

Tuesday 8 March 2011

General Fisheries Commission for the Mediterranean Agreement Area *I**

P7_TA(2011)0079

European Parliament legislative resolution of 8 March 2011 on the proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area (COM(2009)0477 – C7-0204/2009 – 2009/0129(COD))

(2012/C 199 E/28)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0477),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0204/2009),
 - 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 (A7-0023/2011),
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 and the Commission and the national parliaments.

⁽¹⁾ OJ C 354, 28.12.2010, p. 71.

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P7_TC1-COD(2009)0129

Position of the European Parliament adopted at first reading on 8 March 2011 with a view to the adoption of Regulation (EU) No .../2011 of the *European Parliament and of the Council* on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area [Amendment 1]

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, [**Amendment 2**]

Having regard to the proposal from the European Commission,

■ [Amendment 3]

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾, [**Amendment 4**]

Acting in accordance with the ordinary legislative procedure ⁽²⁾, [**Amendment 5**]

Whereas:

- (1) The Agreement for the establishment of the General Fisheries Commission for the Mediterranean ('GFCM'), hereinafter referred to as the GFCM Agreement, was approved by the Council by Decision 98/416/EC of 16 June 1998 on the accession of the European Community to GFCM ⁽³⁾.
- (2) The GFCM Agreement provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse.
- (3) The **European Union**, as well as Bulgaria, Greece, Spain, France, Italy, Cyprus, Malta, Romania and Slovenia are Contracting Parties to the GFCM. [**Amendment 6**]
- (4) Recommendations adopted by GFCM are binding on its Contracting Parties. As the **Union** is a contracting party to the GFCM, these recommendations are binding on the **Union** and should therefore be transposed into **Union** law, where their content is not already covered *thereby*. [**Amendment 7**]
- (5) At its Annual Sessions in 2005, 2006, 2007 and 2008, the GFCM adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement area which have been temporarily transposed into **Union** law by the annual regulations on fishing opportunities ⁽⁴⁾ or, in the case of GFCM recommendations 2005/1 and 2005/2, by Articles 4(3) and 24 of Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea ⁽⁵⁾. [**Amendment 8**]

⁽¹⁾ OJ C 354, 28.12.2010, p. 71.

⁽²⁾ Position of the European Parliament of 8 March 2011.

⁽³⁾ OJ L 190, 4.7.1998, p. 34.

⁽⁴⁾ Council Regulation (EC) No 43/2009 Articles 28-31, Council Regulation (EC) No 40/2008 Articles 29-31, Council Regulation (EC) No 41/2007 Articles 26-27, Council Regulation (EC) No 51/2006 Annex III.

⁽⁵⁾ OJ L 409, 30.12.2006, p. 11.

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- (6) For reasons of clarity, simplification and legal certainty, and since the permanent character of recommendations requires also a permanent legal instrument for their transposition into **Union** law, it is appropriate to transpose these recommendations via a single legislative act, to which future recommendations can be added by way of amendments. **[Amendment 9]**
- (7) GFCM recommendations apply to the entire GFCM Agreement area, notably the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II to Decision 98/416/EC, and, therefore, in order to ensure the clarity of **Union** legislation, they should be transposed in a single separate regulation rather than through amendments to Regulation (EC) No 1967/2006, which only covers the Mediterranean Sea. **[Amendment 10]**
- (8) Certain provisions contained in Regulation (EC) No 1967/2006 should apply not only in the Mediterranean Sea but in the entire GFCM Agreement area. Those provisions should therefore be deleted from Regulation (EC) No 1967/2006 and included in this Regulation.
- (9) The 'Fisheries Restricted Areas' established by GFCM recommendations for spatial management measures are equivalent in effect to the 'Fishing Protected Areas' as used in Regulation (EC) No 1967/2006.
- (10) At its Annual Session of 23-27 March 2009 the GFCM adopted a recommendation on the establishment of a fisheries restricted area in the Gulf of Lions on the basis of scientific advice by Scientific Advisory Committee (SAC), as contained in the report of its 11th session (FAO report n° 890). It is appropriate to implement this measure by means of an effort management system.
- (11) The selectivity of some fishing gears cannot go beyond a certain level in Mediterranean mixed fisheries and, in addition to the control and limitation of fishing effort, it is fundamental to limit fishing effort in areas where adults of important stocks aggregate in order to have a low risk of reproduction impairment, thus allowing for their sustainable exploitation. It is therefore advisable to first limit the fishing effort in the area examined by the SAC to previous levels and not to allow any increase of that level.
- (12) The advice on which management measures are based should be based on the scientific use of relevant data on fleet capacity and activity, on the biological status of exploited resources and on the social and economic situation of fisheries; these data need to be collected and submitted in time to allow the subsidiary bodies of GFCM to prepare their advice.
- (13) At its Annual Session in 2008 the GFCM adopted a recommendation on a regional scheme of Port State measures to combat Illegal, Unreported and Unregulated (IUU) fishing in the GFCM Agreement area. While Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ⁽¹⁾ covers generally the content of this recommendation and **applies from** 1 January 2010, there are, nevertheless, some aspects such as the frequency, coverage and procedure for port inspections which need to be referred to in this Regulation in order to adapt the measure to the specificities of the GFCM Agreement area. **[Amendment 11]**
- (14) ***In order to ensure uniform conditions*** for the implementation of this Regulation, ***implementing powers*** should be ***conferred on the Commission. Those powers, which should be without prejudice to the provisions of this Regulation relating to delegated acts and which should not apply to provisions of this Regulation on Port state measures and Port state inspection procedures, 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*** ⁽²⁾ **[Amendment 47]**

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

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(15) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of the incorporation into Union law of future amendments to those GFCM measures for conservation, control or enforcement, as already transposed into Union law, which form the subject matter of certain explicitly defined non-essential elements of this Regulation and which become binding upon the European Union and its Member States in accordance with the terms of the GFCM Agreement. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, [Amendment 13]

HAVE ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the rules for the application, by the **Union**, of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products, as established by the General Fisheries Commission for the Mediterranean ('the GFCM'). **[Amendment 14]**

Article 2

Scope

1. This Regulation applies to all commercial fishing and aquaculture activities conducted by **EU** fishing vessels and nationals of Member States in the GFCM Agreement area. **[Amendment 15]**

It shall apply without prejudice to Regulation (EC) No 1967/2006.

