— minimum number of staff members able to accept complaints or information about lost baggage.

4. Minimum quality standards for equipment:
   — number and availability of assistance vehicles for passengers/baggage/aircraft.

5. Minimum quality standards relating to the CDM system:
   — participation in the airport’s CDM system.

6. Minimum quality standards relating to safety:
   — possession of a safety management system and an obligation to coordinate that system with the airport’s safety system;
   — accident and incident reporting.

7. Minimum quality standards relating to security:
   — possession of a security management system in accordance with Regulation (EC) No 300/2008 of the European Parliament and the Council of 11 March 2008 on common rules in the field of civil aviation security \(^{(1)}\) and an obligation to coordinate that system with the airport’s security system.

8. Minimum quality standards relating to contingency planning:
   — possession of a contingency plan (including action to be taken in the event of heavy snowfall) and an obligation to coordinate that system with the airport’s plan.

9. Environment:
   — reporting of incidents that affect the environment (e.g. leaks);
   — gases emitted by the vehicles used.

[Am. 332]

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**Technical and control measures in the Skagerrak ***I**


(Ordinary legislative procedure: first reading)

(2016/C 045/31)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0471),

— having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0234/2012),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 14 November 2012 \(^{(1)}\),

— having regard to Rule 55 of its Rules of Procedure,

\(^{(1)}\) OJ L 97, 9.4.2008, p. 72.

\(^{(1)}\) OJ C 11, 15.1.2013, p. 87.
— having regard to the report of the Committee on Fisheries (A7-0051/2013),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments

P7_TC1-COD(2012)0232


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee (1),

Acting in accordance with the ordinary legislative procedure (2),

Whereas:

(-1) As the Skagerrak is the only waters, shared by Member States and third countries, not regulated by a fisheries agreement, where quotas apply and where third countries have put in place an obligation to land all catches, it is reasonable to provide for a specific set of rules in relation to control and technical measures for the Skagerrak that differ from the general rules applicable within the Union. [Am. 1]

(1) As a result of the Fisheries Consultations for 2012 held on 2 December 2011 between the Union and Norway, certain technical and control measures applicable to the Skagerrak should be amended with a view to improving the exploitation patterns and, where possible, to align Union and Norwegian regulations.

(2) During the Fisheries Consultations between the Union and Norway of 28 June 2012 the common technical and control measures to be applied in the Skagerrak, the list of species to be covered by an obligation to land all catches and the timetable by which these species should be progressively included in the obligation to land were specified. In consultation with the relevant stakeholders and the working group, the Commission should be able to remove species from that list. It should not be possible for new species to be added until after the first evaluation of the measures after this Regulation has entered into force. [Am. 2]

(2a) It would place too great a burden on the fisheries sector if any changes to the current rules were applied during an existing quota year. Such changes should therefore be applied from the beginning of the next complete quota year. The rules introduced by this Regulation should consequently apply from 1 January 2014. [Am. 3]

(3) Changes to the technical measures in place in the Skagerrak are needed to reduce the level of unwanted catches and discards as they negatively affect the sustainable exploitation of marine biological resources.

(1) OJ C 11, 15.1.2013, p. 87.
An obligation to land all catches of stocks subject to catch limits needs to be established, except for species or fisheries where there is scientific evidence of high survival rates of discarded fish or where the burden to fishermen of having to extract the unwanted species from the catch for separate treatment is unreasonably high.

The system of landing all catches requires substantial changes to the present fisheries and the management of the fisheries concerned. Therefore, the obligation to land should be introduced progressively.

For the protection of juvenile fish, the functioning of the fisheries market and to ensure that no unjust profit can be gained from catching fish under a minimum conservation reference size, the handling of such catches should be limited to fish meal, pet food or other non-human consumption products, or to charitable purposes.

In order to progressively eliminate discards the selectivity of the fishing gears should be improved by introducing gear modifications, including increasing the general minimum mesh size requirement for demersal fisheries but with derogations to allow the use of gears, including selection devices having the same selectivity in these fisheries. [Am. 4]

For the best possible effect and proper monitoring and control of the new technical measures to be set out, it is necessary to restrict the use of fishing gears in the Skagerrak.

