

Thursday 5 June 2008

TEXT PROPOSED
BY THE FEDERAL REPUBLIC OF GERMANY

AMENDMENTS
BY PARLIAMENT

Amendment 4

Article 3, paragraph 2

2. The members of the network shall, for the accomplishment of their tasks, meet **as often as necessary, but** at least once a year.

2. The members of the network shall, for the accomplishment of their tasks, meet at least once a year.

Amendment 5

Article 5, paragraph 1

1. The network shall organise itself, **building** upon existing informal collaboration between the EPAC.

1. The network shall organise itself **so as to be chaired by the relevant Council Presidency, and build** on existing informal collaboration between the EPAC.

Amendment 6

Article 5, paragraph 2

2. The **Member States and the European** Commission shall bear all expenses of **the members or** representatives **designated by them**. The same rule shall apply to Europol and Eurojust.

2. The Commission shall bear all expenses of **its** representatives **as well as the expenses of the members designated by the Member States**. The same rule shall apply to Europol and Eurojust.

Community system against illegal, unreported and unregulated fishing *

P6_TA(2008)0245

European Parliament legislative resolution of 5 June 2008 on the proposal for a Council regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2007)0602 — C6-0454/2007 — 2007/0223(CNS))

(2009/C 285 E/16)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0602),
- having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0454/2007),
- having regard to Rule 51 of its Rules of Procedure,
- having regard to the report of the Committee on Fisheries and the opinion of the Committee on International Trade (A6-0193/2008),

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1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
5. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED
BY THE COMMISSION

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Amendment 1

Proposal for a regulation Recital 2a (new)

(2a) In order to be compatible with World Trade Organization rules on non-discrimination and national treatment, nothing in this Regulation should result in discriminatory treatment with respect to measures taken to combat illegal, unreported and unregulated (IUU) fishing.

Amendment 2

Proposal for a regulation Recital 3a (new)

(3a) The outermost regions of the European Union, described in Article 299 of the Treaty establishing the European Community and in Article 349 of the Treaty on the Functioning of the European Union, require particular attention in the fight against IUU fishing owing to the exceptional fragility of their ecosystems.

Amendment 3

Proposal for a regulation Recital 5

(5) In accordance with the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing, adopted in 2001 by the Food and Agriculture Organization (FAO), IUU fishing means fishing activities considered as illegal, unreported or unregulated, **where:**

1. Illegal fishing refers to activities:

- *conducted by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations;*
- *conducted by vessels flying the flag of states that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the states are bound, or relevant provisions of the applicable international law; or*

(5) In accordance with the International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing, adopted in 2001 by the Food and Agriculture Organization (FAO), IUU fishing means fishing activities considered as illegal, unreported or unregulated.

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— *in violation of national laws or international obligations, including those undertaken by cooperating states to a relevant regional fisheries management organization.*

2. *Unreported fishing refers to fishing activities:*

— *which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or*

— *undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.*

3. *Unregulated fishing refers to fishing activities:*

— *in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a state not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or*

— *in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with state responsibilities for the conservation of living marine resources under international law.*

Amendment 4

Proposal for a regulation Recital 13

(13) The importation into the Community of fisheries products stemming from IUU fishing shall be prohibited; in order to make this prohibition effective and ensure that all imported products have been harvested in compliance with international conservation and management measures and, where appropriate, other relevant rules applying to the fishing vessel concerned, a certification scheme applying to all imports of fisheries products into the Community shall be put in place.

(13) The importation into the Community of fisheries products stemming from IUU fishing shall be prohibited; in order to make this prohibition effective, **ensure traceability** and ensure that all imported products have been harvested in compliance with international conservation and management measures and, where appropriate, other relevant rules applying to the fishing vessel concerned, a certification scheme applying to all imports of fisheries products into the Community shall be put in place.

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Amendment 5**Proposal for a regulation
Recital 14**

(14) The Community shall take into account the capacity constraints of developing countries in the implementation of the certification scheme.

(14) The Community shall take into account **all** the capacity constraints of developing countries in the implementation of the certification scheme **and shall help them to avoid potential non-tariff barriers to trade.**

Amendment 6**Proposal for a regulation
Recital 14a (new)**

(14a) Aid could be made available, inter alia, in the form of financial aid and technical assistance as well as training programmes.