2. By way of derogation from paragraph 1, the provisions of this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member whose flag the vessel is flying, of which the Commission and the Member States in whose waters the research is carried out have been informed in advance. Member States conducting fishing operations for the purpose of scientific investigations shall inform the Commission, the Member States in whose waters the research is carried out and the Scientific, Technical and Economic Committee for Fisheries of all catches from such fishing operations.

Article 3

Definitions

For the purposes of this Regulation the following definitions, in addition to the definitions laid down in Article 3 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 ⁽¹⁾ and Article 2 of Regulation (EC) No 1967/2006 shall apply:

(a) 'GFCM Agreement area' means the Mediterranean, the Black Sea and connecting waters, as referred to in Annex II of Decision 98/416/EC;

(b) 'Fishing effort' means the product of the capacity of a fishing vessel, both in kW and in GT, and the days at sea;

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

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- (c) 'day at sea' means any calendar day a vessel is absent from port, irrespective of the amount of time of the day that that vessel is present in an area.

TITLE II

TECHNICAL MEASURES

Chapter I

Fisheries restricted areas

Section I

Fisheries restricted area in the Gulf of Lions

Article 4

Establishment of a fisheries restricted area

A fisheries restricted area is established in the eastern Gulf of Lions (as bounded by lines joining the following geographic coordinates):

42°40'N, 4°20' E;

42°40'N, 5°00' E;

43°00'N, 4°20' E;

43°00'N, 5°00' E.

Article 5

Fishing effort

The fishing effort for demersal stocks of vessels using towed nets, bottom and mid-water longlines and bottom-set nets in the fisheries restricted area as referred to in Article 4 shall not exceed the level of fishing effort applied in 2008 by each Member State in that area.

Article 6

Fishing track record

The Member States shall submit to the Commission in electronic format, not later than ... (*), a list of vessels flying their flag that had a track record of fishing during the year 2008 in the area referred to in Article 4 and in GFCM Geographical Sub-Area 7 as defined in Annex I. The list shall contain the name of the vessel, its number in the Fleet Register, referred to in Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register ⁽¹⁾, the period for which the vessel was authorised to fish in the area referred to in Article 4 and the number of days spent by each vessel in the year 2008 in Geographical Sub-Area 7, and more specifically in the area referred to in Article 4.

[Amendment 16]

(*) **20 working days after the entry into force of this Regulation.**

⁽¹⁾ OJ L 5, 9.1.2004, p. 25.

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Article 7

Authorised vessels

1. Vessels authorised to fish in the area referred to in Article 4 shall be issued with a Special Fishing Permit by their Member State in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits ⁽²⁾.

2. Fishing vessels not having records of fishing within the area referred to in Article 4 prior to 31 December 2008 shall not be authorised to start fishing therein.

3. Member States shall communicate to the Commission, not later than ... (*), the national legislation in force at 31 December 2008 concerning: **[Amendment 17]**

- (a) the maximum time of daily fishing activity allowed per vessel,
- (b) the maximum number of days per week a vessel can stay at sea and be absent from port and
- (c) the compulsory timing to exit and return to the registered port of their fishing vessels.

Article 8

Protection of sensitive habitats

Member States shall ensure that the area referred to in Article 4 is protected from the impacts of any other human activity jeopardizing the conservation of the features that characterise that area as an area of spawners' aggregation.

Article 9

Information

Before 31 January of each year, Member States shall submit to the Commission in electronic format a report on the fishing activities carried out in the area referred to in Article 4.

Section II

Fisheries restricted areas in order to protect deep-sea sensitive habitats

Article 10

Establishment of fisheries restricted areas

Fishing with towed dredges and bottom trawl nets shall be prohibited in the following areas:

- (a) Deep Sea fisheries restricted area 'Lophelia reef off Capo Santa Maria di Leuca' bounded by lines joining the following coordinates:

— 39° 27.72' N, 18° 10.74' E

— 39° 27.80' N, 18° 26.68' E

— 39° 11.16' N, 18° 32.58' E

— 39° 11.16' N, 18° 04.28' E;

⁽²⁾ OJ L 171, 6.7.1994, p. 7.

(*) **20 working days after the entry into force of this Regulation.**

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- (b) Deep Sea fisheries restricted area 'The Nile delta area cold hydrocarbon seeps' bounded by lines joining the following coordinates:
- 31° 30.00' N, 33° 10.00' E
 - 31° 30.00' N, 34° 00.00' E
 - 32° 00.00' N, 34° 00.00' E
 - 32° 00.00' N, 33° 10.00' E;
- (c) Deep Sea fisheries restricted area 'The Eratosthenes Seamount' bounded by lines joining the following coordinates:
- 33° 00.00' N, 32° 00.00' E
 - 33° 00.00' N, 33° 00.00' E
 - 34° 00.00' N, 33° 00.00' E
 - 34° 00.00' N, 32° 00.00' E.