In order to address the conflict of applicable legislation in the Skagerrak and its neighbouring areas and to ensure that the rules establishing the technical measures in the Skagerrak are complied with, it is also necessary to establish certain measures to govern issues when on a given fishing trip fishing vessels combine their fishing activities in the Skagerrak with fishing in areas where the new technical measures adopted for the Skagerrak are not to be applied.

With a view to ensuring compliance with the measures laid down in this Regulation, specific control measures should be adopted in addition to those provided for in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (1).

Recognising that the Skagerrak is a rather small fishing area where mainly smaller vessels carry out short fishing trips, the use of prior notification as requested by Article 17 of Regulation (EC) No 1224/2009 should be extended to cover all vessels with an overall length of 10 m or more and the prior notifications should be submitted two hours in advance to adapt to the fisheries.

For the proper monitoring of fishing activities with special regard to verifying that the obligation to land all catches of stocks subject to catch limitations is complied with at sea, it is necessary to operate that the Member States put in place a Remote Electronic Monitoring (REM) system on vessels operating in the Skagerrak. The REM system should be based on automated control; data should be handled in conformity with rules on data protection and be made available to research. The efficiency of the control measures will also be assessed in consultation with the relevant stakeholders and the Commission, the Working Group on Monitoring, Control and Surveillance, as referred to in the Agreed Record of conclusions of fisheries consultations between the European Union and Norway of 3 December 2010 (‘Agreed Record’), two years after this regulation has entered into force. Based on the information that is collected, the Commission should evaluate whether a wide-ranging control system, harmonising the individual regimes, is feasible. [Am. 5]

To ensure that the new technical measures are complied with, Member States concerned should define control and inspection measures for the Skagerrak and incorporate those measures into their respective national control action programmes.

It is necessary to provide for rules for vessels transiting the Skagerrak in order to ensure that the new technical measures are respected.

Provisions should be made for the periodical assessment by the Commission of the adequacy and effectiveness of the technical measures. It is appropriate that such assessment is based on reports of the Member States concerned.

In order to facilitate more selective fishing in the context of an obligation to land all catches, it is appropriate to exempt the vessels operating in the Skagerrak from the effort regime set out in Chapter III of Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (1).

It is required to provide a level of flexibility for fishermen to adapt to the new regime in the Skagerrak. Accordingly, the permitted flexibility in the year-to-year quota uptake established in Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (2) should not be deemed as overfishing.

In order to adapt to technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of further defining the exception allowing the release of fish of a stock in some cases when it is beneficial to the sustainable recovery of the stock, as well as in respect of amending Annex I as regards the timeline and the stocks subject to the obligation to land all catches and in respect of amending Annex II as regards minimum conservation reference sizes. 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. [Am. 6]

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. [Am. 6]

In order to ensure uniform conditions and a timely response to the reality of fisheries and available scientific information, implementing powers should be conferred on the Commission as regards provisions of a technical nature, the determination of selectivity levels of gears and the minimum requirements of the REM. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission’s exercise of implementing powers (3).

The prohibition of retention on board of certain species at certain times in the Skagerrak and the scope of this Regulation make certain amendments to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (4) and Regulation (EC) No 1342/2008 necessary.

Regulations (EC) No 850/98 and (EC) No 1342/2008 should, therefore, be amended accordingly.

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject matter and scope

1. This Regulation establishes new technical and control measures in those areas of the Skagerrak that fall within the jurisdiction of a Member State. [Am. 7]

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(2) OJ L 115, 9.5.1996, p. 3.
2. This Regulation shall apply to all fishing vessels operating in those areas of the Skagerrak that fall within the jurisdiction of a Member State. [Am. 8]

Article 2
Definitions

For the purposes of this Regulation, in addition to the definitions laid down in Articles 2 and 3 of Regulation (EC) No 850/98 and in Article 3 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (1), the following definitions shall apply: [Am. 9]

(a) Pots and creels mean small traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials 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.

(b) Minimum conservation reference size means the size for a given species, based on its size at maturity, below which the sale of catches shall be restricted to reduction to fish meal, pet food or other non-human consumption products only. [Am. 10]

(c) Mesh size of any trawl, Danish seine or similar towed net means the stretched mesh size opening of any codend or extension piece found on board a fishing vessel. [Am. 11]

(d) Codend means a codend sensu stricto.

(e) Extension piece means a lengthening piece as defined in the Annex to Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets (2).

