



Council of the
European Union

Brussels, 26 January 2018
(OR. en)

5358/18

**Interinstitutional File:
2017/0056 (COD)**

**CODEC 48
PECHE 10
PE 6**

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 laying down management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO)
– Outcome of the European Parliament's proceedings (Strasbourg, 15 to 18 January 2018)

I INTRODUCTION

The rapporteur, Ms Linnéa ENGSTRÖM (Greens/EFA, SE) presented a report consisting of 26 amendments (amendments 1-26) to the proposal for a regulation, on behalf of the Committee on Fisheries.

II. DEBATE

During the debate on 15 January 2018, Commissioner Karmenu VELLA congratulated the rapporteur for the excellent work and pointed out that the Commission could not support amendments 1 and 12, relating to the provisions to promote artisanal small-scale fisheries, and the definition of ‘fishing vessel’ and ‘IUU fishing’ respectively.

Shadow rapporteur Francisco José MILLÁN MON (EPP, ES) said that it was important not to add provisions while transposing the South Pacific Regional Fisheries Management Organisation's legislation in order to avoid discriminating the European fishermen.

Mr Gabriel MATO (EPP, ES) criticised the length of the transposition procedure.

III. VOTE

When it voted on 16 January 2018, the European Parliament adopted amendments 1-26 by a large majority (630 in favour, 27 against, 19 abstentions).

The vote on the legislative resolution was postponed to a later session, thereby not closing the European Parliament's first reading and leaving open the possibility of reaching an agreement in first reading. The matter was then referred back to the Committee on Fisheries, pursuant to Rule 59(4)(4) of the European Parliament's Rules of Procedure.

The text of the adopted amendments is annexed to this note.

Management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation *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 laying down management, conservation and control measures applicable in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO) (COM(2017)0128 – C8-0121/2017 – 2017/0056(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

**Proposal for a regulation
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) When implementing the conservation and management measures adopted by SPRFMO, the Union and Member States should endeavour to promote coastal fishing activities and the use of fishing gear and techniques which are selective and have a reduced environmental impact, including gear and techniques used in traditional and artisanal fisheries, thereby contributing to a fair standard of living for local economies.

Amendment 2

**Proposal for a regulation
Article 1 – paragraph 1**

¹ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0377/2017).

Text proposed by the Commission

This Regulation lays down management, conservation and control provisions relating to fishing for straddling *species* in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

Amendment

This Regulation lays down management, conservation and control provisions relating to fishing for straddling *fish stocks* in the Convention Area of the South Pacific Regional Fisheries Management Organisation (SPRFMO).

Amendment 3

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) Third country fishing vessels upon requesting access or being the object of an inspection in Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Amendment

(c) Third country fishing vessels upon requesting access **to**, or being the object of an inspection in, Union ports and carrying fishery products harvested in the SPRFMO Convention Area.

Amendment 4

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘SPRFMO Convention Area’ means the **high seas** geographical area ***south of 10° N, north of the CCAMLR Convention Area as defined in the Convention on the Conservation of Antarctic Marine Living Resources, east of the SIOFA Convention Area as defined in the Southern Indian Ocean Fisheries Agreement, and west of the areas of fisheries jurisdictions of South American States;***

Amendment

(1) ‘SPRFMO Convention Area’ means the geographical area ***marked out in Article 5 of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean;***

Amendment 5

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘fishing vessel’ means any vessel of any size used or intended for ***use for the purposes of commercial exploitation of fishery resources***, including ***support ships***, fish processing vessels, ***vessels engaged in transshipment and*** carrier vessels ***equipped for the transportation of fishery products, except container vessels***;

Amendment

(2) ‘fishing vessel’ means any vessel used or intended for ***fishing***, including fish processing vessels, ***support ships***, carrier vessels ***and any other vessel directly engaged in fishing operations***;

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘bottom fishing footprint’ means the spatial extent of bottom fishing during ***a defined period of time in the SPRFMO Convention Area***;

Amendment

(7) ‘bottom fishing footprint’ means the spatial extent of bottom fishing ***in the SPRFMO Convention Area*** during ***the period 1 January 2002 to 31 December 2006***;

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

(10) ‘established fishery’ means a fishery that has not been closed and that has been subject to fishing or has been subject to fishing with a particular gear type or technique in the previous ten years;

deleted

Amendment 8

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘large-scale pelagic driftnets’ (drift gillnets) means a gillnet or other net, or a combination of nets, which is more than 2,5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface or in the water.

Amendment 9

Proposal for a regulation

Article 3 – paragraph 1 – point 10 b (new)

Text proposed by the Commission

Amendment

(10b) ‘deepwater gillnets’ (trammel net, set nets, anchored nets, sink nets) means strings of single, double or triple netting walls, held vertically, on or near the bottom, in which fish will gill, entangle or enmesh. Deepwater gillnets consist of single or, less commonly, double or triple

netting mounted together on the same frame ropes. Several types of nets may be combined in one gear. Those nets can be used either alone or, as is more usual, in large numbers placed in line ('fleets' of nets). The gear can be set, anchored to the bottom or left drifting, free or connected with the vessel.

Amendment 10

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

(11) 'IUU fishing *activities*' means any illegal, unreported or unregulated fishing activity as defined in Article 2 of Regulation (EC) No 1005/2008;

Amendment

(11) 'IUU fishing' means fishing activities defined in **point 1 of** Article 2 of Regulation (EC) No 1005/2008;

Amendment 11

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds.