Article 11

Protections of sensitive habitats

Member States shall ensure *that their competent authorities are called upon to protect* the deep-sea sensitive habitats in the areas referred to in Article 10 **■** in particular **■** from the impacts of any other **■** activity jeopardising the conservation of the features that characterise those habitats. [Amendment 18]

Chapter II

Establishment of a closed season for the dolphinfish fisheries using fish aggregating devices (FADs)

Article 12

Closed season

1. The common dolphinfish (*Coryphaena hippurus*) fisheries using fish aggregating devices (FADs) shall be prohibited from 1 January to 14 August of each year.
2. By way of derogation from paragraph 1, if a Member State can demonstrate that, because of bad weather, the fishing vessels flying its flag were unable to utilise their normal fishing days, that Member State may carry over days lost by its vessels in FAD fisheries until 31 January of the following year. In that case, before the end of the year, Member States shall submit to the Commission an application for the number of days to carry over.
3. Paragraphs 1 and 2 shall also apply in the management zone referred to in Article 26(1) of Regulation (EC) No 1967/2006.
4. The application referred to in paragraph 2 shall contain the following information:
 - (a) a report containing the details of the cessation of fishing activities in question, including appropriate supporting meteorological information;
 - (b) the name of the vessel and its **EU** Fleet Register number. [Amendment 19]

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5. The Commission shall decide on the applications referred to in paragraph 2 within 6 weeks from the date of reception of the application, and inform the Member State in writing thereof.

6. The Commission shall inform the Executive Secretary of the GFCM of decisions taken pursuant to paragraph 5. Before 1 November of each year, Member States shall send to the Commission a report on the carrying over of days lost in the previous year as referred to in paragraph 2.

Article 13

Special fishing permit

Fishing vessels authorised to participate in the common dolphinfish fishery shall be granted a special fishing permit in accordance with Regulation (EC) No 1627/94 and shall be included in a list containing the name of the vessel and its **EU** Fleet Register number, to be provided to the Commission by the Member State concerned. Notwithstanding Article 1(2) of Regulation (EC) No 1627/94, vessels of an overall length of less than 10 meters shall be required to have a special fishing permit. **[Amendment 20]**

This requirement shall also apply to the management zone referred to in Article 26(1) of Regulation (EC) No. 1967/2006.

Article 14

Data collection

Without prejudice to Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽¹⁾, Member States shall set up an appropriate system for the collection and treatment of fisheries catch and effort data.

Member States shall report to the Commission, by 15 January of each year, on the number of vessels involved in the fishery and on the total landings and transshipments of common dolphinfish carried out in the previous year by the fishing vessels flying their flag in each geographical sub-area of the GFCM Agreement area as set out in Annex I.

The Commission shall forward the information received from the Member States to the Executive Secretary of the GFCM.

Chapter III

Fishing gear
 ■
[Amendments 21, 22, 23, 24 and 25]

Article 15

Minimum mesh size in the Black Sea

1. The minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea shall be 40 mm; panels of netting smaller than 40 mm mesh size opening shall not be used or kept on board.

2. By 31 January 2012, the net referred to in paragraph 1 shall be replaced by a square-meshed net of 40 mm at the cod-end or, at the duly justified request of the ship-owner, by a diamond meshed net of 50 mm which must have an acknowledged size selectivity that is equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end.

⁽¹⁾ OJ L 60, 5.3.2008, p. 1.

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3. Member States whose fishing vessels conduct trawling activities exploiting demersal stocks in the Black Sea shall submit to the Commission, for the first time by 1 October **2011** and subsequently every 6 months, the list of fishing vessels, and their percentage out of the whole national demersal trawl fleet equipped with a square-meshed net of at least 40 mm at the cod-end or diamond meshed nets of at least 50 mm. **[Amendment 26]**

4. The Commission shall forward the information referred to in paragraph 2 to the Executive Secretary of the GFCM.

Article 16

Use of towed dredges and trawl nets fisheries

The use of towed dredges and trawl nets fisheries at depths beyond 1 000 m shall be prohibited.

TITLE III

CONTROL MEASURES

Chapter I

Register of vessels

Article 17

Register of authorised vessels

1. Before 1 December *of each year*, each Member State shall send the Commission, through the accustomed data-processing support, an updated list of the vessels of more than 15 metres overall length flying its flag and registered in its territory that it authorises to fish in the GFCM Agreement area by issue of a fishing *authorisation*. **[Amendment 27]**

2. The list indicated in paragraph 1 shall include the following information:

(a) vessel's *EU* fleet register number, and external marking as defined in Annex I to Regulation (EC) No 26/2004; **[Amendment 28]**

(b) period authorised for fishing and/or transhipment;

(c) fishing gears used.

3. The Commission shall send the updated list to the GFCM Executive Secretary before 1 January *of each year* so that these vessels can be entered on the GFCM register of vessels of more than 15 metres in overall length authorised to fish in the GFCM Agreement area ('the GFCM register'). **[Amendment 29]**

4. Any change to be made to the list indicated in paragraph 1 shall be notified to the Commission for transmission to the GFCM Executive Secretary and the same procedure shall apply, at least 10 working days before the vessel begins fishing activity in the GFCM Agreement area.

5. *EU* fishing vessels of more than 15 metres in overall length that are not entered on the list indicated in paragraph 1 shall not fish, retain on board, tranship or land any type of fish or shellfish within the GFCM Agreement area. **[Amendment 30]**

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6. Member States shall take the necessary measures to ensure that:
- (a) only vessels flying their flag that are included in the list indicated in paragraph 1 and hold on board a fishing **authorisation** issued by them are authorised, under the terms of the **authorisation**, to carry out fishing activities in the GFCM Agreement area; [**Amendment 31**]
 - (b) no fishing **authorisation** is issued to vessels that have carried out IUU fishing in the GFCM Agreement area or elsewhere, unless the new owners provide adequate documentary evidence that the previous owners and operators have no longer any legal, beneficial or financial interest in, or exercise any control over, their vessels, or that their vessels neither take part in nor are associated with IUU fishing; [**Amendment 32**]
 - (c) as far as possible, their national legislation prohibits owners and operators of vessels flying their flag that are included in the list indicated in paragraph 1 from taking part in or being associated with fishing activities in the GFCM Agreement area by vessels not on the GFCM register;
 - (d) as far as possible, their national legislation requires owners of vessels flying their flag that are included in the list indicated in paragraph 1 to be nationals or legal entities within the flag Member State;
 - (e) their vessels comply with all the relevant GFCM conservation and management measures.
7. Member States shall take the necessary measures to prohibit fishing, retention on board, transhipment and landing of fish and shellfish caught in the GFCM Agreement area by vessels of more than 15 metres in overall length that are not on the GFCM register.
8. Member States shall, without delay, pass on to the Commission any information showing that there are strong reasons for suspecting that vessels of more than 15 metres in overall length that are not on the GFCM register are fishing for or transshipping fish and shellfish in the GFCM Agreement area.

