

Tuesday 23 November 2010

Multiannual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock *I**

P7_TA(2010)0421

European Parliament legislative resolution of 23 November 2010 on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock (COM(2009)0189 – C7-0010/2009 – 2009/0057(COD))

(2012/C 99 E/42)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0189),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0010/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Article 43(2) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 March 2010 ⁽¹⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0296/2010),
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.

⁽¹⁾ Not yet published in the Official Journal.

Tuesday 23 November 2010

P7_TC1-COD(2009)0057

Position of the European Parliament adopted at first reading on 23 November 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock

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,

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

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

Whereas:

- (1) In view of the Plan of Implementation adopted at the United Nations World Summit on Sustainable Development in Johannesburg in 2002, the European Union is committed *inter alia* to maintaining or restoring fish stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015. The Common Fisheries Policy, according to Article 2 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 ⁽³⁾, aims at ensuring an exploitation of living aquatic resources that provides sustainable economic, environmental and social conditions.
- (2) **█** The biological information on **the western** stock is not sufficient for a full stock assessment that would allow setting a fishing mortality target related to maximum sustainable yield and relate total allowable catches to scientific catch predictions. However, the index of egg abundance which is being calculated since 1977 in triennial international surveys can be used as a biological indicator for the development of the stock size.
- (3) Advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) indicates that a harvest control rule based on the trend in egg abundance from the last three egg surveys would provide for sustainable stock management.
- (4) For a number of years since 2003, precautionary scientific advice has indicated that catches for western horse mackerel should be below 150 000 tonnes annually, assuming that this would keep exploitation sustainable even in the continuous absence of an extraordinarily strong recruitment event. A harvest control rule should be based in equal parts on this precautionary advice and on a continued TAC adjusted by a factor that reflects trends in egg production.
- (5) The harvest control rules need to take account of discards including slipped fish, because all removals from the stock are relevant.

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⁽¹⁾ OJ C 354, 28.12.2010, p. 68.

⁽²⁾ Position of the European Parliament of 23 November 2010.

⁽³⁾ OJ L 358, 31.12.2002, p. 59.

Tuesday 23 November 2010

- (6) The stock is primarily distributed in Union and Norwegian waters. Norway has an interest in the exploitation of the western horse mackerel. The stock is so far not subject to joint management.
- (7) ***The western stock is economically the most important stock of horse mackerel inhabiting Union waters. It is targeted by different fleets - industrial, for processing and external trade, and artisanal, for supplying high-quality fresh fish to the general public.***
- (8) With a view to ensuring compliance with the measures laid down in this Regulation, specific control and surveillance 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⁾ and to those provided for in Commission Regulation (EC) No 1542/2007 of 20 December 2007 on landing and weighing procedures for herring, mackerel and horse mackerel⁽²⁾. These measures should in particular counteract area and species misreporting.
- (9) It is appropriate to ensure periodic evaluation of the plan and, where such evaluation would show that the harvest control rules do no longer ensure a precautionary approach to stock management, adaptation of the plan should be ensured.
- (10) For the purposes of points (i) and (iv) of Article 21(a) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund⁽³⁾ the plan should be a recovery plan in the meaning of Article 5 of Regulation (EC) No 2371/2002 when the size of the spawning stock is estimated to be less than 130 % its size in 1982, when it generated an extraordinarily large recruitment, and should be a management plan in all other cases. The spawning stock of 130 % relative to the 1982 size indicates the precautionary biomass level.
- (11) The establishment and allocation of fishing opportunities ■ in the Common Fisheries Policy ■ has a direct impact on the socio-economic situation of the fishing fleets of the Member States, ***and it is therefore necessary, in particular, to take account of sales of fresh fish for human consumption from the small-scale coastal fleets directly linked to coastal fishery areas that are highly fisheries-dependent.***
- (12) ***The biological references and parameters forming part of the harvest rule should follow the most recent scientific advice. The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) in respect of modifications of certain biological references and parameters built into the harvest rule as set out in the Annex, in order to react quickly to changes in scientific advice resulting from improved knowledge or methods. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level,***

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes a long-term plan for the conservation and management of the western stock of horse mackerel (hereinafter referred to as 'the plan').

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 337, 21.12.2007, p. 56.

⁽³⁾ OJ L 223, 15.8.2006, p. 1.

Tuesday 23 November 2010

Article 2

Scope

The plan shall apply to the stock of horse mackerel which inhabits EU and international waters of ICES Divisions IIa, IVa, Vb, VIa, VIb, VIIa, b, c, e, f, g, h, j, k, VIIIa, b, c, d and e.

With regard to the coastal fleet, the organisation of the management zones arising from this plan shall be implemented taking account of the historic rights of that fleet segment.

