (new)

Text proposed by the Commission

Amendment

(nb) the Adriatic sturgeon (*Acipenser naccarii*) and common sturgeon (*Acipenser sturio*) in Union waters;

Amendment 184

Proposal for a regulation Annex I – point o

Text proposed by the Commission

Amendment

(o) berried female crawfish (*Palinuridae spp.*) and berried female lobster (*Homarus gammarus*) in all Union waters except when used for direct restocking or transplantation purposes;

(Does not affect the English version.)

Amendment 185

Proposal for a regulation Annex I – point p

Text proposed by the Commission

Amendment

(p) date shell (*Lithophaga lithophaga*)

(p) date shell (*Lithophaga lithophaga*),

and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean.

fan mussel (Pinna nobilis) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean;

Amendment 186

Proposal for a regulation Annex I – point p a (new)

Text proposed by the Commission

Amendment

(pa) hatpin urchin (Centrostephanus longispinus).

Amendment 187

Proposal for a regulation Annex IV – point 5 a (new)

Text proposed by the Commission

Amendment

5a. The size of a spinous spider crab shall be measured, as shown in Figure 5a, as the length of the carapace, along the mid-line, from the edge of the carapace, between the rostrums to the posterior edge of the carapace.

Amendment 188

Proposal for a regulation Annex IV – point 5 b (new)

Text proposed by the Commission

Amendment

5b. The size of an edible crab shall be measured, as shown in Figure 5b, as the maximum width of the carapace measured perpendicular to the

anteroposterior midline of the carapace.

Amendment 189

Proposal for a regulation
Annex IV – point 5 c (new)

Text proposed by the Commission

Amendment

5c. The size of a whelk shall be measured, as shown in Figure 5c, as the length of the shell.

Amendment 190

Proposal for a regulation
Annex IV – point 5 d (new)

Text proposed by the Commission

Amendment

5d. The size of any swordfish shall be measured, as shown in Figure 5d, as the length from the fork of the caudal fin to the tip of the lower jaw.

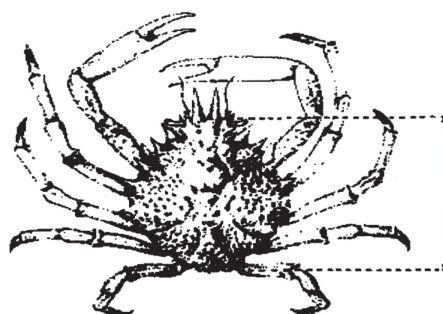
Amendment 191

Proposal for a regulation
Annex IV – Figure 5 a (new)

Text proposed by the Commission

Amendment

Figure 5a Spinous spider crab (*Maia squinada*)



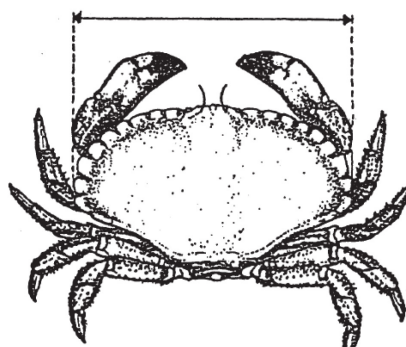
Amendment 192

Proposal for a regulation Annex IV – Figure 5 b (new)

Text proposed by the Commission

Amendment

Figure 5b Edible crab (*Cancer pagarus*)



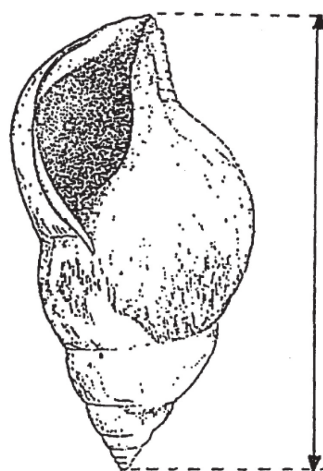
Amendment 193

Proposal for a regulation Annex IV – Figure 5 c (new)

Text proposed by the Commission

Amendment

Figure 5c Whelk (*Buccinum spp*)