Chapter II

Port state measures

Article 18

Scope

This Chapter shall apply to third country fishing vessels.

Article 19

Prior notice

By way of derogation from Article 6(1) of Regulation (EC) No 1005/2008 **■**, the period for prior notification shall be at least 72 hours before the estimated time of arrival at the port. [**Amendment 33**]

Article 20

Port inspections

1. Notwithstanding Article 9(1) of Regulation (EC) No 1005/2008, Member States shall carry out inspections in their designated ports of at least 15 % of landings and transhipment operations each year.
2. Notwithstanding Article 9(2) of Regulation (EC) No 1005/2008, fishing vessels that enter into a Member States' port without prior authorisation shall be inspected in all cases.

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Article 21

Inspection procedure

In addition to the requirements provided for in Article 10 of Regulation (EC) No 1005/2008 port inspections shall comply with the requirements set out in Annex II to this Regulation.

Article 22

Denial of use of port

1. Member States shall not allow a third-country vessel to use their ports for landing, transshipping or processing of fisheries products caught in the GFCM Agreement area and **shall** deny it access to port services, including, *inter alia*, refuelling and resupplying services, except in cases of *force majeure* or distress within the meaning of Article 18 of the United Nations Convention on the Law of the Sea for services strictly necessary to remedy those situations, if: **[Amendment 34]**

- (a) the vessel **does not comply with the requirements of this Regulation**; or **[Amendment 35]**
 - (b) the vessel is included in a list of vessels having engaged in, or supported, IUU fishing adopted by a regional fisheries management organisation; or
 - (c) the vessel does not have a valid authorisation to engage in fishing or fishing related activities in the GFCM Agreement area.
2. Paragraph 1 shall apply in addition to the provisions on denial of use of port provided for by Articles 4(2) and 37(5) and (6) of Regulation (EC) No 1005/2008.
3. Where a Member State has denied the use of its ports in accordance with paragraphs 1 or 2, it shall promptly notify the master of the vessel, the flag State, the Commission, the Executive Secretary of the GFCM of such action.
4. Where the grounds for denial referred to in paragraphs 1 or 2 no longer apply, the Member State shall withdraw its denial and notify thereof the addressees of the notification issued pursuant to paragraph 3.

TITLE IV

COOPERATION, INFORMATION AND REPORTING

Article 23

Cooperation and information

1. The Commission and Member States shall cooperate and exchange information with the Executive Secretary of the GFCM, in particular by:
- (a) requesting information from, and providing information to relevant databases;
 - (b) requesting and providing cooperation to promote the effective implementation of this Regulation.
2. Member States shall ensure that their national fisheries related information systems allow for the direct electronic exchange of information on port State inspections referred to in Title III between them and the GFCM Secretariat, with due regard to appropriate confidentiality requirements.

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3. Member States shall take measures to share, by electronic means, information among relevant national agencies and to coordinate the activities of such agencies in the implementation of the measures under **Chapter II of Title III**. [Amendment 36]

4. Member States shall establish a list of contact points for the purpose of this Regulation, which shall be transmitted electronically, without delay, to the Commission, the Executive Secretary of GFCM and GFCM Contracting Parties.

Article 24

Reporting of statistical matrices

1. Member States shall submit, before 1 May each year, to the Executive Secretary of the GFCM, the data of Task 1.1, 1.2, 1.3, 1.4 and 1.5 of the GFCM statistical matrix as set out in Annex III.

■ [Amendment 37]

2. The first submission of the data of Task 1.3 and 1.5 shall be made before 1 February 2011.

3. For the submission of data referred to in paragraph 1, Member States shall use the GFCM data-entry system or any other appropriate data submission standard and protocol set by the GFCM Secretariat and available at the following web-site: <http://www.gfcm.org/gfcm/topic/16164>.

4. Member States shall inform the Commission of the data submitted on the basis of this Article.

TITLE V

FINAL PROVISIONS

Article 25

Implementing acts [Amendment 48]

The *Commission may adopt* implementing acts in order to ensure uniform conditions for the *implementation of this Regulation. Those implementing acts, which shall be without prejudice to Article 27 of this Regulation and which shall not apply to* provisions of this Regulation *on Port state measures in Chapter II and Port state inspection procedures in Annex II*, shall be adopted in accordance with the *examination procedure referred to* in Article 26 (2). [Amendment 49]

Article 26

Committee procedure [Amendment 50]

1. The Commission shall be assisted by *the* Committee for Fisheries and Aquaculture *established by Article 30(1) of Council Regulation (EC) No 2371/2002. That committee is a committee within the meaning of Regulation (EU) No 182/2011 of European Parliament and of the Council.* [Amendment 51]

2. Where reference is made to this paragraph, *Article 5 of Regulation 182/2011/EU* shall apply. ■ [Amendment 52]

■ [Amendment 40]

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Article 27

Delegation of power

As far as necessary, in order to transpose into Union law amendments to the existing provisions of the Scheme which become obligatory for the Union, the Commission may amend the provisions of this Regulation, by means of delegated acts, in accordance with Article 28 and subject to the conditions set out in Articles 29 and 30, concerning:

- the fisheries restricted area in the Gulf of Lions as set out in Articles 4, 5, 6, 7, 8 and 9;*
- the fisheries restricted areas in order to protect deep-sea sensitive habitats as set out in Title II, Chapter I, Section II, Articles 10 and 11;*
- the establishment of a closed season for the dolphinfish fisheries using FADs as set out in Title II, Chapter II, Articles 12, 13 and 14;*
- the provision of information to the Executive Secretary of GFCM as set out in Article 15(4);*
- the register of authorised vessels as set out in Article 17;*
- cooperation, information and reporting as set out in Articles 23 and 24;*
- table, map and geographical coordinates of GFCM Geographical Sub-Areas as set out in Annex I;*
- GFCM statistical matrixes as set out in Annex III.*

[Amendment 41]

Article 28

Exercise of the delegation

1. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for a period of three years from ... ⁽¹⁾. 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 29.