Article 3

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (a) 'ICES' means the International Council for the Exploration of the Sea, and 'ICES Division' a statistical fishing region as defined by that organisation;
- (b) 'western horse mackerel' means horse mackerel of the stock referred to in Article 2;
- (c) 'total allowable catches' (TAC) means the quantity of western horse mackerel that can be taken and landed each year;
- (d) 'total removal' means the quantity of western horse mackerel removed from the sea, encompassing the TAC applicable and an estimate of discarded fish as calculated for the relevant year in accordance with the provisions of this regulation;
- (e) 'egg survey index' means the estimated number of horse mackerel eggs resulting from the triennial international egg survey for mackerel and horse mackerel in the Atlantic, divided by 10^{15} ;
- (f) 'slipped fish' means fish caught and subsequently released into the sea without being brought on board the vessel.

CHAPTER II

OBJECTIVE FOR LONG TERM MANAGEMENT

Article 4

Objective of the plan

The plan's objective is to maintain the biomass of western horse mackerel at a level that ensures its sustainable exploitation, and to provide the highest long-term yield. To this end, the harvest control rule should be based in equal parts on precautionary advice given for average recruitment conditions, and on recent total allowable catches adjusted by a factor that reflects the recent trend in the stock abundance as measured through egg production.

Tuesday 23 November 2010

CHAPTER III

HARVESTING RULES

Article 5

Procedure for setting the TAC

1. In order to achieve the objective laid down in Article 4, each year the Council, acting in accordance with the procedure laid down in **Article 43(3) TFEU** and after consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year.
2. ***The TAC's zonal distribution for the western horse mackerel defined in this Regulation shall take into account the specificity and purposes of the fleets involved, industrial or artisanal - for processing and external trade and for supplying high-quality fresh fish to the general public.***
3. The TAC shall be set in accordance with this Chapter.

Article 6

Calculation of the TAC

1. The TAC shall be calculated by deducting from the total removal calculated in accordance with Articles 7 and 8 a quantity of fish equivalent to the discards, including slipped fish, having occurred in the year preceding the year in which the latest scientific assessment has been made, as estimated by STECF.
2. Where the STECF is not able to estimate the level of discards including slipped fish for the year preceding the year in which the latest scientific assessment has been made, the deduction shall be equal to the **average** relative amount of discards including slipped fish scientifically estimated as having occurred within the last 15 years **■**.
3. Where the TAC is calculated on the basis of the total removal calculated provisionally in accordance with Article 7(3), it shall be adapted during the year of its application to the final calculation of the removal.

Article 7

Calculation of the total removal for a year following an egg survey

1. Where the TAC is to be set for a year that follows a year in which an egg survey has been carried out, the total removal shall be calculated on the basis of the following elements:
 - (a) a constant factor equal to 1,07, reflecting a final increase of the total removal as simulated in underlying mathematical models that aims at maximising the annual yield without compromising the objective of keeping the risk to stock size decline at a very low level;
 - (b) the TAC set for the year in which the egg survey was carried out, hereinafter referred to as 'reference TAC';
 - (c) a weighting factor set in accordance with the Annex, reflecting the trend in stock abundance on the basis of egg survey indices;
 - (d) a minimal total removal amount, including estimates of discards, of **between 70 000 and 80 000 tonnes**. ***The Council shall decide the minimal total removal amount when setting the TAC in accordance with this Chapter.***

Tuesday 23 November 2010

2. The total removal referred to in paragraph 1 shall be calculated in accordance with the following formula:

$$1,07 * (\text{minimal total removal amount} + (\text{reference TAC} * \text{weighting factor}) / 2)$$

3. Where only a provisional calculation of the latest egg survey index is available, the total removal shall be calculated in accordance with paragraphs 1 and 2 based on the provisional index and adapted during the year of application of the relevant TAC to the final result of the egg survey.

Article 8

Calculation of total removal for subsequent years

1. Where the TAC is to be set for a year that does not follow a year in which an egg survey has been carried out, the total removal shall be equal to the total removal calculated for the previous year.

2. However, if more than three years have expired since the last egg survey, calculated from the year for which the TAC is to be set, the total removal shall be reduced by 15 %, unless STECF advises that such a reduction is not appropriate, in which case the total removal shall be equal to the previous one or calculated with a lower reduction, based on the advice of STECF.

Article 9

Transitional rule for establishing the TAC

Where the first TAC to be set in accordance with Articles 6 and 7 concerns a year that does not follow a year in which an egg survey has been carried out, the TAC shall be calculated pursuant to those Articles as if the latest egg survey had occurred in the preceding year.

■

Article 10

Adaptation of measures

In the event that STECF advises, *due to improved stock knowledge or an improved stock assessment method, that the weighting factor or the slope reflecting egg abundance as laid down in the Annex should be fixed or calculated differently, the Commission may adopt, by means of delegated acts in accordance with Article 11 and subject to the conditions of Articles 12 and 13, modifications to the Annex in order to adapt those parameters to the new scientific advice.*

Article 11

Exercise of the delegation

1. *The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of three years from ... (*). The Commission shall draw up a report in respect of the delegated power at the latest six months before the end of the three-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 12.*

2. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 12 and 13.*

(*) *The date of entry into force of this Regulation.*

Tuesday 23 November 2010

Article 12

Revocation of the delegation

1. *The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council.*
2. *The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.*
3. *The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

Article 13

Objections to delegated acts

1. *The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.*

At the initiative of the European Parliament or the Council that period shall be extended by two months.