Amendment 7**Proposal for a regulation
Recital 34**

(34) Cooperation between Member States, the Commission, and with third states is essential to ensure that IUU fishing is properly investigated and that the measures laid down in the present Regulation can be applied; a system for mutual assistance shall be established to enhance such cooperation.

(34) Cooperation, **coordination and the exchange of good practices** between Member States, the Commission, and with third states is essential to ensure that IUU fishing is properly investigated and that the measures laid down in the present Regulation can be applied; a system for mutual assistance shall be established to enhance such cooperation.

Amendment 8**Proposal for a regulation
Recital 37**

(37) This regulation identifies IUU fishing as violations of applicable laws, rules or regulations of particular gravity, as they seriously undermine the attainment of the objectives of the violated rules and put the sustainability of the stocks concerned **or** the conservation of the marine environment in jeopardy. Given its restricted scope, the implementation of this Regulation must rely on, and be complementary to, that of Council Regulation (EEC) No 2847/93, which establishes the basic framework for the control and monitoring of fishing activities under the Common Fisheries Policy. Accordingly, this Regulation reinforces the rules of Regulation (EEC) No 2847/93 in the area of port inspections of third country vessels (Article 28e, 28f and 28g), which are now abrogated

(37) This regulation identifies IUU fishing as violations of applicable laws, rules or regulations of particular gravity, as they seriously undermine the attainment of the objectives of the violated rules and put **the survival of fishermen operating legally**, the sustainability **of the sector and** of the stocks concerned **and** the conservation of the marine environment in jeopardy. Given its restricted scope, the implementation of this Regulation must rely on, and be complementary to, that of Council Regulation (EEC) No 2847/93, which establishes the basic framework for the control and monitoring of fishing activities under the Common Fisheries Policy. Accordingly, this Regulation reinforces the rules of Regulation (EEC) No 2847/93 in the area of port inspections of third

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and replaced by the port inspection regime established in Chapter II of this Regulation. In addition, this Regulation provides for a regime of sanctions in Chapter X that applies specifically to IUU fishing activities. The provisions of Regulation (EEC) No 2847/93 relating to sanctions (Article 31) remain thus applicable to violations of the rules of the Common Fisheries Policy other than those addressed by this Regulation.

country vessels (Article 28e, 28f and 28g), which are now abrogated and replaced by the port inspection regime established in Chapter II of this Regulation. In addition, this Regulation provides for a regime of sanctions in Chapter X that applies specifically to IUU fishing activities. The provisions of Regulation (EEC) No 2847/93 relating to sanctions (Article 31) remain thus applicable to violations of the rules of the Common Fisheries Policy other than those addressed by this Regulation.

Amendment 9

Proposal for a regulation Article 1, paragraph 2

2. To this end, each Member State shall take appropriate measures, in accordance with Community law, to ensure the effectiveness of the system. It shall place sufficient means at the disposal of its competent authorities to enable them to perform their tasks as laid down in this Regulation.

2. To this end, each Member State shall take appropriate measures, in accordance with Community law **and both multi-lateral and bilateral international obligations**, to ensure the effectiveness of the system. It shall place sufficient means at the disposal of its competent authorities to enable them to perform their tasks as laid down in this Regulation.

Amendment 10

Proposal for a regulation Article 2 — point –a (new)

–a) *IUU fishing means illegal, unreported or unregulated fishing, where:*

1. *Illegal fishing refers to activities:*
 - *conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;*
 - *conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation (RFMO) but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or*
 - *in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant RFMO.*

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2. Unreported fishing refers to fishing activities:

- *which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or*
- *undertaken in the area of competence of a relevant RFMO which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.*

3. Unregulated fishing refers to fishing activities:

- *in the area of application of a relevant RFMO that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or*
- *in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.*

Amendment 11**Proposal for a regulation
Article 2 — point a**

(a) '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, carrier vessels, fish processing vessels and vessels engaged in transshipment;

(a) 'Fishing vessel' means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources, **for refrigeration, freezing or processing on board or for transport**, including support ships, carrier vessels, fish processing vessels and vessels engaged in transshipment;

Amendment 12**Proposal for a regulation
Article 2 — point (h)**

(h) 'Regional fisheries management organisation' means a sub-regional or regional organisation or arrangement with competence, as recognised under international law, to establish conservation and management measures for **straddling** fish stocks **or highly migratory stocks** occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement;