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 29 and 30.

[Amendment 42]

Article 29

Revocation of the delegation

1. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council.

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

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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.*

[Amendment 43]

Article 30

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 stated 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 within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

[Amendment 44]

Article 31

Amendments to Regulation (EC) No 1967/2006

Regulation (EC) No 1967/2006 is amended as follows:

(a) in Article 4, paragraph 3 is deleted;

(b) in Article 9, paragraph 3 shall be replaced by the following:

‘3. *For towed nets other than those referred to in paragraph 4, the minimum mesh size shall be at least:*

(a) *a square-meshed net of 40 mm at the cod-end, or*

(b) *at the duly justified request of the ship owner, a diamond-meshed net of 50 mm of an acknowledged size selectivity that is equivalent to or higher than that of nets referred to under (a).*

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Fishing vessels shall be authorised to use and keep on board only one of the two types of nets.

The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which, as well as on the basis of the information supplied by Member States before 31 December 2011, it shall propose suitable amendments where appropriate.’;

[Amendment 45]

- (c) Article 24 is deleted;
- (d) in Article 27, paragraphs 1 and 4 are deleted.

■ [Amendment 46]

Article 32

Entry into force

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

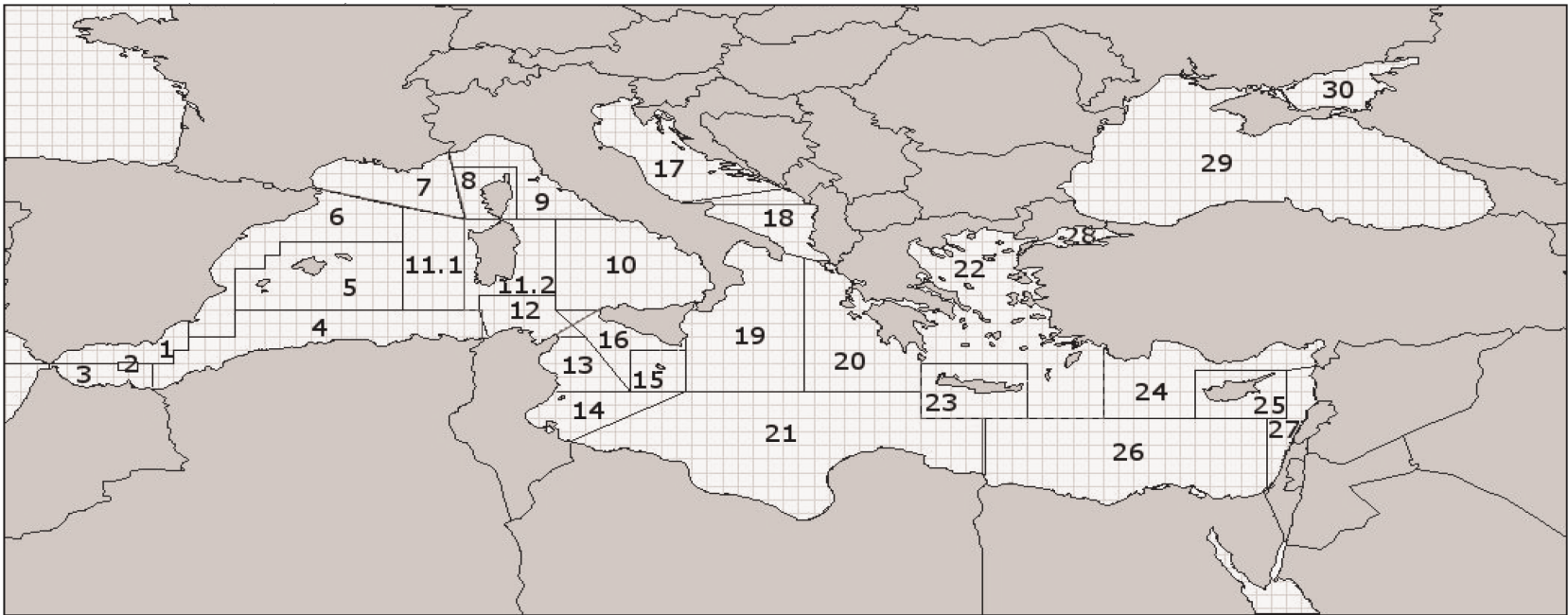
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ANNEX I

A) Table of GFCM Geographical Sub-Areas (GSAs)

FAO SUBAREA	FAO STATISTICAL DIVISIONS	GSAs
WESTERN	1.1 BALEARIC	1 Northern Alboran Sea
		2 Alboran Island
		3 Southern Alboran Sea
		4 Algeria
		5 Balearic Island
		6 Northern Spain
		11.1 Sardinia (west)
	1.2 GULF OF LIONS	7 Gulf of Lions
	1.3 SARDINIA	8 Corsica Island
		9 Ligurian and North Tyrrhenian Sea
		10 South Tyrrhenian Sea
		11.2 Sardinia (east)
		12 Northern Tunisia
CENTRAL	2.1 ADRIATIC	17 Northern Adriatic
		18 Southern Adriatic Sea (part)
	2.2 IONIAN	13 Gulf of Hammamet
		14 Gulf of Gabes
		15 Malta Island
		16 South of Sicily
		18 Southern Adriatic Sea (part)
		19 Western Ionian Sea
		20 Eastern Ionian Sea
		21 Southern Ionian Sea
EASTERN	3.1 AEGEAN	22 Aegean Sea
		23 Crete Island
	3.2 LEVANT	24 North Levant
		25 Cyprus Island
		26 South Levant
BLACK SEA	4.3 AZOV SEA	27 Levant
	4.1 MARMARA	28 Marmara Sea
	4.2 BLACK SEA	29 Black Sea
		30 Azov Sea

