

Thursday 14 June 2012

Stock of herring distributed to the west of Scotland *I**

P7_TA(2012)0253

European Parliament legislative resolution of 14 June 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock (COM(2011)0760 – C7-0432/2011 – 2011/0345(COD))

(2013/C 332 E/34)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0760),
 - 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 (C7-0432/2011),
 - 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 18 January 2012 ⁽¹⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0145/2012),
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⁾ OJ C 68, 6.3.2012, p. 74.

P7_TC1-COD(2011)0345

Position of the European Parliament adopted at first reading on 14 June 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1300/2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland 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,

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Having regard to the proposal from the European Commission,

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

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

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

Whereas:

- (1) Council Regulation (EC) No 1300/2008 [of **18 December 2008**] establishing a multi-annual plan for the stock of herring distributed to the West of Scotland and the fisheries exploiting that stock ⁽³⁾ empowers the Council to follow-up and revise the maximum fishing mortality rates and associated spawning stock biomass levels specified in Article 3(2) and referred to in Articles 4(2), 4(5) and 9 thereof **therein**. [Am. 1]
- (2) ~~In accordance with Article 290 of the Treaty the Commission may be empowered to supplement or amend non-essential elements of a legislative act by means of delegated acts.~~ [Am. 2]
- (3) In order to ~~allow for an efficient achievement of~~ **ensure that** the targets set in the multi-annual plan **are achieved efficiently** and ~~for a swift~~ **that the** reaction to changes in stock conditions **is swift**, the power to ~~adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to~~ revise maximum fishing mortality rates and associated spawning stock biomass levels, when scientific data indicate that these values are no longer appropriate to achieve the objective of the plan, ~~should be delegated to the Commission in accordance with Article 290 of the Treaty.~~ **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. 3]
- (4) Since herring ~~in the west of Scotland~~ is a migrating **migratory** species, the specification of the area ~~it~~ **that the stock of herring distributed to the west of Scotland** currently inhabits should serve to ~~identify~~ **distinguish** it from other stocks, but should not prevent this plan ~~for~~ **from** applying in the event that the species ~~that stock~~ changes its mobility patterns. ~~Articles 1 and 2 should be modified accordingly.~~ [Am. 4]
- (5) ~~It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.~~ [Am. 5]
- (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 Council.~~ [Am. 6]
- (7) ~~At the occasion of this amendment, a mistake in the heading of Article 7 should be corrected.~~ [Am. 7]
- (8) Regulation (EC) No 1300/2008 should therefore be amended accordingly,

⁽¹⁾ OJ C 68, 6.3.2012, p. 74.

⁽²⁾ Position of the European Parliament of 14 June 2012.

⁽³⁾ [OJ L 344, 20.12.2008, p. 6.]

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HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1300/2008 is amended as follows:

(1) Article 1 is replaced by the following:

"Article 1

Subject-matter

This Regulation establishes a multi-annual plan for the fisheries exploiting the stock of herring in the ~~West~~ **area west** of Scotland." [Am. 8]

(2) [In Article 2 the following point (e) is added:

"(e) **"herring** stock of ~~herring~~ in the ~~West~~ **area west** of Scotland" means the stock of herring (*clupea harengus*) **distributed to the west of Scotland** which **currently** inhabits Union and international waters of ICES ~~divisions zones Vb, VIa and VIb~~ **and the part of ICES zone VIa which lies east of the meridian of longitude 7°W and north of the parallel of latitude 55°N, or west of the meridian of longitude 7°W and north of the parallel of latitude 56°N, excluding the Clyde.**" [Am. 9]

(3) Article 7 is replaced by the following:

"Article 7

Revision of maximum fishing mortality rates and associated spawning stock biomass levels

Where **the Commission, on the basis of advice from STECF and possibly other** scientific data ~~indicates~~ **and after consulting fully with the Pelagic Regional Advisory Council, finds** that the values for the fishing mortality rates and associated spawning stock biomass levels specified in Article 3(2), Article 4(2) to (5) and Article 9 are no longer appropriate to achieve the objective set ~~forth~~ **out** in Article 3(1), ~~the Commission~~ **it shall fix** ~~adopt delegated acts in accordance with Article 9a fixing~~ **new values for such** ~~those~~ rates and levels ~~by means of delegated acts in accordance with Article 9a.~~ [Am. 10]

(4) Article 8 is replaced by the following:

"Article 8

Evaluation and review of the multi-annual plan

1. At least every four years, starting from 18 December 2008, the Commission shall evaluate the operation and performance of the multi-annual plan. **For the purpose of this evaluation, the Commission shall seek the advice of STECF and of the Pelagic Regional Advisory Council.** Where ~~appropriate~~ **necessary**, the Commission ~~may propose adaptations to~~ **shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of** the multi-annual plan. ~~or adopt delegated acts in accordance with Article 7."~~

2. Paragraph 1 shall be without prejudice to the delegation of power in Article 7." [Am. 11]

(5) The following Article 9a is inserted:

"Article 9a

Exercise of the delegation

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

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2. The ~~delegation~~ of power **to adopt delegated acts** referred to in Article 7 ~~and 8~~ shall be conferred **on the Commission** for an indeterminate a period of time **three years** from ... ⁽¹⁾ [dd/mm/yyyy] ~~[insert date of entry into force of this Regulation]~~. **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. 12]

3. The delegation of power referred to in ~~Articles~~ **Article** 7 and 8 may be revoked at any time by the European Parliament or by the Council. A decision ~~of revocation~~ **to revoke** 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. [Am. 13]

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

5. A delegated act adopted pursuant to ~~Articles~~ **Article** 7 ~~and 8~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ~~2~~ **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 ~~2~~ **two** months at the initiative of the European Parliament or **of** the Council."

[Am. 14]

Article 2

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

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

⁽¹⁾ Date of entry into force of this Regulation.