(f) Demersal trawl means gear which is actively towed by one or more fishing vessels across the seabed and consisting of a net having a cone- or pyramid-shaped body (as trawl body) closed at the back by a codend which is horizontally opened by otter boards in contact with the bottom or in the case of two vessels by the distance between the vessels.

(g) Danish seine means encircling and towed gear, operated from one or more vessels by means of two long ropes (seine ropes) designed to herd the fish towards the opening of the seine. The gear, made up of net which is similar to a bottom trawl in design and size, comprises two long wings, a body and a codend.

(h) 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 by the vessel engine. [Am. 12]

(i) Pelagic trawl means gear which is towed by one or more fishing vessels in midwater and consisting of a net with large meshes in the front section which herd the catch towards the net aft sections which are constructed in small mesh, for which the fishing depth is controlled by means of a net sounder and the horizontal opening is controlled by otter boards which normally do not touch the seabed.

(j) Pelagic and industrial species means herring, mackerel, sprat, blue whiting, Norway pout, sandeel or horse mackerel.

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Remote Electronic Monitoring (REM) means a system which monitors fishing activities and is operated by the authorities of a Member State. [Am. 13]

Collection and Transfer Equipment (CTE) means a system that collects data and transmits them to the REM and that includes closed circuit TV (CCTV), a global positioning system (GPS), sensors and transmitting equipment. [Am. 14]

CHAPTER II
TECHNICAL CONSERVATION MEASURES

Article 2a
Obligation to minimise catches of unwanted species and juveniles

1. Anyone carrying out fishing activities in the Skagerrak shall, to the extent possible, avoid catches of unwanted species and catches below the minimum conservation reference size set out in Annex II, inter alia by selecting fishing gear and where and when the fishing effort takes place.

2. The Member States concerned shall take all necessary measures to minimise catches of unwanted species and catches below the minimum conservation reference size set out in Annex II, including by making available more selective gear, as referred to in Article 6. [Am. 15]

Article 2b
Obligation to register and report all catches

1. Anyone carrying out fishing activities in the Skagerrak shall register all catches in the logbook, distinguishing between:

(a) fish from stocks mentioned in Annex I;

(b) catches below the minimum conservation reference size from such stocks; and

(c) fish from other stocks.

2. All catches registered according to paragraph 1 shall be reported to the Commission or to the authorities of the flag Member State. [Am. 16]

Article 3
Obligation to land all catches

1. By way of derogation from Article 19(1) of Regulation (EC) No 850/98, all catches of the fish stocks listed in Annex I shall be brought and retained on board the fishing vessels and landed in accordance with the timeline set out in that Annex, except if the discarded fish of such stocks have high survival rate or where the burden to fishermen of having to extract the unwanted species from the catch for separate treatment is unreasonably high.

1a. Notwithstanding the obligation to register all catches in accordance with Article 2b, the obligation to land all catches pursuant to paragraph 1 of this Article shall not apply to a species in a specific fishery where it has been established pursuant to paragraph 4 of this Article that it has a high survival rate, provided that it can be separated from the main catch.

2. Notwithstanding paragraph 1, and by way of derogation from Article 19(1) of Regulation (EC) No 850/98, when fishing with gears having a mesh size equal to or less than 32 mm all catches of stocks, including stocks to which the obligation to land does not apply not listed in Annex I, shall be brought and retained on board the fishing vessels and landed.

3. Paragraph 1 shall not apply to fishing with pots or creels.

4. The Commission shall be empowered to adopt delegated acts amending Annex I on the basis of advances in scientific information, or where the burden to fishermen proves to be disproportionate to the benefits and the experience of applying this Regulation; however, no species shall be added to Annex I before the first review pursuant to Article 15 has been completed. The Commission shall also be empowered to adopt delegated acts, specifying when catch may be...
released according to paragraph 1a. Before adopting such delegated acts, the Commission shall ensure proper coordination with all parties involved in fisheries in the Skagerrak, with a view to ensuring that the same rules apply to the whole of the Skagerrak.

Those delegated acts shall be adopted in accordance with Article 16. [Am. 17]

Article 4
Special conditions for quota management

1. All catches of stocks referred to in Article 3 made by Union fishing vessels shall be counted against the quotas applicable to the flag Member State for the stock or group of stocks in question, irrespective of the place of landing.