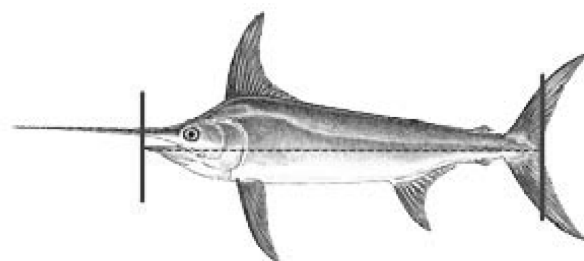
Amendment 194

Proposal for a regulation Annex IV – Figure 5 d (new)

Text proposed by the Commission

Amendment

Figure 5d Swordfish (*Xiphias gladius*)



Amendment 195

Proposal for a regulation Annex V – Part A – table 1 – row 14

Text proposed by the Commission

Mackerel (*Scomber* spp.)

20 cm

Amendment

Mackerel (*Scomber* spp.)

30 cm^{1a}

^{1a} ***The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.***

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 196

Proposal for a regulation

Annex V – Part A – table 1 – row 15

Text proposed by the Commission

Herring (*Clupea harengus*)

20 cm

Amendment

Herring (*Clupea harengus*)

20 cm^{1a}

^{1a} ***The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.***

The percentage of undersized sardine,

anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 197

Proposal for a regulation

Annex V – Part A – table 1 – row 16

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.) 15 cm

Amendment

Horse mackerel (*Trachurus* spp.) 15 cm ^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 198

Proposal for a regulation

Annex V – Part A – table 1 – row 17

Text proposed by the Commission

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo

Amendment

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo^{1a}

^{1a} ***The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.***

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 199

Proposal for a regulation

Annex V - Part A - table 1 - row 19

Text proposed by the Commission

Sardine (*Sardina pilchardus*)

11 cm

Amendment

Sardine (*Sardina pilchardus*)

11 cm^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 200

Proposal for a regulation Annex V - Part A - table 1 - row 20

Text proposed by the Commission

Lobster (*Homarus gammarus*) 87 mm

Amendment

Lobster (*Homarus gammarus*) 87 mm (*carapace length*)

Amendment 201

Proposal for a regulation Annex V – Part A – table 1 – row 34

Text proposed by the Commission

Crawfish (*Palinurus* spp.) 95 mm

Amendment

Crawfish (*Palinurus* spp.)

95 mm (*carapace length*)

Amendment 202

Proposal for a regulation

Annex V - Part A - table 2 - row 13

Text proposed by the Commission

Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

Amendment

Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

Norway lobster tails 59 mm

Amendment 203

Proposal for a regulation

Annex V - Part A - table 2 - row 14

Text proposed by the Commission

Mackerel (*Scomber* spp.)

20 cm

Amendment

Mackerel (*Scomber* spp.)

20 cm ^{1a}

^{1a}The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the

proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 204

Proposal for a regulation

Annex V – Part A – table 2 – row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 18 cm

Amendment

Herring (*Clupea harengus*) 18 cm^{1a}

^{1a}The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 205

Proposal for a regulation

Annex V – Part A – table 2 – row 16

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.) 15 cm

Amendment

Horse mackerel (*Trachurus* spp.) 15 cm^{1a}

^{1a}*The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 206

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 2 b (new)

Text proposed by the Commission

Amendment

At least 90 mm

Skagerrak and Kattegat

A panel with a mesh size of at least 270 mm (diamond mesh) or of

***140mm^{1a} (square mesh)
shall be fitted.***

***^{1a} In the Kattegat
subdivision, a square
mesh panel of 120 mm
shall be fitted (on the
trawl between 1 October
and 31 December and on
the purse seine between 1
August and 31 October).***

Amendments 305 and 355

Proposal for a regulation

Annex V – Part B - paragraph 1 – table –row 4

Text proposed by the Commission

At least 80mm

ICES Division
IVb south of 54°
30'N and ICES
Division IVc

Directed fishing
for sole with
beam trawls ***or***
[Pulse Trawls]. A
panel with a mesh
size of at least
180mm fitted in
the upper half of
the anterior part
of the net.

Amendment

At least 80mm

ICES Division
IVb south of 54°
30'N and ICES
Division IVc

Directed fishing
for sole with
beam trawls. A
panel with a mesh
size of at least
180mm fitted in
the upper half of
the anterior part
of the net.