Amendment

(16) 'vulnerable marine ecosystem' means any marine ecosystem whose integrity (***i.e. ecosystem structure or function***) is, according to the best scientific information available and to the precautionary principle, threatened by significant adverse impacts resulting from physical contact with bottom gears in the normal course of fishing operations, including, inter alia, reefs, seamounts, hydrothermal vents, cold water corals or

cold water sponge beds.

Amendment 12

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Allocation of fishing opportunities for jack mackerel

In accordance with Article 17 of Regulation (EU) No 1380/2013, when allocating the fishing opportunities for jack mackerel stocks available to them, Member States shall use transparent and objective criteria, including those of an environmental, social and economic nature, and shall also endeavour to distribute national quotas fairly among the various fleet segments giving special consideration to traditional and artisanal fishing, and to provide incentives to Union fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact.

Amendment 13

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not

6. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling. Where this is not

feasible, vessels shall batch waste for two hours or longer.

feasible ***and when it is necessary to discharge biological waste due to operational safety concerns***, vessels shall batch waste for two hours or longer.

Amendment 14

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

Amendment

4. ***Where possible***, Union fishing vessels shall be prohibited from discharging offal during shooting and hauling.

Amendment 15

Proposal for a regulation Article 8 – paragraph 5

Text proposed by the Commission

5. Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Amendment

5. ***Where possible and appropriate***, Union fishing vessels shall convert offal into fish meal and retain all waste material with any discharge restricted to liquid discharge/sump water. Where this is not feasible, fishing vessels shall batch waste for two hours or longer.

Amendment 16

Proposal for a regulation

Article 8 – paragraph 6

Text proposed by the Commission

6. Nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Amendment

6. **Where possible**, nets shall be cleaned after every fishing operation to remove entangled fish and benthic material to discourage interactions with birds during gear deployment.

Amendment 17

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) any observed seabird interaction data.

Amendment 18

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) the average catch level over the period 1 January 2002 to 31 December 2006;

Amendment

(b) the average **annual** catch level over the period 1 January 2002 to 31 December 2006;

Amendment 19

Proposal for a regulation Title 3 – Chapter II a (new)

Text proposed by the Commission

Amendment

Chapter II a Gillnets

Amendment 20

Proposal for a regulation Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a Gillnets

- 1. The use of large-scale pelagic driftnets and all deepwater gillnets is prohibited throughout the SPRFMO Convention Area.**
- 2. Flag Member States whose vessels seek to transit the SPRFMO Convention Area with gillnets on board shall:**
 - (a) give at least 36 hours advance notice to the SPRFMO Secretariat prior to entering the SPRFMO Convention Area, including the expected entry and exit dates and length of gillnet carried on board;**
 - (b) ensure their vessels operate a vessel monitoring system (VMS) polling once every two hours while in the SPRFMO Convention Area;**
 - (c) submit VMS position reports to the SPRFMO Secretariat within 30 days of**

the vessel leaving the SPRFMO Convention Area; and

(d) if gillnets are accidentally lost or fall overboard from the vessel, report the date, time, position and length (metres) of gillnets lost to the SPRFMO Secretariat as soon as possible and in any event within 48 hours of the gear being lost.

Amendment 21

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species **harvested in** the SPRFMO Convention Area.

Amendment

5. Notwithstanding Article 15(1) of Regulation (EU) No 1380/2013, Union fishing vessels not included in the SPRFMO Record of vessels shall not be permitted to engage in fishing activities for species **under the responsibility of** the SPRFMO **in the** Convention Area.

Amendment 22

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. This Article shall be without prejudice **of** Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4 (3) and (4) of Regulation (EC) No 1005/2008.

Amendment

4. This Article shall be without prejudice **to** Articles 21 and 22 of Regulation (EC) No 1224/2009 and Article 4(3) and (4) of Regulation (EC) No 1005/2008.

Amendment 23

Proposal for a regulation

Article 25 – paragraph 1 – point c

Text proposed by the Commission

(c) designate a point of contact for the purposes of **transmitting** inspection reports pursuant to Article 11(3) of Council Regulation (EC) 1005/2008.

Amendment

(c) designate a point of contact for the purposes of **receiving** inspection reports pursuant to Article 11(3) of Council Regulation (EC) 1005/2008.

Amendment 24

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **120** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **90** days in advance of the annual meeting.

Amendment

Member States shall submit to the Commission any documented information that indicates possible instances of non-compliance by any fishing vessel with SPRFMO conservation and management measures in the SPRFMO Convention Area over the past two years at least **150** days in advance of the annual meeting. The Commission shall examine that information and, if appropriate, forward it to the SPRFMO Secretariat at least **120** days in advance of the annual meeting.

Amendment 25

Proposal for a regulation

Article 30 a – paragraph 2

Text proposed by the Commission

2. ***The authorities of a fishing*** vessel flagged to a Member State ***notified by*** the Commission ***of its inclusion in the Draft IUU Vessel List*** shall notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Amendment

2. ***When the Commission is notified that a*** vessel flagged to a Member State ***is included in the draft SPRFMO IUU vessel list,*** the Commission ***shall notify the authorities of the Member State concerned to that effect, which shall in turn*** notify the vessel owner of its inclusion in the Draft SPRFMO IUU Vessel List and of the consequences that may result from its inclusion being confirmed in the IUU Vessel List adopted by the SPRFMO.

Amendment 26

Proposal for a regulation

Article 32 c – paragraph 1 – point e

Text proposed by the Commission

(e) Position date and time (UTC);

Amendment

(e) Position (***latitude and longitude***), date and time (UTC);