B) Map of GFCM GSAs (GFCM, 2009)



— FAO Statistical Divisions (red) — GFCM GSA (black)

01 – Northern Alboran Sea	07 – Gulf of Lions	12 – Northern Tunisia	19 – Western Ionian Sea	25 – Cyprus Island
02 – Alboran Island	08 – Corsica Island	13 – Gulf of Hammamet	20 – Eastern Ionian Sea	26 – South Levant
03 – Southern Alboran Sea	09 – Ligurian and North Tyrrhenian Sea	14 – Gulf of Gabes	21 – Southern Ionian Sea	27 – Levant
04 – Algeria	10 – South and Central Tyrrhenian Sea	15 – Malta Island	22 – Aegean Sea	28 – Marmara Sea
05 – Balearic Island	11.1 – Sardinia (west)	16 – South of Sicily	23 – Crete Island	29 – Black Sea
06 – Northern Spain	11.2 – Sardinia (east)	17 – Northern Adriatic	24 – North Levant	30 – Azov Sea
		18 – Southern Adriatic Sea		

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C) Geographical coordinates for GFCM GSAs (GFCM, 2009)

GSAs	LIMITS	GSAs	LIMITS
1	Coast Line 36° N 5° 36' W 36° N 3° 20' W 36° 05' N 3° 20' W 36° 05' N 2° 40' W 36° N 2° 40' W 36° N 1° 30' W 36° 30' N 1° 30' W 36° 30' N 1° W 37° 36' N 1° W	8	43° 15' N 7° 38' E 43° 15' N 9° 45' E 41° 18' N 9° 45' E 41° 20' N 8° E 41° 18' N 8° E
2	36° 05' N 3° 20' W 36° 05' N 2° 40' W 35° 45' N 3° 20' W 35° 45' N 2° 40' W	9	Coast line France-Italy border 43° 15' N 7° 38' E 43° 15' N 9° 45' E 41° 18' N 9° 45' E 41° 18' N 13° E
3	Coast Line 36° N 5° 36' W 35° 49' N 5° 36' W 36° N 3° 20' W 35° 45' N 3° 20' W 35° 45' N 2° 40' W 36° N 2° 40' W 36° N 1° 13' W Morocco-Algeria border	10	Coast line (including North Sicily) 41° 18' N 13° E 41° 18' N 11° E 38° N 11° E 38° N 12° 30' E
4	Coast Line 36° N 2° 13' W 36° N 1° 30' W 36° 30' N 1° 30' W 36° 30' N 1° W 37° N 1° W 37° N 0° 30' E 38° N 0° 30' E 38° N 8° 35' E Algeria-Tunisia border Morocco-Algeria border	11	41° 47' N 6° E 41° 18' N 6° E 41° 18' N 11° E 38° 30' N 11° E 38° 30' N 8° 30' E 38° N 8° 30' E 38° N 6° E
5	38° N 0° 30' E 39° 30' N 0° 30' E 39° 30' N 1° 30' W 40° N 1° 30' E 40° N 2° E 40° 30' N 2° E 40° 30' N 6° E 38° N 6° E	12	Coast line Algeria-Tunisia border 38° N 8° 30' E 38° 30' N 8° 30' E 38° 30' N 11° E 38° N 11° E 37° N 12° E 37° N 11° 04'E
6	Coast line 37° 36' N 1° W 37° N 1° W 37° N 0° 30' E 39° 30' N 0° 30' E 39° 30' N 1° 30' W 40° N 1° 30' E 40° N 2° E 40° 30' N 2° E 40° 30' N 6° E 41° 47' N 6° E 42° 26' N 3° 09' E	13	Coast line 37° N 11° 04'E 37° N 12° E 35° N 13° 30' E 35° N 11° E
7	Coast line 42° 26' N 3° 09' E 41° 20' N 8° E France-Italy border	14	Coast line 35° N 11° E 35° N 15° 18' E Tunisia-Libya border
		15	36° 30' N 13° 30' E 35° N 13° 30'E 35° N 15° 18' E 36° 30' N 15° 18' E
		16	Coast line 38° N 12° 30' E 38° N 11° E 37° N 12° E 35° N 13° 30' E 36° 30' N 13° 30' E 36° 30' N 15° 18' E 37° N 15° 18' E
		17	Coast line 41° 55' N 15° 08' E Croatia-Montenegro border

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GSA's	LIMITS
18	Coast lines (both sides) 41° 55' N 15° 08' E 40° 04' N 18° 29' E Croatia-Montenegro border Albania-Greece border
19	Coast line (including East Sicily) 40° 04' N 18° 29' E 37° N 15° 18' E 35° N 15° 18' E 35° N 19° 10' E 39° 58' N 19° 10' E
20	Coast line Albania-Greece border 39° 58' N 19° 10' E 35° N 19° 10' E 35° N 23° E 36° 30' N 23° E
21	Coast line Tunisia-Libya border 35° N 15° 18' E 35° N 23° E 34° N 23° E 34° N 25° 09' E Libya-Egypt border
22	Coast line 36° 30' N 23° E 36° N 23° E 36° N 26° 30' E 34° N 26° 30' E 34° N 29° E 36° 43' N 29° E

GSA's	LIMITS
23	36° N 23° E 36° N 26° 30' E 34° N 26° 30' E 34° N 23° E
24	Coast line 36° 43' N 29° E 34° N 29° E 34° N 32° E 35° 47' N 32° E 35° 47' N 35° E Turkey-Syria border
25	35° 47' N 32° E 34° N 32° E 34° N 35° E 35° 47' N 35° E
26	Coast line Libya-Egypt border 34° N 25° 09' E 34° N 34° 13' E Egypt-Gaza Strip border
27	Coast line Egypt-Gaza Strip border 34° N 34° 13' E 34° N 35° E 35° 47' N 35° E Turkey-Syria border
28	
29	
30	