Amendment 208

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 4 b (new)

Text proposed by the Commission

Amendment

At least 40mm

Whole area

***Directed fishing for squid
(85 % of catches)
(Lolignidae,
Ommastrephidae).***

Amendment 209

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 6

Text proposed by the Commission

At least 16mm

Whole area

Directed fishing for small pelagic species.

Directed fishing for Norway pout. A sorting grid with a maximum bar spacing of 22 mm in the Norway Pout fishery shall be fitted.

Directed fishing for ***Crangon crangon***. A ***sorting grid, sieve net or equivalent selectivity device*** shall be fitted.

Amendment

At least 16mm

Whole area

Directed fishing for small pelagic species ***(80 % of catches)***.

Directed fishing for

Norway pout (**50 % of catches**). A sorting grid with a maximum bar spacing of **35 mm** in the Norway Pout fishery shall be fitted.

Directed fishing for **common shrimp and Aesop shrimp (90 % of catches)**. **A selective net or a sorting grid** shall be fitted **in accordance with nationally agreed standards**.

Amendment 210

Proposal for a regulation

Annex V – Part B – paragraph 2 – title

Text proposed by the Commission

2. Baseline mesh sizes for static nets

Amendment

2. Baseline mesh sizes for static nets **and driftnets**

Amendment 211

Proposal for a regulation

Annex V – Part B – paragraph 2 – introductory part

Text proposed by the Commission

The following mesh sizes for static nets shall apply in the North Sea and Skagerrak/Kattegat.

Amendment

The following mesh sizes for static nets **and driftnets** shall apply in the North Sea and Skagerrak/Kattegat.

Amendment 212

Proposal for a regulation

Annex V – Part C – paragraph 1 – point 1.1

Text proposed by the Commission

1.1 Fishing for sandeels with any towed gear with a codend mesh size less than **80 mm or any static net with a mesh size of less than 100 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Amendment

1.1 Fishing for sand eels with any towed gear with a codend mesh size less than **32 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Amendment 213

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 1

Text proposed by the Commission

- vessels whose engine power does not exceed 221kW using **demersal** trawls or Danish seines;

Amendment

- vessels whose engine power does not exceed 221 kW using **bottom** trawls or Danish seines;

Amendment 214

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 2

Text proposed by the Commission

- paired vessels whose combined engine power does not exceed 221kW at any time using **demersal** pair trawls;

Amendment

- paired vessels whose combined engine power does not exceed 221 kW at any time using pair **bottom** trawls;

Amendment 215

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 3

Text proposed by the Commission

- vessels whose engine power exceeds 221kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use **demersal** pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

Amendment

- vessels whose engine power exceeds 221 kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221 kW shall be permitted to use pair **bottom** trawls provided that such vessels do not engage in directed fishing for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

Amendment 216

Proposal for a regulation

Annex V – Part C – paragraph 6 – point 6.2

Text proposed by the Commission

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No 2347/2002¹ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 **tonne** then those vessels may no longer avail of the derogations set out in point 6.1.

Amendment

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) 2016/2336 of the European Parliament and of the Council¹ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks **for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits** shall be retained on board. Such catches shall be landed and counted against quotas. **In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.** Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 **tonnes** then those vessels may no longer avail of the derogations set out in point 6.1.

¹ *Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).*

¹ *Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).*

Amendment 274

Proposal for a regulation Annex V – Part D – subheading

Text proposed by the Commission

Measures to reduce incidental catches of *cetaceans* in ICES division IIIa and sub-area IV

Amendment

Measures to reduce incidental catches of *marine mammals* in ICES division IIIa and sub-area IV

Amendment 275

Proposal for a regulation Annex V – Part D – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures to minimise incidental catches of seabirds

1. Scientific research programmes shall be established in the North Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

2. *Spatial measures shall be applied in the North Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.*
3. *Vessels fishing with longlines in the North Sea shall use a combination of scientifically tested technical solutions such as tori lines, changes to line weights, hook shielding and setting longline gear during the hours of darkness with the minimum of deck lighting necessary for safety. The combinations should be determined on the basis of gear configurations and the susceptible species likely to be caught by fleets. Specification should comply with the standards as set out in international agreed guidelines.*
4. *Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.*

