

Opinion of the European Economic and Social Committee on the ‘Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009’

COM(2012) 298 final — 2012/0158 (COD)

(2012/C 351/18)

Rapporteur-General: **Mr CURTIS**

On 5 July and 10 July 2012 respectively, the Council and the European Parliament decided to consult the European Economic and Social Committee, under Article 43(2) of the Treaty on the Functioning of the European Union, on the

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing Council Regulation (EC) No 1288/2009

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On 10 July 2012, the Bureau of the European Economic and Social Committee instructed the Section for Agriculture, Rural Development and the Environment to prepare the Committee’s work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed Mr CURTIS as rapporteur-general at its 483rd plenary session, held on 18 and 19 September 2012 (meeting of 18 September), and adopted the following opinion by 122 votes to 1, with 2 abstentions.

1. Conclusions and recommendations

1.1 In view of the fact that the temporary technical measures provided for in Council Regulation (EC) No 1288/2009 will cease to be applicable on 31 December 2012, the European Economic and Social Committee agrees with the Commission proposal to ensure legal certainty while a new technical measures framework Regulation is being developed as part of the reform of the Common Fisheries Policy.

1.2 These technical measures are important for sustainable fishing, and their continuity needs to be ensured. Discontinuation of these measures, even temporarily, would have negative consequences for the conservation of stocks as well as for vulnerable deep-sea habitats – including in a number of NATURA 2000 sites. Their discontinuation would also imply that a number of justified and accepted derogations from provisions of Regulation (EC) No 850/98 would cease to apply.

1.3 The Committee suggests that the previous method of extending the application of the transitional technical measures in Regulation (EC) No 1288/2009 for an additional period of 18 months is maintained, instead of their incorporation into Regulation (EC) No 850/98.

2. Background

2.1 On 4 June 2008, the Commission submitted a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures ⁽¹⁾, intended to

replace Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and to provide for permanent implementation of the technical measures laid down in the annual Regulation on fishing opportunities on a transitional basis.

2.2 The European Economic and Social Committee issued an opinion on this proposal, which, following the relevant procedures, was approved by the Committee’s 451st plenary session on 25 February 2009 ⁽²⁾.

2.3 The Commission’s processing of the regulation corresponding to this proposal was hindered in 2009 by the negotiations on the adoption of the Lisbon Treaty.

2.4 In the intervening period, and in view of its urgency, Regulation (EC) No 43/2009, establishing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, was adopted ⁽³⁾.

2.5 In the meantime, and while the proceedings for the Council Regulation on technical measures continued during 2009, the measures provided for in Annex III of the aforementioned Regulation (EC) No 43/2009 ceased to apply, since their period of application had come to an end.

⁽¹⁾ COM(2008) 324 final.

⁽²⁾ OJ C 218, 11.9.2009.

⁽³⁾ OJ L 22, p. 1, 26.1.2009, p. 1.

2.6 For this reason, for reasons of legal certainty and to maintain the proper conservation and management of marine resources, Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011⁽⁴⁾ was adopted, providing for the continuation of temporary technical measures catered for in Annex III to Regulation (EC) No 43/2009 for a transitional period of 18 months.

2.7 In view of the new requirements of the Lisbon Treaty, in 2010 the Commission withdrew the 2008 proposal.

2.8 The transitional measures were further extended for another 18 months under Regulation (EU) No 579/2011 as it had not yet been possible to incorporate them into the existing technical measures Regulation (EC) No 850/98 (or a new Regulation replacing that Regulation) by 30 June 2011.

2.9 It is the intention of the Commission to revise Regulation (EC) No 850/98 after and in accordance with the Common Fisheries Policy reform which is currently in the process of negotiation. Thus a new technical measures Regulation cannot be ready for entry into force by 1 January 2013. Consequently, a solution is needed to ensure that the transitional technical measures are maintained after 31 December 2012, to allow time to develop a new framework for technical measures.

2.10 The result of the above is the proposal for a Regulation of the European Parliament and of the Council, the subject of

this draft EESC opinion, amending Regulation (EC) No 850/98 to incorporate the technical measures in question.

3. Comments

3.1 In article 34b, it would be clearer to place paragraph 3 after paragraph 1: the exceptions immediately after the general prohibition, like it is done in Regulation (EC) No 43/2009, and only afterwards the requirement for a special fixed net fishing authorisation (paragraph 2 in the current proposal).

3.2 The exception in paragraph 9.12 of Annex III of Regulation (EC) No 43/2009, in force until 31 December 2012, should be extended. Precisely, during the last quarter of 2011 and the first semester of 2012, a research programme in depths greater than 600 metres has shown low levels of shark by-catches that should grant this derogation to the anglerfish gillnet fleet, once the report is validated by the Scientific, Technical and Economic Committee for Fisheries.

3.3 Paragraphs 1, 2, 4, 5a, 5b, 5c, 5d, 17 and 18 from Annex III of Regulation (EC) No 43/2009, applicable until 31 December 2012, are not reflected in the proposal. The Commission has explained that 5a, c and d are redundant as of from 1 January 2010; 1 and 2 were omitted and will not be re-included at the request of Denmark; 17 and 18 are included in the proposal under point 6 and point 3 respectively.

Brussels, 18 September 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽⁴⁾ OJ L 347, p. 6, 24.12.2009, p. 6.