2. Member States shall ensure that quota is available for fishing vessels operating in the Skagerrak for any stocks subject to the obligation to land that they may catch, taking account of the likely catch composition of the vessels.

3. Member States shall ensure that fishing vessels flying their flag retaining on board fish for which the Member State has no quota shall cease fishing immediately and return to port. [Am. 18]

Article 5
Handling of juvenile fish

1. Where a minimum conservation reference size is set for a stock subject to Article 3, the sale of catches of that stock below the minimum conservation reference size shall be restricted to reduction to fish meal, pet food or other non-human consumption products only, or for charitable purposes. If such catches need to be stored on land prior to their disposal, they shall be stored separately from catches that are above the minimum conservation size. [Am. 19]

2. The minimum conservation reference sizes for stocks in the Skagerrak are listed in Annex II.

3. The Commission shall be empowered to adopt delegated acts to amend Annex II on the basis of advances of scientific information in order to ensure, after consultations with all parties involved in fisheries in the Skagerrak, that minimum conservation reference sizes are in line with the size at maturity of the species concerned, and review mesh sizes accordingly. When adopting such delegated acts, the Commission shall strive to establish joint minimum conservation reference sizes with Norway in order to create a level-playing field. [Am. 20]

Those delegated acts shall be adopted in accordance with Article 16.

Article 6
Specifications of fishing gears

1. The carrying on board or the use of any demersal trawl, Danish seine, beam trawl or similar towed net having a mesh size of less than 120 mm is prohibited.

2. By way of derogation from paragraph 1:

(a) Gears having the same selectivity characteristics as the ones set out in paragraph 1 confirmed by experimental fishing trips or assessment from the Scientific, Technical and Economic Committee for Fisheries (STECF) may be used.

(b) Trawls with minimum mesh sizes of equal to or less than 32 mm may be used provided in fisheries for pelagic and industrial species; however, if the catch on board contains more at any time during the fishing trip consists of less than 80% of one or more pelagic or industrial species, the fishing vessel shall return to port. [Am. 21]

3. The Commission shall be empowered to adopt implementing acts to decide on the gears, including the selection devices attached to those gears, which may be used as having the characteristics of equivalent selectivity to the gears set out in paragraph 1.

Those implementing acts shall be adopted in accordance with Article 17.
Article 7
Restrictions on the use of gear

1. Fishing vessels operating in the Skagerrak shall only use one fishing gear during any given fishing trip.

2. By way of derogation from paragraph 1, fishing vessels may use any combination of fishing gears specified in Article 6(1) and Article 6(2)(a).

3. Vessels referred to in paragraphs 1 may retain on board more than one gear provided that they shall stow the unused nets in accordance with Article 47 of Regulation (EC) No 1224/2009.

Article 8
Fishing trips carried out in the Skagerrak and other areas

1. By way of derogation from Articles 4, 15, 19(1), 35, 36, 37 of Regulation (EC) No 850/98, this Chapter shall also apply to areas other than the Skagerrak for the whole fishing trip of a vessel.

2. Paragraph 1 shall apply to other areas only where that vessel fishes in the Skagerrak and in the other area at any time during the same fishing trip.

CHAPTER III
CONTROL MEASURES

Article 9
Relationship with other Regulations

The control measures provided for in this Chapter shall apply in addition to those provided for in Council Regulation (EC) No 1005/2008 (1), Council Regulation (EC) No 1006/2008 (2) and Regulation (EC) No 1224/2009 and save where otherwise provided for in the Articles of this Chapter.

Article 10
Prior notification

1. By way of derogation from Article 17 of Regulation (EC) No 1224/2009, masters of Union fishing vessels retaining on board fish stocks subject to Article 3 of this Regulation shall notify the competent authorities of their flag Member State of the information listed in Article 17(1) of Regulation (EC) No 1224/2009 two hours before entering into port.

2. By way of derogation from Article 1 of Commission Regulation (EC) No 1010/2009 (3), masters of third country fishing vessels retaining on board fish stocks subject to Article 3 of this Regulation shall notify the competent authorities of the Member State whose port they wish to use of the information listed in Article 6(1) of Regulation (EC) No 1005/2008 two hours before entering into port.

Article 11
Remote Electronic Monitoring

1. Member States shall operate a Remote Electronic Monitoring (REM) system for monitoring of fishing activities of the fishing vessels flying their flag and operating in the Skagerrak.