Amendments 306, 314, 315 and 356

Proposal for a regulation Annex V – Part E

Text proposed by the Commission

Amendment

Part E

deleted

Innovative fishing methods

The use of electric pulse trawls in ICES divisions IVb and IVc

Notwithstanding Article 13, fishing with an electric pulse trawl shall be allowed in ICES divisions IVb and IVc under conditions defined in accordance with the second indent of paragraph 1 of Article 27 of this Regulation, regarding the

characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on east coast of the United Kingdom at latitude 55°N*
- east to latitude 55°N, longitude 5°E*
- north to latitude 56°N*
- east to a point on the west coast of Denmark at latitude 56°N*

Amendment 324

Proposal for a regulation Annex VI – part A – table - row 14

Text proposed by the Commission

Mackerel (Scomber spp.)	20 cm
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Amendment

Mackerel (Scomber spp.)	20 cm ^{1a}
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^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % may not be exceeded during transshipment, landing,

transportation, storage, display or sale.

Amendment 218

Proposal for a regulation

Annex VI – Part A– table – row 15

Text proposed by the Commission

Herring (<i>Clupea harengus</i>)	20 cm
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Amendment

Herring (<i>Clupea harengus</i>)	20 cm ^{1a}
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^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 219

Proposal for a regulation

Annex VI – Part A – table – row 16

Text proposed by the Commission

Horse mackerel (<i>Trachurus</i> spp.)	15 cm ³
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³ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VIIId, e, f, a minimum conservation reference size of 130 mm shall apply.

Amendment

Horse mackerel (*Trachurus* spp.)

15 cm³, ^{3a}

³ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VIIId, e, f, a minimum conservation reference size of 130 mm shall apply.

^{3a} ***The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.***

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 220

Proposal for a regulation

Annex VI – Part A – table – row 17

Text proposed by the Commission

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo

Amendment

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo^{1a}

^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 221

Proposal for a regulation

Annex VI – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least **120** mm

Whole area

None

Amendment

At least **100** mm^{1a}

Whole area

None

^{1a} To be phased in over a two year period from the date of entry into force of this Regulation. For ICES Divisions VIIId and VIIe a mesh size of at least 100 mm shall apply.

Amendment 223

Proposal for a regulation

Annex VI – part B – paragraph 2 – title

Text proposed by the Commission

2. Baseline mesh sizes for static nets

Amendment

2. Baseline mesh sizes for static nets
and driftnets

Amendment 224

Proposal for a regulation

Annex VI – part B – paragraph 2 – introductory part

Text proposed by the Commission

The following mesh sizes for static nets shall apply in North Western waters.

Amendment

The following mesh sizes for static nets
and driftnets shall apply in North Western waters.

Amendment 225

Proposal for a regulation

Annex VI – Part B – paragraph 2 – table– row 2

Text proposed by the Commission

At least 120 mm¹

Whole area

None

Amendment

At least 120 mm¹

Whole area

None

¹ **For directed fishing for anglerfish (30% of catches) a mesh size of at least 220 mm shall be used. A mesh size of at least 110 mm for directed fishing for pollock and hake (50% of catches) in ICES divisions VIIId and VIIe**

Amendment 226

Proposal for a regulation

Annex VI - Part B - table - row 4

Text proposed by the Commission

At least 50mm	Whole area	Directed fishing for small pelagic species
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Amendment

At least 50mm	Whole area	Directed fishing for small pelagic species (80 % of catches) Directed fishing for red mullet (50 % of catches)
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Amendment 227

Proposal for a regulation

Annex VI – Part C – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any towed gears or static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

Amendment

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing activity using any **bottom** towed gears or **bottom** static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

Amendment 228

Proposal for a regulation

Annex VI – Part C – paragraph 3 – point 3.2

Text proposed by the Commission

3.2 By way of derogation from point 1,

Amendment

3.2 By way of derogation from point 1,

within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF). *Where bycatches of cod caught by the vessels of any Member State operating within the areas referred to in point 3.1 exceed 10 tonnes then those vessels may no longer fish within that area.*

within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF).