(h) 'Regional fisheries management organisation' means a sub-regional or regional organisation or arrangement with competence, as recognised under international law, to establish conservation and management measures for fish stocks occurring in the area of the high seas placed under its responsibility by virtue of its establishing convention or agreement;

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Amendment 13**Proposal for a regulation
Article 3 — paragraph 1 — point j**(j) **taken or** landed undersized fish or

(j) landed undersized fish or

Amendment 14**Proposal for a regulation
Article 3 — paragraph 2 — point a**(a) carried out fishing activities in the area of a Regional Fisheries Management Organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation **and** is flagged to a state not party to that organisation, or(a) carried out fishing activities in the area of a Regional Fisheries Management Organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation **or** is flagged to a state not party to that organisation, or**Amendment 15****Proposal for a regulation
Article 4 — paragraph 1a (new)****1a. Access to ports of Member States, the provision of port services, and the conduct of landing, transhipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels that are included on the Community list of IUU fishing vessels pursuant to Articles 26 and 29.****Amendment 16****Proposal for a regulation
Article 4 — paragraph 2**2. **Except in cases of force majeure**, access to ports of Member States, the provision of port services, and the conduct of landing, transhipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels unless they meet the requirements set forth in this Chapter and other relevant provisions of this Regulation.2. Access to ports of Member States, the provision of port services, and the conduct of landing, transhipment or on-board processing operations in such ports shall be prohibited for third country fishing vessels **other than those referred to in paragraph 1a** unless they meet the requirements set forth in this Chapter and other relevant provisions of this Regulation.**Amendment 17****Proposal for a regulation
Article 4 — paragraph 2a (new)****2a. In cases of force majeure or distress, fishing vessels referred to in paragraphs 1a and 2 may access Member State ports to avail themselves of port services and the measures that are strictly necessary to deal with the emergency.**

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Amendment 18**Proposal for a regulation
Article 4 — paragraph 3**

3. Transhipments between third country fishing vessels or between *the latter* and vessels flying the flag of a Member State shall be prohibited **in Community waters and shall take place only in port**, in accordance with the provisions of this Chapter.

3. **In Community waters**, transhipments between third country fishing vessels or between **third country fishing vessels** and vessels flying the flag of a Member State shall be prohibited **other than in designated ports**, in accordance with the provisions of this Chapter.

Amendment 19**Proposal for a regulation
Article 4 — paragraph 4**

4. Vessels flying the flag of a Member State **shall not be authorised to tranship at sea catches from third country fishing vessels outside Community waters**.

4. **Outside Community waters, transhipments at sea between vessels** flying the flag of a Member State **or between vessels flying the flag of a Member State and third country fishing vessels shall be prohibited**.

Amendment 20**Proposal for a regulation
Article 5 — paragraph 1**

1. Member States shall designate **a place to be used for landings** or **a place** close to the shore (designated ports) where landings or transhipment operation of fish referred to in paragraph 2 are permitted

1. Member States shall designate **landing ports** or **places** close to the shore (designated ports) where **port services and landings** or transhipment operation of fish referred to in paragraph 2 are permitted

Amendment 21**Proposal for a regulation
Article 6 — paragraph 1 — introductory part**

1. Masters of third country fishing vessels or their representatives shall notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival at the port, of the following information:

1. **Except in the event of force majeure**, masters of third country fishing vessels or their representatives shall notify the competent authorities of the Member State whose port or landing facilities they wish to use at least 72 hours before the estimated time of arrival at the port, of the following information:

Amendment 22**Proposal for a regulation
Article 6 — paragraph 1 — point ga (new)**

(ga) **the quantities to be unloaded or transhipped.**

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Amendment 23**Proposal for a regulation
Article 6 — paragraph 3**

3. *The Commission, in accordance with the procedure laid down in Article 52, may exempt certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or make provision for another notification period taking into account, inter alia, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.* *deleted*

Amendment 24**Proposal for a regulation
Article 7 — paragraph 4**

4. By way of derogation to paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such cases keep the fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the information referred to in paragraph 1 has been received or the verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fish in accordance with national rules.