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ANNEX II

Port state inspection procedures for vessels

(1) Vessel identification

The port inspector(s) shall:

- a) verify that the official documentation onboard is valid, if necessary, through appropriate contacts with the flag State or international records of vessels;
- b) where necessary, arrange for an official translation of the documentation;
- c) be assured that the vessel's name, flag, any external identification number and markings (and International Maritime Organization (IMO) ship identification number when available) and the international radio call sign are correct;
- d) to the extent possible, examine whether the vessel has changed name and/or flag and, if so, note the previous name(s) and flag(s);
- e) note the port of registration, name and address of the owner (and operator and beneficial owner if different from the owner), agent, and master of the vessel, including the unique ID for company and registered owner if available; and
- f) note name(s) and address(es) of previous owner(s), if any, during the past five years.

(2) Authorisation(s)

The port inspector(s) shall verify that the authorisation(s) to fish or transport fish and fishery products are compatible with the information obtained under paragraph 1 and examine the duration of the authorisation(s) and their application to areas, species and fishing gear.

(3) Other documentation

The port inspector(s) shall review all relevant documentation, including documents in electronic format. Relevant documentation may include logbooks, in particular the fishing logbook, as well as the crew list, stowage plans and drawings or descriptions of fish holds if available. Such holds or areas may be inspected in order to verify whether their size and composition correspond to these drawings or descriptions and whether the stowage is in accordance with the stowage plans. Where appropriate, this documentation shall also include catch documents or trade documents issued by any regional fisheries management organisation.

(4) Fishing gear

- a) The port inspector(s) shall verify that the fishing gear on board is in conformity with the conditions of the authorisation(s). The gear may also be checked to ensure that features such as, inter alia, the mesh size(s) (and possible devices), length of nets, hook sizes conform with applicable regulations and that identification marks of the gear correspond to those authorised for the vessel.
- b) The port inspector(s) may also search the vessel for any fishing gear stowed out of sight and for fishing gear that is otherwise illegal.

(5) Fish and fishery products

- (a) The port inspector(s) shall, to the greatest extent possible, examine whether the fish and fishery products on board were harvested in accordance with the conditions set out in the applicable authorisation(s). In doing so, the port inspector(s) shall examine the fishing logbook, reports submitted, including those transmitted by a vessel monitoring system (VMS), as appropriate.
- (b) In order to determine the quantities and species on board, the port inspector(s) may examine the fish in the hold or during the landing. In doing so, the port inspector(s) may open cartons where the fish has been pre-packed and move the fish or cartons to ascertain the integrity of fish holds.

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(c) If the vessel is unloading, the port inspector(s) may verify the species and quantities landed. Such verification may include product type, live weight (quantities determined from the logbook) and the conversion factor used for calculating processed weight to live weight. The port inspector(s) may also examine any possible quantities retained onboard.

(d) The port inspector(s) may review the quantity and composition of all catch onboard, including by sampling.

(6) Verification of IUU fishing

Article 11 of Regulation (EC) No 1005/2008 applies.

(7) Report

A written report shall be prepared and signed by the inspector on completion of the inspection and a copy provided to the master of the vessel.

(8) Results of Port State Inspections

Results of port State inspections shall include at least the following information:

1. Inspection references

- Inspecting authority (name of inspecting authority or the alternate body nominated by the authority);
- Name of inspector;
- Date and time of inspection;
- Port of inspection (place where the vessel is inspected); and
- Date (date the report is completed).

2. Vessel identification

- Name of the vessel;
- Type of vessel;
- Type of gear;
- External identification number (side number of the vessel) and IMO-number (if available) or other number as appropriate;
- International Radio Call Sign;
- MMS I-number (Maritime Mobile Service Identity number), if available;
- Flag State (State where the vessel is registered);
- Previous name(s) and flag(s), if any;
- Home port (port of registration of the vessel) and previous home ports;
- Vessel owner (name, address, contact of the vessel owner);
- Vessel beneficial owner if different from the vessel owner (name, address, contact);
- Vessel operator responsible for using the vessel if different from the vessel owner (name, address, contact);
- Vessel agent (name, address, contact)
- Name(s) and address(es) of previous owner(s), if any;
- Name, nationality and maritime qualifications of master and fishing master;
- Crew list

Tuesday 8 March 2011**3. Fishing authorisation (licenses/permits)**

- The vessels' authorisation(s) to fish or transport fish and fish products;
- State(s) issuing the authorisation(s);
- Terms of the authorisation(s), including areas and duration;
- Relevant regional fisheries management organisation;
- Areas, scope and duration of the authorisation(s);
- Details of allocation authorised — quota, effort or other;
- Species, by-catch and fishing gear authorised; and
- Transshipment records and documents (where applicable).

4. Fishing trip information

- Date, time, zone and place current fishing trip commenced;
- Areas visited (entry and exit from different areas);
- Transshipment activities at sea (date, species, place, quantity of fish transhipped)
- Last port visited; and
- Date and time where current fishing trip ended
- Intended next port of call, as appropriate.

5. Result of the inspection on the catch

- Start and end of discharge (times and date);
- Fish species;
- Product type;
- Live weight (quantities determined from the log book);
- Relevant conversion factor;
- Processed weight (quantities landed by species and presentation);
- Equivalent live weight (quantities landed in equivalent live weight, as 'product Weight multiplied with the conversion factor'); and
- Intended destination of fish and fishery products inspected.
- Quantity and species of fish retained on board, if any.

6. Results of gear inspection

- Details of gear types.