Amendment 229

Proposal for a regulation

Annex VI – Part C – paragraph 9 – title

Text proposed by the Commission

9. Use of static nets in ICES divisions Vb, VIa, VII b,**c,j,k**

Amendment

9. Use of static nets in ICES divisions Vb, VIa, **VIb**, VII b, **c, h, j, k**

Amendment 230

Proposal for a regulation

Annex VI – Part C – paragraph 9 – point 9.2

Text proposed by the Commission

9.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (**EC**) **No 2347/2002** in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then vessels may no longer avail of the derogations *as described* in point 9.1.

Amendment

9.2. Directed fishing for deepwater sharks as listed in Annex I of Regulation (**EU**) **2016/2336** in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks *for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits* shall be retained on board. Such catches shall be landed and counted against quotas. *In the event that a Member State does not have a sufficient quota, the*

*Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then **those** vessels may no longer avail of the derogations **set out** in point 9.1.*

Amendment 276

Proposal for a regulation

Annex VI – Part D – paragraph 1 – title

Text proposed by the Commission

1. Measures to reduce incidental catches of *cetaceans* in ICES divisions *VIa* and VII *d, e, f, g, h and j*

Amendment

1. Measures to reduce incidental catches of *marine mammals* in ICES divisions *VI* and VII

Amendment 277

Proposal for a regulation

Annex VI – Part D – paragraph 2 – point 2.1 (new)

Text proposed by the Commission

Amendment

2.1. Scientific research programmes shall be established in North Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

Amendment 278

Proposal for a regulation
Annex VI – Part D – paragraph 2 – point 2.2 (new)

Text proposed by the Commission

Amendment

2.2. Spatial measures shall be applied in North Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

Amendment 279

Proposal for a regulation
Annex VI – Part D – paragraph 2 – point 2.3 (new)

Text proposed by the Commission

Amendment

2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.

Amendment 231

Proposal for a regulation
Annex VII – Part A – table – row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 20 cm

Amendment

Herring (*Clupea harengus*) 20 cm^{1a}

^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 232

Proposal for a regulation

Annex VII – Part A – table – row 18

Text proposed by the Commission

Bass (<i>Dicentrarchus labrax</i>)	42 cm
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Amendment

Bass (<i>Dicentrarchus labrax</i>)	36 cm
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Amendment 233

Proposal for a regulation

Annex VII – Part A – table – row 23

Text proposed by the Commission

Queen scallop (<i>Chlamys spp.</i>)	40 mm
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Amendment

Queen scallop (<i>Chlamys spp.</i> , <i>Mimachlamys spp.</i>)	40 mm
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Amendment 234
Proposal for a regulation
Annex VII – Part A – table – row 26

Text proposed by the Commission

Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm
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Amendment

Short-necked clam (<i>Ruditapes philippinarum</i>)	35 mm
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Amendment 235
Proposal for a regulation
Annex VII – Part A – table – row 34

Text proposed by the Commission

Octopus (<i>Octopus vulgaris</i>)	750 grammes ³
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³ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region a gutted weight of 450 grammes shall apply.

Amendment

Octopus (<i>Octopus vulgaris</i>)	1000 grammes ³
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³ In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF

region a gutted weight of 450 grammes shall apply.

Amendment 242

Proposal for a regulation

Annex VII – Part C – paragraph 4 – point 4.2

Text proposed by the Commission

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EC) No 2347/2002 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations *as described* in point 1.

Amendment

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EU) 2016/2336 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks *for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits* shall be retained on board. Such catches shall be landed and counted against quotas. *In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.* Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations *set out* in point 1.

Amendment 243

Proposal for a regulation

Annex VII – Part C – paragraph 4 – point 4.2 a (new)

Text proposed by the Commission

Amendment

4.2a. The Commission may decide, after consulting STECF, to exclude certain types of fisheries in ICES zones VIII, IX and X from the scope of paragraph 4.1 if it is demonstrated by means of information provided by Member States or

the implementation of specific management making use of regionalisation, which could involve reducing the vessels operating in the area, reducing fishing months etc., or of multiannual plans that those fisheries have a very low level of shark bycatches or discards.