4. By way of derogation from paragraphs 2 and 3 the port Member State may authorise port access and all or part of a landing in cases where the information referred to in paragraph 1 is not complete or its verification is pending, but shall in such cases keep the **deep-frozen** fish concerned in storage under the control of the competent authorities. The fish shall only be released to be sold, taken over or transported once the information referred to in paragraph 1 has been received or the verification process is completed. If this process is not completed within 14 days of the landing, the port Member State may confiscate and dispose of the fish in accordance with national rules. **The storage costs shall be borne by the operator.**

Amendment 25**Proposal for a regulation
Article 7 — paragraph 4a (new)**

4a. If the fish referred to in paragraph 4 is fresh, the fish shall be sold through the regular channels. The competent authorities shall retain control over the proceeds of sale until the period referred to in paragraph 4 has elapsed.

Amendment 26**Proposal for a regulation
Article 9 — paragraph 1**

1. Member States shall carry out inspections in their ports of at least **15 %** of landings, transshipments and on-board processing operations by third country fishing vessels each year.

1. Member States shall carry out inspections in their ports of at least **50 %** of landings, transshipments and on-board processing operations by third country fishing vessels each year.

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Amendment 27**Proposal for a regulation
Article 9 — paragraph 2 — point d**

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| (d) fishing vessels appearing in a list of presumed IUU vessels adopted by a Regional Fisheries Management Organisation notified in accordance with Article 29. | (d) fishing vessels appearing in a list of presumed IUU vessels adopted by a Regional Fisheries Management Organisation notified in accordance with Article 29 <i>which have not yet been included in the Community list of IUU fishing vessels referred to in Article 26.</i> |
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Amendment 28**Proposal for a regulation
Article 9 — paragraph 3a (new)**

3a. Such inspection shall comply with the rules and objectives previously laid down by the Commission and be uniformly conducted and implemented in the different Member States. Each Member State shall create its database, on the basis of criteria set out by the Commission, in which all inspections carried out on its territory shall be recorded. The Member States shall grant the Commission access to their databases on request.

Amendment 29**Proposal for a regulation
Article 10****Article 10 — Inspectors***deleted*

- 1. Member States shall issue an identity document to each inspector. Inspectors shall carry and produce this document when inspecting a fishing vessel.***
- 2. Member States shall ensure that inspectors carry out their duties in accordance with the rules laid down in this section.***

Amendment 30**Proposal for a regulation
Article 12 — paragraph 1 — introductory part**

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| 1. If <i>an</i> inspector <i>has serious reason to believe</i> that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out in Article 3, he shall: | 1. If <i>the information gathered during the inspection gives the</i> inspector <i>sufficient grounds to suspect</i> that a fishing vessel has engaged in IUU fishing activity in accordance with the criteria set out in Article 3, he shall: |
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Amendment 31**Proposal for a regulation
Article 12 — paragraph 1 — point a**

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| (a) note the infringement in the inspection report; | (a) note the <i>presumed</i> infringement in the inspection report; |
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Amendment 32**Proposal for a regulation
Article 12 — paragraph 1 — point aa (new)**

(aa) halt landing, transshipment or on-board processing operations;

Amendment 33**Proposal for a regulation
Article 13 — paragraph 1**

1. The importation into the Community of fishery products obtained from illegal, unreported or unregulated fishing shall be prohibited.

1. The importation into the Community of fishery products obtained from illegal, unreported or unregulated fishing **in accordance with the criteria set out in Article 3** shall be prohibited.

Amendment 36**Proposal for a regulation
Article 18 — paragraph 4**

4. Any person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraph 1 or 2 which concern him directly and individually. The right of appeal shall be exercised according to the provisions in force in the Member State concerned.

4. Any **natural or legal** person shall have the right to appeal against decisions taken by the competent authorities pursuant to paragraph 1 or 2 which concern him directly and individually. The right of appeal shall be exercised according to the provisions in force in the Member State concerned.

Amendment 37**Proposal for a regulation
Article 20****Article 20 — Re-exportation**

deleted

1. *The re-exportation of products imported under a catch certificate in accordance with this chapter shall be authorised through the validation of a re-export certificate by the competent authorities of the Member State from which the re-exportation is to take place, on request by the re-exporter.*

2. *Re-export certificates shall contain all the information required in the form attached in Annex II and shall be accompanied by a copy of the catch certificates which have been accepted for the importation of the products.*

3. *Member States shall notify to the Commission their competent authorities for the validation and the verification of re-export certificates.*

Amendment 38**Proposal for a regulation
Article 23 — paragraph 3 — point b**

(b) advise the flag state **and, where appropriate, the state of re-exportation** of the annulment; and

(b) advise the flag state of the annulment; and

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Amendment 39**Proposal for a regulation
Article 23 — paragraph 4 — point b**