7. Conclusions

- Conclusions of the inspection including identification of the violations believed to have been committed and reference to the relevant rules and measures. Such evidence shall be attached to the inspection report.
-

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ANNEX III

A) GFCM/SAC Fleet Segmentation

Groups	< 6 metres	6-12 metres	12-24 metres	More than 24 metres
1. Polyvalent small-scale vessels without engine	A			
2. Polyvalent small-scale vessels with engine	B	C		
3. Trawlers		D	E	F
4. Purse seiners		G		H
5. Long liners			I	
6. Pelagic Trawlers			J	
7. Tuna seiners				K
8. Dredgers		L		
9. Polyvalent vessels				M

Description of segments

- A Polyvalent small-scale vessels without engine - All vessels less than 12 metres in length (LOA) without an engine (wind or propulsion).
- B Polyvalent small-scale vessels with engine less than 6 m - All vessels under 6 metres in length (LOA) with engine.
- C Polyvalent small-scale vessels with engine between 6 and 12 metres - All vessels between 6 and 12 metres in length (LOA) with engine, that use different gears during the year without clear predominance of one of them or that use a gear not considered in this classification.
- D Trawlers less than 12 m - All vessels less than 12 metres in length (LOA) allocating more than 50 percent of their effort operating with a demersal trawl.
- E Trawlers between 12 and 24 m - All vessels, between 12 and 24 metres in length (LOA) allocating more than 50 percent of their effort operating with a demersal trawl.
- F Trawlers longer than 24 m - All vessels over 24 metres in length (LOA), allocating more than 50 percent of their effort operating with a demersal trawl.
- G Purse Seiners between 6 and 12 m - All vessels between 6 and 12 m in length (LOA), allocating more than 50 percent of their effort operating with a purse seine.
- H Purse Seiners longer than 12 m - All vessels over 12 m in length (LOA), allocating more than 50 percent of their effort operating with a purse seine, excluding those using a tuna seine during any time of the year.
- I Long liners longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a long line.
- J Pelagic Trawlers longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a pelagic trawl.
- K Tuna Seiners - All vessels operating with a Tuna Seine for any length of time during the year.
- L Dredgers longer than 6 m - All vessels over 6 m in length (LOA), allocating more than 50 percent of their effort operating with a dredge.
- M Polyvalent vessels longer than 12 m - All vessels over 12 metres in length (LOA), that use different gears during the year without clear predominance of one of them or that use a gear not considered in this classification.

Note: All the cells are open for collecting information. The cells left blank in the above table are considered as unlikely to have a significant population. However, if necessary, it is advisable to merge the information of a 'blank cell' with the most appropriate neighbouring 'blue cell'

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B) Table on fishing effort ⁽¹⁾ measurement



Gear	Number and dimension	Capacity	Activity	Nominal Effort ⁽¹⁾
Dredge (for molluscs)	Open mouth, width of mouth	GT	Time fishing	Dredged bottom surface ⁽²⁾
Trawl (including dredges for flat-fishes)	Type of trawl (pelagic, bottom) GT and/or GRT Engine power Mesh size Size of the net (width of mouth) Speed	GT	Time Fishing	GT*days GT*hours KW*days
Purse seine	Length and drop of the net GT Light power Number of small boats	GT Length and drop of the net	Search time Set	GT * Fishing sets ⁽¹⁾ Length of the net * fishing sets
Nets	Type of net (e.g. trammel net, gillnets, etc.) Net length (used in regulations) GT Net surface Mesh size	Net length and drop	Time fishing	Net length * days Surface*days
Long lines	Number of hooks GT Number of longline Characteristics of hooks Bait	Number of hooks Number of longline unit	Time fishing	Number of hooks * hours Number of hooks * days Number of longline units * days/hours
Traps	GT	Number of traps	Time fishing	Number of traps * days
Purse seine/FADs	Number of FADs		Number of trips	Number of FADs * Number of trips

⁽¹⁾ Should be referred to a particular area (indicating the surface) to estimate fishing intensity (effort · km²) and to relate the effort to exploited communities.

⁽²⁾ The effort measures that do not include a time activity should be referred to a period of time (i.e. by year).

⁽¹⁾ It refers to nominal effort.

C) GFCM Task 1 – Operational Units



GFCM Task 1:
GSA or other (specify): _____

Fleet Segment		No. of vessels
A	Polyvalent small-scale vessels without engine	≤ 12
B	Polyvalent small-scale vessels with engine	< 6
C	Polyvalent small-scale vessels with engine	6 - 12
D	Trawlers	≤ 12
E	Trawlers	12 - 24
F	Trawlers	> 24
G	Purse Seiners	6 - 12
H	Purse Seiners	> 12
I	Long liners	> 12
J	Pelagic Trawlers	> 6
K	Tuna Seiners	> 12
L	Dredgers	> 6
M	Polyvalent vessels	> 12

Fishing Gear Classes											
											National
											Regional
											Gear Not Known or Not Specified
											Other Gear
											Recreational Fishing Gear
											Miscellaneous Gear
											Harvesting Machines
											Grappling and Wounding
											Hooks and Lines
											Traps
											Gillnets and Entangling Nets
											Falling Gear
											Lift Nets
											Dredges
											Trawls
											Selne Nets
											Surrounding Nets

Task 1.1
Fleet and area variables

Vessel number
Capacity

Task 1.3
Economic components variables

Gross Tonnage
Horse Power
Employment
Salary Share %
Landing weight
Landing value
Vessel value of total fleet
Fishing days/year per vessel
Fishing hours/day per vessel
Cost of fishing/day per vessel
Yearly fixed costs per vessel

Task 1.2
Main resource and activity components variables per OU

Operational Unit code
Activity
Fishing gear
Target species
Main associated species
Fishing period
Vessels No.
Areas

Task 1.4
Effort variables

Catch / Landing
Effort measure
CPUE / LPUE
Discard
Bycatch

Task 1.5
Provisional biological parameters

Length range of captured species
Length Average
Sex
Maturity
Biological reference points