2. *If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date started therein.*

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. *If either the European Parliament or the Council objects to the delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

CHAPTER IV

MONITORING AND SURVEILLANCE

Article 14

Fishing authorisation

1. *In order to fish for western horse mackerel, vessels shall hold a ■ fishing **authorisation** issued in accordance with **Article 7 of Regulation (EC) No 1224/2009**.*
2. *It shall be prohibited for any fishing vessel not holding a fishing **authorisation** to fish for, or retain on board, any quantity of horse mackerel while the vessel is engaged on a fishing trip that has included the presence of that vessel in one of the ICES Divisions mentioned in Article 2.*
3. *By way of derogation from paragraph 2, the master of a fishing vessel not holding a fishing **authorisation** may retain on board horse mackerel and enter the area mentioned in Article 2, provided that the gear is lashed and stowed in accordance with the requirements laid down in Article 47 of Regulation (EC) No 1224/2009 and under the conditions laid down in paragraph 4 of this Article.*

Tuesday 23 November 2010

4. *In addition to the requirements laid down in Article 14 of Regulation (EC) No 1224/2009, prior to entering the area mentioned in Article 2 of this Regulation, the master of a fishing vessel not holding a fishing authorisation shall make an entry in his logbook, indicating the date and time that the last fishing operation ended and specifying the intended port of landing. Where the vessel is subject to the requirements of Article 15 of Regulation (EC) No 1224/2009, the information shall be transmitted in accordance with that article. Quantities of horse mackerel on board the vessel and not recorded in the logbook shall be deemed to have been taken within the area.*

5. Each Member State shall establish and maintain a list of vessels holding the **fishing authorisation** and make it available, on its official website, to the Commission and other Member States. **The Member State shall incorporate that list into the secure part of the official website established in accordance with Article 114 of Regulation (EC) No 1224/2009.**

6. *Without prejudice to Chapter III of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽¹⁾, paragraphs 1 to 4 of this Article shall also apply to third country fishing vessels intending to fish for western horse mackerel in Union waters.*

Article 15

Cross-checks

1. **When carrying out the validation of data with regard to western horse mackerel in accordance with Article 109 of Regulation (EC) No 1224/2009**, particular emphasis shall be placed on the possibility of small pelagic species other than horse mackerel being reported as horse mackerel, and vice versa.

2. Particular emphasis shall **also** be placed on the coherence of area data concerning activities observed in areas where horse mackerel stock boundaries meet, namely ICES Divisions VIIIc and IXa, IVa and IVb, VIIe and VIId.

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CHAPTER V

FOLLOW UP

Article 16

Evaluation of the plan

The Commission shall, on the basis of advice from STECF and after consultation of the pelagic Regional Advisory Council, evaluate the impact of the plan on the western horse mackerel and the fisheries exploiting that stock, at the latest in the sixth year of application of this Regulation and then each sixth successive year of application of this Regulation and, where appropriate, propose relevant measures to amend the plan.

CHAPTER VI

FINAL PROVISIONS

Article 17

Assistance under the European Fisheries Fund

1. For those years in which the spawning stock is scientifically estimated as having at least 130 % of the size it had in 1982, the plan shall be deemed to be a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(iv) of Regulation (EC) No 1198/2006.

⁽¹⁾ OJ L 286, 29.10.2008, p. 33.

Tuesday 23 November 2010

2. For those years in which the spawning stock is scientifically estimated as having less than 130 % of the size it had in 1982, the plan shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(i) of Regulation (EC) No 1198/2006.

Article 18

Entry into force

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

Article 14 shall apply from the date of application of Articles 7 and 14 of Regulation (EC) No 1224/2009.

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

Calculation of the weighting factor as referred to in Article 7(1)(c)

1. The weighting factor referred to in Article 7(1)(c) shall be set as follows on the basis of the slope calculated in accordance with in point 2 of this Annex:

- (a) If the slope of the last three egg survey indices is equal to or smaller than $-1,5$, the weighting factor is 0,
- (b) If the slope of the last three egg survey indices is bigger than $-1,5$ and smaller than 0, the weighting factor is equal to $1 - (-2/3 \times \text{the slope})$,
- (c) If the slope of the last three egg survey indices is equal to or bigger than 0 and not bigger than 0,5, the weighting factor is equal to $1 + (0,8 \times \text{the slope})$,
- (d) If the slope of the last three egg survey indices is bigger than 0,5, the weighting factor is 1,4.

2. The slope of the last three egg survey indices shall be calculated in accordance with the following formula:

$$(\text{egg survey index } 3 - \text{egg survey index } 1) / (3 - 1),$$

whereby the three most recent egg survey indices are being put in a row as marking point 1, point 2 and point 3 on the x-axis of a coordinate, thereby the egg survey index 3 being the latest egg survey index, and the egg survey index 1 being the egg survey index estimated six years previously.