2. A fishing vessel of 12 metres length overall or more carrying out fishing activities in that part of the Skagerrak that is within Union waters shall have installed on board a fully functioning REM system that consists of a sufficient number of closed circuit TV (CCTV) cameras on board, a global positioning system (GPS), and sensors to be and transmitting equipment (CTE) before it is allowed to leave port.

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3. Paragraph 2 shall be applied in accordance with the following timeline:

(a) as from 1 January 2014 to 1 January 2015 to Union fishing vessels of 15 metres’ length overall or more;

(b) as from 1 July 2015 to Union fishing vessels of 12 metres’ length overall or more.

4. The Commission shall be empowered to adopt implementing acts on the following aspects of the REM: reliability of the system, system specifications, data to be recorded and processed, monitoring the use of the REM, or any other elements necessary for the functionality of the system. Data recorded by the CCTV cameras shall be automated using image recognition software and shall be treated in conformity with the applicable data protection rules and principles.

5. The European Maritime and Fisheries Fund shall provide support for the installation of closed circuit TV (CCTV) cameras, the global positioning system (GPS) and sensors and transmitting equipment (CTE).

6. The Commission may adopt implementing acts concerning the following aspects of the REM: the reliability of the system, the system specifications, the data to be recorded and processed, the monitoring of the use of the REM, or any other elements necessary for the functionality of the system.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).

Article 12

Control and inspection plan

1. Member States shall establish control and inspection measures in accordance with Annex III to ensure compliance with the conditions referred to in this Regulation within six months from the entry into force of this Regulation.

2. The control and inspection measures shall be included in the national control action programme as provided for in Article 46 of Regulation (EC) No 1224/2009 that is applicable to the multiannual plan for cod stocks laid down in Regulation (EC) No 1342/2008.

Article 13

Transit

Fishing vessels transiting the Skagerrak with fish retained on board caught in areas other than the Skagerrak shall lash and stow the nets in accordance with Article 47 of Regulation (EC) No 1224/2009.

CHAPTER IV

REVIEW

Article 14

Member States reporting

Member States concerned shall report to the Commission on the implementation of this Regulation in the third year after the entry into force of this Regulation by ... (*) and then every third year thereafter. The first report shall focus specifically on the measures taken by the Member States to minimise catches of unwanted species and catches below the minimum conservation reference size according to Annex II. [Am. 23]

Article 15

Evaluation of the plan

The Commission shall, on the basis of the reports from Member States referred to in Article 14 and in conjunction with scientific advice on the basis of advice from STECF, the International Council for the Exploration of the Sea (ICES) and

(*) Two years after the entry into force of this Regulation.
the North Sea Regional Advisory Council, evaluate the impact of the measures on the stocks and fisheries concerned in the year following that in which it receives the reports. The first evaluation shall focus on whether the measures in this Regulation have sufficiently contributed to the sustainable conservation of the stocks, on whether additional measures to minimise catches of unwanted species and catches below the minimum conservation reference size according to Annex II are necessary and on the socioeconomic impact on the fisheries sector. [Am. 24]

CHAPTER V
PROCEDURAL PROVISIONS

Article 16
Exercise of delegated powers

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The powers to adopt delegated acts as referred to in Articles Article 3(4) and Article 5(3) shall be conferred on the Commission for an indeterminate period of time three years from … (*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. [Am. 23]

3. The delegation of power referred to in Article 3(4) and Article 5(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopt a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(4) and Article 5(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 17
Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER VI
AMENDMENTS

Article 18
Amendments to Regulation (EC) No 850/98

Regulation (EC) No 850/98 is amended as follows:

1. The word ‘Skagerrak’ is deleted from point (ii) of Article 4(4)(a), from Article 35 and from the heading of Annex IV.

2. Article 38 is deleted.

(*) Date of entry into force of this Regulation.
3. The heading of Annex X.B is replaced by the following:

‘B. CONDITIONS FOR USE OF CERTAIN COMBINATIONS OF MESH SIZE IN KATTEGAT’

Article 19
Amendments to Regulation (EC) No 1342/2008

Regulation (EC) No 1342/2008 is amended as follows:

1. In Article 11(1), the following subparagraph is added:

‘The fishing effort regime referred to in the first subparagraph shall not apply to the Skagerrak from 1 January 2013 to 1 January 2014.’ [Am. 26]

2. In Article 12(5), the following subparagraph is added:

‘Where the Skagerrak is excluded from the fishing effort regime pursuant to the second subparagraph of Article 11(1), the fishing effort that can be associated with the Skagerrak, and which contributed to establishment of the baseline effort, shall no longer be taken into account for the purpose of establishing the maximum allowable fishing effort.’

