

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.

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Amendment 1**Proposal for a regulation
Recital 10**

(10) The identification of vulnerable marine ecosystems in areas not regulated by a regional fisheries management organisation is a work in progress and there is relatively limited scientific information in this respect. **A depth limit for the deployment of bottom gears provides a precautionary protected boundary for deep water corals and sponges within the water column. A depth of 1 000 m represents a reasonable choice providing a suitable degree of protection while compatible with the continuation of bottom fisheries for demersal species generally found at shallower depths such as hake and squid. This depth restriction is also compatible with the progressive development, under this regulation, of area-based measures to fully protect sites where vulnerable ecosystems are known or likely to occur.**

(10) The identification of vulnerable marine ecosystems in areas not regulated by a regional fisheries management organisation is a work in progress and there is relatively limited scientific information in this respect.

Amendment 2**Proposal for a regulation
Recital 12a (new)**

(12a) This Regulation takes account of international guidelines on the management of deep-sea fisheries in the high seas adopted by the Food and Agriculture Organization of the United Nations (FAO). Should any doubt arise over the interpretation of this Regulation, it should be interpreted in the light of the FAO guidelines.

Amendment 3**Proposal for a regulation
Article 1 — paragraph 1**

1. This Regulation shall apply to Community fishing vessels carrying out fishing activities with bottom gears in the high seas.

1. This Regulation shall apply to Community fishing vessels carrying out fishing activities with bottom gears in the high seas **where these gears are in contact with the seabed in the normal course of fishing operations.**

Amendment 4**Proposal for a regulation
Article 1 — paragraph 2 — point a**

(a) Under the responsibility of a regional fisheries management organisation **of arrangement** with competence to regulate such fishing activities;

(a) Under the responsibility of a regional fisheries management organisation with **the legal** competence to regulate such fishing activities;

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Amendment 6**Proposal for a regulation
Article 2 — point b**

(b) 'vulnerable marine ecosystem' means any marine ecosystem whose specific structure **and function is, according to the best scientific information available and to the principle of precaution**, likely to be compromised by **stress resulting from physical contact with bottom gears in the course of fishing operations, including inter alia reefs, seamounts, hydrothermal vents, cold water corals or cold water sponge beds**;

(b) 'vulnerable marine ecosystem' means any marine ecosystem whose specific structure **and/or functions are** likely to be compromised by **the action of a specific external agent**;

Amendment 7**Proposal for a regulation
Article 2 — point c**

(c) 'bottom gears' means bottom trawls, dredges, bottom-set gillnets, bottom-set longlines, pots and traps.

(c) 'bottom gears' means **fishing equipment deployed on and in contact with the sea bed, such as** bottom trawls, dredges, bottom-set gillnets, bottom-set longlines, pots and traps.

Amendment 8**Proposal for a regulation
Article 4 — paragraph 1 — point b**

(b) the targeted species,

(b) the targeted species **and species likely to be taken as by-catch**,

Amendment 9**Proposal for a regulation
Article 4 — paragraph 1 — point c**

(c) **the depth at which the gears will be deployed**,

(c) **the gears used and depths at which they will be deployed**,

Amendment 10**Proposal for a regulation
Article 4 — paragraph 1 — point d**

(d) the configuration of the bathymetric profile of the seabed in the intended fishing grounds.

(d) the configuration of the bathymetric profile of the seabed in the intended fishing grounds, **should this information not already be available to the competent authorities of the vessel's flag Member State**.

Amendment 11**Proposal for a regulation
Article 4 — paragraph 1 — point da (new)**

(da) the duration of activities.

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Amendment 12**Proposal for a regulation
Article 4 — paragraph 2**

2. The competent authorities shall issue a special fishing permit after having carried out an assessment on the potential impacts of the vessel's intended fishing activities and concluded that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems.

2. The competent authorities shall issue a special fishing permit after having carried out an assessment on the potential impacts of the vessel's intended fishing activities and concluded that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems. ***The duration of the special fishing permit shall not exceed that of the fishing plan.***

Amendment 13**Proposal for a regulation
Article 4 — paragraph 4**

4. The competent authorities shall apply precautionary criteria in the conduct of the assessment referred to in paragraph 2. ***In case of doubt on whether the adverse impacts are significant or not, they shall consider that the likely adverse impacts resulting from the scientific advice provided are significant.***

4. The competent authorities shall apply precautionary criteria in the conduct of the assessment referred to in paragraph 2.

Amendment 14**Proposal for a regulation
Article 6****Article 6***deleted***Depth limits**

The use of bottom gears at depths beyond 1 000 m of depth shall be prohibited.

Amendment 15**Proposal for a regulation
Article 7 — paragraph 1**

1. Where, in the course of fishing operations, a fishing vessel ***encounters*** a vulnerable marine ecosystem, ***it*** shall immediately cease fishing, or refrain from engaging in fishing in the site concerned. It shall resume operations only when it has reached an alternative site at a minimum distance of 5 nautical miles from the site of the encounter within the area foreseen in its fishing plan provided for in Article 4(1).

1. Where, ***in spite of the measures taken under Article 4, a scientific observer who has embarked in accordance with Article 12 obtains sufficient evidence that,*** in the course of fishing operations, a fishing vessel ***may have encountered*** a ***possible*** vulnerable marine ecosystem, ***that vessel*** shall immediately cease fishing, or refrain from engaging in fishing in the site concerned. It shall resume operations only when it has reached an alternative site at a minimum distance of 5 nautical miles from the site of the encounter within the area foreseen in its fishing plan provided for in Article 4(1).