- (b) advise the flag state *and, where appropriate, the state of re-exportation;* (b) advise the flag state;

Amendment 40**Proposal for a regulation
Article 24 — title**Article 24 — *Alleged* IUU fishing activitiesArticle 24 — *Procedure for detecting* IUU fishing activities**Amendment 41****Proposal for a regulation
Article 24 — paragraph 1 — introductory part**

1. The Commission, or a body designated by it, shall compile and analyse all information on IUU fishing activities:

1. The Commission, or a body designated by it, shall compile and analyse all information on IUU fishing activities *in accordance with the criteria set out in Article 3:*

Amendment 42**Proposal for a regulation
Article 24 — paragraph 1 — point ba (new)**

(ba) information on the sanctions and fines imposed on IUU vessels.

Amendment 43**Proposal for a regulation
Article 25 — title**Article 25 — *Presumed* IUU fishing activitiesArticle 25 — *Investigation of* IUU fishing activities**Amendment 44****Proposal for a regulation
Article 25 — paragraph 2 — point -a (new)**

-a) provide the information compiled by the Commission on the alleged IUU fishing activities, and a detailed statement of the reasons justifying inclusion in the Community list of IUU fishing vessels;

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Amendment 46**Proposal for a regulation
Article 26 — paragraph 1**

1. The Commission shall establish the European Community IUU vessel list. This List shall include the vessels in relation to which, further to the steps taken pursuant Articles 24 and 25, the information obtained in accordance with this Regulation establishes that they are engaged in IUU fishing activities and whose flag states have taken no effective action in response to those activities.

1. The Commission shall establish the European Community IUU vessel list. This List shall include the vessels in relation to which, further to the steps taken pursuant Articles 24 and 25, the information obtained in accordance with this Regulation establishes that they are engaged in IUU fishing activities **in accordance with the criteria set out in Article 3** and whose flag states have taken no effective action in response to those activities.

Amendment 47**Proposal for a regulation
Article 26 — paragraph 1a (new)**

1a. The Commission shall notify the flag state of a vessel's inclusion in the Community IUU vessel list and shall inform it in detail of the reasons for that vessel's inclusion in the list.

Amendment 48**Proposal for a regulation
Article 26 — paragraph 4a (new)**

4a. Where one of an owner's vessels has been included on the Community list of IUU vessels, a detailed inspection shall be carried out of all that owner's vessels.

Amendment 49**Proposal for a regulation
Article 28 — paragraph 1 — point h**

(h) date of first inclusion on the IUU Vessel List;

(h) date of first inclusion on the **Community** IUU Vessel List **and, if applicable, date of first inclusion on the IUU vessel list of one or more RFMOs;**

Amendment 50**Proposal for a regulation
Article 28 — paragraph 1 — point ia (new)**

(ia) the technical specifications of the vessel concerned.

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Amendment 51**Proposal for a regulation
Article 28 — paragraph 2**

2. The Commission shall take any measure necessary to ensure publicity of the European Community IUU vessels list, including by placing it on the DG Fisheries website.

2. The Commission **shall publish the Community IUU vessels list in the Official Journal of the European Union and** shall take any measure necessary to ensure publicity of the Community IUU vessels list, including by placing it on the DG isheries website.

Amendment 52**Proposal for a regulation
Article 30 — paragraph 1**

1. The Commission, in accordance with the procedure established in Article 52, shall identify the third states that it considers as non-cooperating states in fighting IUU fishing activities.

1. The Commission, in accordance with the procedure established in Article 52, shall identify the third states that it considers as non-cooperating states in fighting IUU fishing activities, **on the basis of clear, transparent and objective criteria.**

Amendment 53**Proposal for a regulation
Article 30 — paragraph 6 — point ba (new)**

(ba) **whether the State concerned has ever been the subject of trade restrictive measures in respect of fishery products adopted by an RFMO;**

Amendment 54**Proposal for a regulation
Article 30 — paragraph 7**

7. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article.

7. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance of fishing activities, shall be duly taken into consideration in the implementation of this Article. **The Commission shall, within three months of the entry into force of this Regulation, publish an analysis of its probable impact on developing countries and a proposal for the funding of specific programmes to support its implementation and eliminate possible negative impacts.**

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Amendment 55**Proposal for a regulation
Article 34**

The Commission shall take any measure necessary to ensure publicity of **the** list of non-cooperating states, **in a manner consistent with any applicable confidentiality requirements**, including placing it on the DG Fisheries website. The list shall be regularly updated and the Commission shall provide for a system to automatically notify updates to Member States, Regional Fisheries Management Organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit list of non-cooperating states to the Food and Agriculture Organisation of the United Nations and to Regional Fisheries Management Organisations for the purposes of enhancing cooperation between the European Community and these organisations aimed at preventing, deterring and eliminating IUU fishing.