CHAPTER VII
DEROGATIONS

Article 20
Derogation from Regulation (EC) No 847/96

1. By way of derogation from

(a) Article 3(3) of Regulation (EC) No 847/96, when more than 75% of a quota for a stock subject to Article 3 of this Regulation has been utilized before 31 October of the year of its application, the Member State to which such a quota has been allocated may request the Commission’s permission to land additional quantities of fish of the same stock to be deducted from the quota of that stock in the following year, indicating the additional quantity required (borrowing), and

(b) Article 4(2) of Regulation (EC) No 847/96, a Member State to which a relevant quota has been allocated may ask the Commission, before 31 October of the year of application of the quota, to withhold a part of its quota with a view of transferring it to the following year (banking).

The quantities referred to in paragraphs (a) and (b) shall not exceed

(i) in 2013 2014, 20 % of the appropriate quota,

(ii) in 2014 2015, 15 % of the appropriate quota and

(iii) from 2015 2016, 10 % of the appropriate quota. [Am. 27]

2. The additional quantity borrowed in accordance with paragraph 1 shall not be considered as exceeding permitted landings for the purposes of the deductions set out in Article 103 of Regulation (EC) No 1224/2009.

CHAPTER VIII
FINAL PROVISIONS

Article 21

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

This Regulation shall apply from 1 January 2014

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ,

For the European Parliament

The President

For the Council

The President
### ANNEX I

List of species to be progressively included in the obligation to land

<table>
<thead>
<tr>
<th>Name</th>
<th>Scientific name</th>
<th>Start date of application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod</td>
<td><em>Gadus morhua</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Haddock</td>
<td><em>Melanogrammus aeglefinus</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Herring</td>
<td><em>Clupea harengus</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Mackerel</td>
<td><em>Scomber scombrus</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Northern Prawn</td>
<td><em>Pandalus borealis</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Saithe</td>
<td><em>Pollachius virens</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Sprat</td>
<td><em>Sprattus sprattus</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Whiting</td>
<td><em>Merlangius merlangus</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Hake</td>
<td><em>Merluccius merluccius</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Ling</td>
<td><em>Molv a molva</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Monkfish</td>
<td><em>Lophius piscatorius.</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Pollack</td>
<td><em>Pollachius pollachius</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Grenadier</td>
<td><em>Coryphaenoides rupestris</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Blue Ling</td>
<td><em>Molv a dypterygia</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
<tr>
<td>Tusk</td>
<td><em>Brosme brosme</em></td>
<td>1 January 2013 – 1 January 2014</td>
</tr>
</tbody>
</table>

[Am. 28]
<table>
<thead>
<tr>
<th>Name</th>
<th>Scientific name</th>
<th>Start date of application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaice</td>
<td>Pleuronectes platessa</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Witch</td>
<td>Glyptcephalus cynoglossus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Long rough dab</td>
<td>Hippoglossoides platessoides</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Blue Whiting</td>
<td>Micromesistius poutassou</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Norway pout</td>
<td>Trisopterus esmarkii</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Argentine</td>
<td>Argentina spp.</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Sole</td>
<td>Solea solea</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Nephrops</td>
<td>Nephrops norvegicus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Brill</td>
<td>Scophthalmus rhombus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Dab</td>
<td>Limanda limanda</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Turbot</td>
<td>Scophthalmus maximus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Lemon Sole</td>
<td>Microstomus kitt</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Sandeel</td>
<td>Ammodytae</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Horse Mackerel</td>
<td>Trachurus trachurus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Rays (other than those listed in the fishing opportunities regulations as having to be released)</td>
<td>Raja spp.</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Flounder</td>
<td>Platichthys flesus</td>
<td>1 January 2015 - 1 January 2016</td>
</tr>
<tr>
<td>Name</td>
<td>Scientific name</td>
<td>Start date of application</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Catfish/Wolfish</td>
<td><em>Anarhichas lupus</em></td>
<td>1 January 2015 1 January 2016</td>
</tr>
<tr>
<td>Greater Forkbeard</td>
<td><em>Phycis blennoides</em></td>
<td>1 January 2015 1 January 2016</td>
</tr>
<tr>
<td>Lumpsucker</td>
<td><em>Cyclopterus lumpus</em></td>
<td>1 January 2015 1 January 2016</td>
</tr>
<tr>
<td>Redfish spp</td>
<td><em>Sebastes spp.</em></td>
<td>1 January 2015 1 January 2016</td>
</tr>
</tbody>
</table>

