

Tuesday 11 June 2013

III

(Preparatory acts)

EUROPEAN PARLIAMENT

P7_TA(2013)0235

Long-term plan for cod stocks and the fisheries exploiting those stocks — 1 *I**

European Parliament legislative resolution of 11 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (COM(2012)0021 — C7-0042/2012 — 2012/0013(COD))

(Ordinary legislative procedure: first reading)

(2016/C 065/30)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0021),
 - 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 (C7-0042/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0141/2013),
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.

P7_TC1-COD(2012)0013

Position of the European Parliament adopted at first reading on 11 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks

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,

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

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

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

Whereas:

- (1) Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 ⁽³⁾ empowers the Council to monitor and revise the maximum fishing mortality rates and **the** associated spawning stock biomass levels **specified therein**.
[Am. 1]

[Am. 2]

- (3) In order to amend or supplement non-essential elements of the provisions of Regulation (EC) No 1342/2008, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

- changes to the established values for the maximum fishing mortality rates and associated spawning stock biomass levels, when the target fishing mortality rate has been reached;
- the rules concerning the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime;
- the rules concerning the method for calculating the fishing capacity referred to in Article 14(3) and the adjustment of the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers;
- the rules concerning the calculation method for adapting the maximum allowable fishing effort in relation to quota management;
- the rules concerning the calculation method for adapting the maximum allowable fishing effort following transfer of effort across effort groups;
- changes to the composition of the geographical areas and gear groupings established in Annex I.

- (4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission should, when preparing and drawing up delegated acts, ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

[Am. 3]

- (6) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1342/2008, implementing powers should be conferred on the Commission in respect of detailed rules on the procedure and format for transmitting the information required under this Regulation to the Commission, and the format of the special fishing permit and of the list of vessels holding such special permit. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽⁴⁾.

[Am. 4]

⁽¹⁾ OJ C 181, 21.6.2012, p. 204.

⁽²⁾ Position of the European Parliament of 11 June 2013.

⁽³⁾ OJ L 348, 24.12.2008, p. 20.

⁽⁴⁾ OJ L 55, 28.2.2011, p. 13.

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(8) Regulation (EC) No 1342/2008 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1342/2008 is amended as follows:

(-1) **In Article 8, paragraph 6 is replaced by the following:**

'6. Where the cod stock referred to in paragraph 1 has been exploited at a fishing mortality rate close to 0,4 during three successive years, the Commission shall evaluate the application of this Article. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the long-term plan, in order to ensure exploitation at maximum sustainable yield.' [Am. 5]

(1) **In Article 10, paragraph 1 is replaced by the following:**

'1. The Commission shall adopt delegated acts, in accordance with Article 31a, fixing new values for the levels set out in Article 5(2), Article 6 and Article 7(2), when the target fishing mortality rate set out in Article 5(2) has been reached or where the Commission, on the basis of advice from STECF and, where appropriate, other scientific data, and after consulting fully with the relevant Regional Advisory Council, finds that that target, or the minimum and precautionary spawning biomass levels established in Article 6, or the levels of fishing mortality rates given in Article 7(2), are no longer appropriate in order to maintain a low risk of stock depletion and a maximum sustainable yield.' [Am. 6]

(2) Article 11 is amended as follows:

(a) Paragraph 3 is replaced by the following:

'3. Member States shall provide annually appropriate information to the Commission to establish that the above conditions are and remain fulfilled.'

(b) The following paragraphs are added:

'4. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime pursuant to Article 11(2) and where a vessel no longer complies with the requirements specified in the decision on exclusion.

5. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 11(3). Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(2a) **In Article 13, paragraph 7 is replaced by the following:**

'7. The Commission shall request STECF to compare annually the reduction in cod mortality which would result from the application of point (c) of paragraph 2 with the reduction it would have expected to occur as a result of the effort adjustment referred to in Article 12(4). In light of this advice, the Commission shall, where necessary, make appropriate proposals for the adjustment to the fishing effort that may be applied for the relevant gear grouping the following year.' [Am. 7]

(3) In Article 14 the following paragraph is added:

'5. Member States shall keep the Commission informed of the basis for calculating the maximum fishing capacity referred to in paragraph 3 and of any adjustments due to permanent cessation of fishing activities and capacity transfers pursuant to Article 16(3).'

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(4) The following article is inserted:

'Article 14a

Commission's powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a in order to specify the rules concerning the method for calculating the fishing capacity referred to in Article 14(3) and adjusting the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers pursuant to Article 16 (3).

2. The Commission may adopt implementing acts laying down detailed rules concerning the following:

(a) the format of the special fishing permit referred to in Article 14(2) and the procedures whereby the Member States make available the list of vessels holding that special permit as referred to in Article 14(4);

(b) the procedure and format for transmitting to the Commission the information referred to in Article 14(5).

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(5) In Article 16 the following paragraphs are inserted:

'4. Member States shall keep the Commission informed of any adaptations of effort in accordance with this Article.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the calculation method enabling Member States to adapt the maximum allowable fishing effort in relation to quota management.

6. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(6) In Article 17 the following paragraphs are inserted:

'6. Member States shall keep the Commission informed of any adaptations of effort in accordance with this Article.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the calculation method enabling Member States to adapt the maximum allowable fishing effort following transfer of effort across effort groups.

8. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(7) Article 30 is replaced by the following:

'Article 30

Decision-making procedure

Where this Regulation provides for decisions to be taken by the Council, the Council shall act in accordance with the Treaty.'

(8) In Article 31, the introductory phrase is replaced by the following:

'The Commission shall be empowered to adopt delegated acts, in accordance with Article 31a, to amend Annex I to this Regulation on the basis of the following principles.'

(9) The following article is inserted:

'Article 31a

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 power **to adopt delegated acts** referred to in **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) and Article 31** shall be conferred **on the Commission** for a period of **three years from ... (*)**. **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. 8]

3. The delegation of **power** referred to in **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) and Article 31** may be revoked at any time by the European Parliament or by the Council. A decision **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. not concerning all languages]

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 **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) or Article 31** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **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 **two** months at the initiative of the European Parliament or **of** the Council'. [Am. not concerning all languages]

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

(10) Article 32 is replaced by the following:

'Article 32

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) OJ L 55, 28.2.2011, p. 13'.

(11) Article 34 is replaced by the following:

'Article 34

Review

1. **The Commission shall, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the management measures on the cod stocks concerned and the fisheries on those stocks, at the latest in the third year of application of this Regulation and then each third successive year of its application. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the long-term plan.**

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2. Paragraph 1 shall be without prejudice to the delegation of power in this Regulation.' [Am. 11]

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

P7_TA(2013)0241

Customs enforcement of intellectual property rights *II**

European Parliament legislative resolution of 11 June 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (06353/1/2013 — C7-0142/2013 — 2011/0137(COD))

(Ordinary legislative procedure: second reading)

(2016/C 065/31)

The European Parliament,

- having regard to the Council position at first reading (06353/1/2013 — C7-0142/2013),
 - having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2011) 0285),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A7-0185/2013),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ Texts adopted of 3.7.2012, P7_TA(2012)0272.