Amendment 280

Proposal for a regulation

Annex VII – Part D – paragraph 1 – title

Text proposed by the Commission

1. Measures to reduce incidental catches of *cetaceans* in ICES sub-areas VIII and *IXa*

Amendment

1. Measures to reduce incidental catches of *marine mammals* in ICES sub-areas VIII and *IX*

Amendment 281

Proposal for a regulation

Annex VII – part D – paragraph 2 – point 2.1 (new)

Text proposed by the Commission

Amendment

2.1. Scientific research programmes shall be established in South Western Waters to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

Amendment 282

Proposal for a regulation
Annex VII – Part D – paragraph 2 – point 2.2 (new)

Text proposed by the Commission

Amendment

2.2. Spatial measures shall be applied in South Western Waters where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

Amendment 283

Proposal for a regulation
Annex VII – Part D – paragraph 2 – point 2.3 (new)

Text proposed by the Commission

Amendment

2.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.

Amendment 247

Proposal for a regulation
Annex VIII – Part B – paragraph 2 – table – row 2

Text proposed by the Commission

<i>At least 157 mm</i>	<i>Whole area</i>	<i>Directed fishing for salmon</i>
<i>Amendment</i>		
<i>deleted</i>		

Amendment 284

Proposal for a regulation

Annex VIII – Part D – paragraph 1 – title

Text proposed by the Commission

1. Measures to reduce incidental catches of *cetaceans*

Amendment

1. Measures to reduce incidental catches of *marine mammals*

Amendment 285

Proposal for a regulation

Annex VIII – Part D – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures to minimise incidental catches of seabirds

1.1. Scientific research programmes shall be established in the Baltic Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

1.2. Spatial measures shall be applied in the Baltic Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

1.3 Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch

and fishing effort.

Amendment 251

Proposal for a regulation

Annex IX – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least 40 mm square mesh codend Whole area

A diamond mesh codend of 50 mm² may be used as an alternative to the **44** mm square mesh cod end at the justified request of the vessel owner

² Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.

Amendment

At least 40 mm square mesh codend Whole area

A diamond mesh codend of 50 mm² may be used as an alternative to the **40** mm square mesh cod end at the justified request of the vessel owner

² Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.

Amendment 254

Proposal for a regulation

Annex IX – Part B – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The existing derogations to the provisions set out in paragraphs 1, 1a and 2 of this Part for encircling gears affected by a management plan referred to in

Article 19 of Regulation (EC) No 1967/2006 and adopted pursuant to Article 9 of that Regulation shall remain in effect unless otherwise provided for under Article 18 of this Regulation.

Amendment 255

Proposal for a regulation Annex IX – Part C – paragraph 5

Text proposed by the Commission

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch ***deepwater*** crustacean (***including Plesionika spp., Pasiphaea spp. or similar species***).

Amendment

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch ***deep-water*** crustacean.

Amendment 256

Proposal for a regulation Annex IX – Part C – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Highly localised fleets using artisanal gear shall be authorised to catch deep-water crustacean (including Plesionika spp., Pasiphaea spp. or similar species).

Amendment 257

Proposal for a regulation Annex IX – Part C – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Restrictions on underwater spear

fishing

It is prohibited to fish with underwater spears using an aqualung and at night, from dusk until dawn.

Amendment 286

Proposal for a regulation

Annex IX – Part D – paragraph 1 – title

Text proposed by the Commission

1. Measures to reduce incidental catches of *cetaceans*

Amendment

1. Measures to reduce incidental catches of *marine mammals*

Amendment 287

Proposal for a regulation

Annex IX – Part D – paragraph 2 – point 2.1 (new)

Text proposed by the Commission

Amendment

2.1. Scientific research programmes shall be established in the Mediterranean to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

Amendment 288

Proposal for a regulation

Annex IX – Part D – paragraph 2 – point 2.2 (new)

Text proposed by the Commission

Amendment

2.2. *Spatial measures shall be applied in the Mediterranean where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.*

Amendment 289

Proposal for a regulation

Annex IX – Part D – paragraph 2 – point 2.3 (new)

Text proposed by the Commission

Amendment

2.3. *Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.*

Amendment 259

Proposal for a regulation

Annex X – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least **50** mm

Whole area

40 mm square mesh codends may be used as an alternative

Amendment

At least **40** mm

Whole area

50 mm diamond mesh codends^{1a} may be used as an alternative **to the 40 mm square mesh codend at the duly substantiated request of the vessel owner.**

^{1a} Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) may be carried on board or deployed.