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**ANNEX II**

**Minimum conservation reference size**

<table>
<thead>
<tr>
<th>Species</th>
<th>Minimum conservation reference sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cod (<em>Gadus Morhua</em>)</td>
<td>30 cm</td>
</tr>
<tr>
<td>Haddock (<em>Melanogrammus aeglefinus</em>)</td>
<td>27 cm</td>
</tr>
<tr>
<td>Whiting (<em>Merlangus merlangus</em>)</td>
<td>23 cm</td>
</tr>
<tr>
<td>Saithe (<em>Polachius virensis</em>)</td>
<td>30 cm</td>
</tr>
<tr>
<td>Herring (<em>Clupea harengus</em>)</td>
<td>18 cm</td>
</tr>
<tr>
<td>Mackerel (<em>Scomber spp.</em>)</td>
<td>20 cm</td>
</tr>
<tr>
<td>Hake (<em>Merluccius merluccius</em>)</td>
<td>30 cm</td>
</tr>
<tr>
<td>Ling (<em>Molva molva</em>)</td>
<td>63 cm</td>
</tr>
<tr>
<td>Blue ling (<em>Molva dipterygia</em>)</td>
<td>70 cm</td>
</tr>
<tr>
<td>Pollack (<em>Pollachius pollachius</em>)</td>
<td>30 cm</td>
</tr>
<tr>
<td>Plaice (<em>Pleuronectes platesus</em>)</td>
<td>27 cm</td>
</tr>
<tr>
<td>Sole (<em>Solea spp.</em>)</td>
<td>24 cm</td>
</tr>
<tr>
<td>Horse mackerel (<em>Trachurus spp.</em>)</td>
<td>15 cm</td>
</tr>
</tbody>
</table>
ANNEX III

Control and inspection measures

1. For the purposes of control and inspection to verify the level of compliance with Articles 3 and 5, the national control and inspection measures shall include reference at least to the following:

(a) requirements of full catch sampling at sea and in port;
(b) analysis of all data listed in Article 109(2)(a) and (b) of Regulation (EC) No 1224/2009;
(c) use of sensors attached to the gears;
(d) use of remote electronic monitoring (REM) that consists of closed circuit TV (CCTV), GPS and sensors CTE to collect and transfer data in the prescribed order to the relevant REM;
(e) the reference fleet for the main fisheries in the Skagerrak, either by the use of REM or observers;
(f) a scientific sampling program on discards covering all the main fisheries in the Skagerrak.

2. For the purposes of control and inspection to verify the level of compliance with Articles 6, 7 and 8, the national control and inspection measures shall include reference at least to the following:

(a) the allocated human and technical means, and if deemed necessary, the CTE to collect and transfer data in the prescribed order to the relevant REM;
(b) the inspection strategy, including the level of inspections at sea and land and the level of surveillance.

3. Baselines for inspection

The Member States concerned shall assign the highest risk level to fisheries carried out in the Skagerrak, except if carried out with fishing vessels equipped with CTE or fisheries with pots and creel, in their risk management system established in accordance with Article 5(3) of Regulation (EC) No 1224/2009. A separate risk factor shall be established for vessels fishing in the Skagerrak and other Union waters during the same fishing trip except for vessels equipped with CTE or fisheries with pots and creel and they shall also be assigned to the highest risk level. Fisheries carried out with fishing vessels equipped with CTE or fisheries with pots and creel may be assigned the highest risk level, but only after a vessel- or fisheries-specific assessment.

4. Equality of control measures

Member States shall ensure that the burden of the control measures is reasonably equal to the control needed. In this regard, it shall specifically be taken into account whether the vessel is equipped with a CTE system. [Am. 30]