The Commission **shall publish the list of non-cooperating states in the Official Journal of the European Union and** shall take any measure necessary to ensure publicity of **that** list of non-cooperating states, including placing it on the DG Fisheries website **in a manner consistent with any applicable confidentiality requirements**. The list shall be regularly updated and the Commission shall provide for a system to automatically notify updates to Member States, Regional Fisheries Management Organisations and any member of the civil society that should so request. Furthermore, the Commission shall transmit list of non-cooperating states to the Food and Agriculture Organisation of the United Nations and to Regional Fisheries Management Organisations for the purposes of enhancing cooperation between the European Community and these organisations aimed at preventing, deterring and eliminating IUU fishing.

Amendment 56**Proposal for a regulation
Article 36 — point ha (new)**

(ha) Member States shall refuse to allow the export of a vessel flying their flag that is on the IUU list;

Amendment 57**Proposal for a regulation
Article 36 — point ja (new)**

(ja) The Member States may not under any circumstances grant support or subsidies to IUU vessels.

Amendment 58**Proposal for a regulation
Article 37 — point h**

(h) Member **States** shall inform importers, transhippers, buyers, equipment suppliers, bankers, and operators carrying out other services, of the risks associated with conducting business operations linked to fishing activities with nationals of any of such states;

(h) **Each** Member **State** shall inform importers, transhippers, buyers, equipment suppliers, bankers, and operators carrying out other services **established on its territory**, of the risks associated with conducting business operations linked to fishing activities with nationals of any of such states;

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Amendment 59**Proposal for a regulation
Article 37 — point i**

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| (i) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreements with such states; | (i) the Commission shall propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreements with such states <i>where the text of the agreement concerned includes commitments on combating IUU fishing;</i> |
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Amendment 60**Proposal for a regulation
Article 41 — point a**

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| (a) the activities considered to constitute IUU fishing activities in accordance with the criteria set out in Article 3; | (a) the activities considered to constitute IUU fishing activities in accordance with the criteria set out in Article 3 <i>and included in the list contained in Annex (...) on serious infringements</i> |
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Amendment 61**Proposal for a regulation
Article 43 — paragraph 1**

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| 1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive sanctions, which shall include fines of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons. | 1. Member States shall ensure that a natural person having committed or a legal person found liable for a serious infringement is punishable by effective, proportionate and dissuasive <i>administrative</i> sanctions, which shall include fines of a maximum of at least EUR 300 000 for natural persons and of at least EUR 500 000 for legal persons. |
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Amendment 62**Proposal for a regulation
Article 43 — paragraph 2a (new)**

2a. The Member States may also choose to impose penal sanctions provided that the amount of such sanctions is at least equivalent to that of the administrative sanctions.

Amendment 63**Proposal for a regulation
Article 45a (new)***Article 45a**Other accompanying sanctions*

The sanctions provided for in this Chapter shall be accompanied by other sanctions or measures, in particular:

- | | |
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| (a) a temporary ban for at least the duration of the programming period, or a permanent ban on access to public aid or subsidies; | (b) the repayment of public aid or subsidies received by IUU vessels during the relevant financial period. |
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Thursday 5 June 2008

TEXT PROPOSED
BY THE COMMISSION

AMENDMENTS

Amendment 64**Proposal for a regulation
Article 53 — paragraph –1 (new)**

–1. *During the first year following the entry into force of this Regulation, six-monthly checks shall be carried out to determine Member States' preparedness fully to comply with its provisions; should any instances of non-compliance be identified, the Member State(s) concerned shall be required to make the necessary adjustments.*

Amendment 65**Proposal for a regulation
Annex II**

Annex deleted

Protection of vulnerable marine ecosystems *

P6_TA(2008)0246

European Parliament legislative resolution of 5 June 2008 on the proposal for a Council regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (COM(2007)0605 — C6-0453/2007 — 2007/0224(CNS))

(2009/C 285 E/17)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0605),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0453/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0183/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and the Commission.