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Amendment 16**Proposal for a regulation
Article 7 — paragraph 2a (new)**

2a. If there is substantial uncertainty about the presence of a vulnerable marine ecosystem, the area shall be designated as a vulnerable marine ecosystem until there is sufficient evidence to the contrary.

Amendment 17**Proposal for a regulation
Article 7 — paragraph 3**

3. The fishing vessel shall report *each* encounter to the competent authorities without delay, providing precise information on the nature, location, time and any other relevant circumstances of the encounter.

3. The fishing vessel shall report *any such* encounter without delay to the competent authorities, *which shall, in turn, report to the Commission and the Member States as soon as possible*, providing precise information on the nature, location, time and any other relevant circumstances of the encounter.

Amendment 18**Proposal for a regulation
Article 7 — paragraph 3a (new)**

3a. Unforeseen encounters shall be registered on an electronic online mapping scheme in order to build up a permanent database of vulnerable marine ecosystems.

Amendment 19**Proposal for a regulation
Article 8 — paragraph 1**

1. On the basis of the best scientific information available on the occurrence or on the likelihood of occurrence of vulnerable marine ecosystems in the region where their fishing vessels operate, Member States shall identify areas that shall be closed to fishing with bottom gears. Member States shall implement these closures without delay in respect of their vessels and *submit a report to the Commission in accordance with Article 13.*

1. On the basis of the best scientific information available on the occurrence or on the likelihood of occurrence of vulnerable marine ecosystems in the region where their fishing vessels operate, Member States shall identify areas that shall be closed to fishing with bottom gears. Member States shall implement these closures without delay in respect of their vessels and *notify the Commission without delay of the closure applied. The Commission shall forward this information as swiftly as possible to the other Member States.*

Amendment 21**Proposal for a regulation
Article 11**

Community fishing vessels referred to in Article 1(1) and which target deep sea stocks shall also be subject to the requirements laid down in Regulation (EC) No 2347/2002 of 16 December 2002.

Community fishing vessels referred to in Article 1(1) and which target deep sea stocks shall also be subject to the requirements laid down in **Articles 3, 5, 7 and 9 of** Regulation (EC) No 2347/2002 of 16 December 2002.

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TEXT PROPOSED
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Amendment 22**Proposal for a regulation
Article 12 — title**

Observers

Scientific observers**Amendment 23****Proposal for a regulation
Article 12 — paragraph 1**

1. *Each Member State shall assign scientific observers to the vessels to which* a special fishing permit provided for in Article 3(1) *is issued*. The observers shall observe the fishing activities of the vessel throughout the execution of its fishing plan provided for in Article 4(1).

1. *A representative sample of the vessels to which the Member States have issued* a special fishing permit provided for in Article 3(1) *shall take a scientific observer on board. The total number of scientific observers shall be set by the Commission on a proposal from the Scientific, Technical and Economic Committee for Fisheries, on the basis of the zone and type of fishery. The number of scientific observers taken on board shall be proportionate to the number of vessels from each Member State which hold a special fishing permit. The Commission shall ensure a suitable rotation of scientific observers among the various vessels after each fishing trip.* The *scientific* observers shall observe the fishing activities of the vessel throughout the execution of its fishing plan provided for in Article 4(1) *and, in particular, shall perform the tasks referred to in paragraph 2.*

Amendment 24**Proposal for a regulation
Article 12 — paragraph 3a (new)**

3a. The scientific observers shall be independent of the vessels or companies which they are observing. They shall have no financial or beneficial interests in those vessels or companies. They shall have no record of serious criminal offences, and shall have a sufficient level of knowledge of deep sea fishing methods and of the target species and ecosystems.

Amendment 25**Proposal for a regulation
Article 13 — paragraph 1 — point aa (new)**

(aa) the impact of fishing activities in accordance with Article 4(2);

Amendment 26**Proposal for a regulation
Article 13 — paragraph 2**

2. The Commission shall transmit the information contained in the report referred to in paragraph 1 to the relevant scientific bodies without delay.

2. The Commission shall transmit the information contained in the report referred to in paragraph 1 to the relevant scientific bodies without delay, *and to those Member States which request the information.*

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Amendment 27**Proposal for a regulation
Article 14 — title***Follow-up**Review***Amendment 28****Proposal for a regulation
Article 14**

The Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation before **30 June 2010**. That report shall be accompanied where necessary by proposals for amendments to this Regulation.

The Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation before **30 June 2009**. That report shall be accompanied where necessary by proposals for amendments to this Regulation.

Amendment 29**Proposal for a regulation
Article 15 — subparagraph 1**

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

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

Mobilisation of the EU Solidarity Fund

P6_TA(2008)0248

European Parliament resolution of 5 June 2008 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the EU Solidarity Fund in application of point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2008)0200 — C6-0164/2008 — 2008/2091(ACI))

(2009/C 285 E/18)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0200 — C6-0164/2008),
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 26 thereof,
- having regard to the result of the trilogue amongst the Commission and the two arms of the budgetary authority held on 16 April 2008,
- having regard to the report of the Committee on Budgets (A6-0205/2008),

⁽¹⁾ OJ C 139, 14.6.2006, p. 1. Agreement as last amended by Decision 2008/371/EC of the European Parliament and of the Council (OJ L 128, 16.5.2008, p. 8).