Amendment 260

Proposal for a regulation

Annex X – Part B – paragraph 2 – table – row 2

Text proposed by the Commission

At least 400 mm	Whole area	<i>Directed</i> fishing for turbot
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Amendment

At least 400 mm	Whole area	Fishing for turbot <i>with bottom set gillnets</i>
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Amendment 261

Proposal for a regulation

Annex X – Part C

Text proposed by the Commission

Amendment

Part C

deleted

Closed or restricted areas

Seasonal Closure to protect turbot

Directed fishing, transshipment, landing and first sale of turbot shall be permitted from 15 April to 15 June annually in Union waters of the Black Sea.

Amendment 290

Proposal for a regulation

Annex X – Part D – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Measures to minimise incidental catches of seabirds

1a.1. Scientific research programmes shall be established in the Black Sea to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

1a.2. Spatial measures shall be applied in the Black Sea where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.

1a.3. Member States shall monitor and assess the effectiveness of the mitigation measures that have been established, including in relation to the fishing catch and fishing effort.

Amendment 262

Proposal for a regulation Annex XI – Part A – title

Text proposed by the Commission

Amendment

Baseline mesh sizes for towed gears

1. Baseline mesh sizes for towed gears

Amendment 263

Proposal for a regulation Annex XI – Part A – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following codend mesh sizes shall

The following codend mesh sizes shall

apply in the *Outermost Regions*.

apply in *Union waters in the Indian Ocean and in the West Atlantic*

Amendment 264

Proposal for a regulation

Annex XI – Part A – table – row 3

Text proposed by the Commission

At least 45 mm	All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France	Directed fishing for shrimp (<i>Penaeus subtilis</i> , <i>Penaeus brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>)
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Amendment

At least 45 mm	All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France	Directed fishing for shrimp (<i>Penaeus subtilis</i> , <i>Penaeus brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>) (15 % of catches)
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Amendment 265

Proposal for a regulation

Annex XI – Part A – table – row 4

Text proposed by the Commission

<i>At least 14 mm</i>	<i>Whole area</i>	<i>Directed fishing for small pelagic species with encircling nets</i>
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Amendment

deleted

Amendment 266

Proposal for a regulation
Annex XI – Part A – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Baseline mesh size for purse seines
The following mesh sizes for purse seines shall apply in Union waters in the Indian Ocean and in the West Atlantic

Amendment 267

Proposal for a regulation
Annex XI – Part A – paragraph 1 a (new) – table (new)

Text proposed by the Commission

Amendment

<i>Mesh size</i>	<i>Geographical areas</i>	<i>Conditions</i>
<i>At least 14 mm</i>	<i>Whole area</i>	<i>Directed fishing for small pelagic species with purse seines</i>

Amendment 291

Proposal for a regulation
Annex XI – Part B a (new)

Text proposed by the Commission

Amendment

Part Ba

Mitigation measures for sensitive species

1. Measures to reduce incidental catches of marine mammals

1.1. It shall be prohibited for vessels to deploy static nets, driftnets, pelagic trawls or high vertical opening trawls or other fisheries where evidence identifies bycatch in Outermost Regions, without the simultaneous use of proven mitigation technology. Exemptions should be made only for those fisheries with demonstrated negligible cumulative bycatch.

1.2. Point 1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member States or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

1.3. Member States, through dedicated annual monitoring schemes, shall monitor and assess, by means of scientific studies or pilot projects, the effectiveness of the mitigation devices as described in point 1.1 in the fisheries and areas concerned.

2. Measures to minimise incidental catches of seabirds

2.1. Scientific research programmes shall be established in the Outermost Regions to identify the overlap of sensitive species with fishing gear and fishing effort and determine technical solutions for fishing gears.

2.2. Spatial measures shall be applied in the Outermost Regions where scientific research has identified areas where sensitive seabirds are known to be incidentally caught until these can be replaced with other technical measures.