



Plenary sitting

A8-0381/2017

28.11.2017

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005
(COM(2016)0134 – C8-0117/2016 – 2016/0074(COD))

Committee on Fisheries

Rapporteur: Gabriel Mato

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikethrough. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005
(COM(2016)0134 – C8-0117/2016 – 2016/0074(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0134),
 - 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 (C8-0117/2016),
 - 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 13 July 2016¹,
 - having regard to the opinion of the Committee of the Regions of 7 December 2016²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0381/2017).
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 389, 21.10.2016, p. 93.

² OJ C 185, 9.6.2017, p. 82.

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulations (EU) No 1343/2011 and (EU) No 1380/2013** of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

Amendment

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and **Regulation (EU) No 1380/2013** of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **and Commission Regulation (EC) No 494/2002**

Amendment 2

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Simplification of the existing rules is necessary for a better understanding and compliance by operators, national authorities and stakeholders. The consultation process of the Advisory Councils should be respected in accordance with Regulation (EU) No 1380/2013, and attention should be paid to ensure that all objectives on conservation and sustainability are fully respected.

Amendment 3

Proposal for a regulation Recital 2 b (new)

(2b) Simplification of the current rules on technical measures should not result in a weakening of the standards of conservation and sustainability.

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP.

(3) There is a need to develop a framework for the regulation of technical measures. That framework should establish general rules to apply across all Union waters and provide for the creation of technical measures that take account of the regional specificities of fisheries through the process of regionalisation introduced by the CFP. **That process should make it possible to combine effectively the common rules and local situations and situations per zone. However, the process should not result in a kind of renationalisation of the CFP, and it is important that the Advisory Councils should continue to ensure that regionalisation takes place under a Union approach in accordance with Recital 14 of Regulation (EU) No 1380/2013.**

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems.

(4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gears and the interaction of fishing activities with marine ecosystems **and also take into account socio-economic dynamics.**

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) ***Technical measures where relevant should apply to*** recreational fisheries ***which*** can have a significant impact on the stocks of fish and ***shellfish*** species.

Amendment

(6) Recreational fisheries can have a significant impact on the ***marine environment***, stocks of fish and ***other*** species, ***and should therefore be subject to technical measures***.

Amendment 7

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

(6a) Fish caught by recreational anglers (hook and line fishing) are released with a high survival rate, until proven otherwise by scientific evidence.

Amendment

Amendment 8

Proposal for a regulation

Recital 6 b (new)

Text proposed by the Commission

(6b) The landing obligation applies, pursuant to Regulation (EU) No 1380/2013, to all catches of species which are subject to catch limits. However, where specimens of those species are caught and immediately released in recreational fisheries and scientific evidence demonstrates high survival rates for those species, as may be the case for fish caught by recreational fishermen using angling equipment, it should be possible to exclude the fisheries concerned from the landing obligation by

Amendment

applying procedures set out in that Regulation, in particular by adopting measures to that effect under multiannual plans and/or discard plans.

Amendment 9

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Technical measures should contribute to achieving the CFP objectives *to fish at maximum sustainable yield levels, reduce unwanted catches and eliminate discards and to contribute to the achievement of good environmental status (GES) as set out in Directive 2008/56/EC of the European Parliament and of the Council*¹⁸.

Amendment

(7) Technical measures should contribute to achieving the CFP objectives.

¹⁸ *Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19).*

Amendment 10

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Technical measures should be proportionate to the objectives pursued. Their potential economic and social impact should be considered before they are adopted.

Amendment 11

Proposal for a regulation

Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) The enforcement and implementation of technical measures, operational programmes and, where relevant, the issuing of licences, restrictions on the construction and operation of vessels and certain gear, should not be prejudicial to achieving better health and safety standards for vessels conducting fishing operations and fishing activities.

Amendment 12

Proposal for a regulation

Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) Technical measures adopted under this Regulation should be coherent with the Strategic Plan for Biodiversity 2011 – 2020, adopted under the UN Convention on Biological Diversity, and support the implementation of the EU 2020 Biodiversity Strategy, in particular the target to ensure the sustainable use of fisheries resources and the actions relating thereto.

Amendment 13

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Technical measures should specifically **provide** protection **for** juveniles and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. Technical measures should also **minimise** and **eliminate** where possible, the impacts of

(8) Technical measures should specifically **contribute to the** protection of **juveniles** and spawning aggregations of fish through the use of selective fishing gears and avoidance measures. **Technical measures should also contribute to minimising** and, where possible,

fishing gears on the marine ecosystem and in particular on sensitive species and habitats. **They** should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC¹⁹, Directive 2009/147/EC of the European Parliament and of the Council²⁰ and Directive 2008/56/EC.

¹⁹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²⁰ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.).

Amendment 14

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

eliminating the negative impacts of fishing gears on the marine ecosystem and in particular on sensitive species and habitats. Incentives should be granted to encourage the use of gear and practices that have a low impact on the environment. Technical measures should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC¹⁹, Directive 2009/147/EC of the European Parliament and of the Council²⁰ and Directive 2008/56/EC.

¹⁹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

²⁰ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p.).

Amendment

(8a) The incidental catching of sensitive species should be addressed in a comprehensive manner across all fisheries and gear types in view of the strict level of protection they are afforded under Directives 92/43/EEC, 2009/147/EC and 2008/56/EC, their high level of vulnerability and the obligation to achieve a good environmental status by 2020.

Amendment 15

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) To evaluate the effectiveness of technical measures, **targets** relating to the **levels of unwanted catches; to the level of bycatches** of sensitive species **and** to the **extent of seabed habitats adversely affected by fishing**; should be established that reflect the objectives of the CFP, Union environmental legislation (in particular **Council** Directive 92/43 and Directive 2000/60/EC of the European Parliament and of the Council²¹), **and international best practice**.

²¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

Amendment 16

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9) To evaluate the effectiveness of technical measures, **performance indicators** relating to the **reduction of catches of fish below the minimum conservation reference size and incidental catches** of sensitive species **as well as to the reduction of negative environmental impacts on marine habitats as a result of fishing** should be established that reflect the objectives of the CFP **and** Union environmental legislation (in particular Directive 92/43, **Directive 2009/147/EC** and Directive 2000/60/EC of the European Parliament and of the Council²¹).

²¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

(9a) Member States should make the broadest possible use of the available measures in Regulation (EU) No 508/2014 of the European Parliament and of the Council^{1a} to support fishermen in implementing technical measures and ensure that the socio-economic objectives of the CFP are taken into account.

^{1a} Regulation (EU) No 508/2014 of the European Parliament and of the Council

of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

Amendment 17

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited except in the specific case of the electric pulse trawl which may be used under certain strict conditions.

Amendment

(11) Certain destructive fishing gears or methods which use explosives, poisons, stupefying substances, electric current, pneumatic hammers or other percussive instruments; towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns should be prohibited **except in the specific case of the electric pulse trawl which may be used under certain strict conditions.** ***In this regard it is necessary to ensure that there is appropriate knowledge about the impacts of innovative fishing gear, such as pulse trawls, including cumulative effects, before use of the gear is widely adopted. Additionally, a system for monitoring, control and evaluation should be in place, serving for enforcement and research as well as evaluation purposes. Finally, current licences should be made subject to scientific reassessment, before being given a permanently “non-prohibited” status.***

Amendment 18

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) There is a need for detailed and quantified knowledge concerning the impacts of innovative fishing gear, including pulse trawls, including their cumulative effects on the marine environment and species, before their use is widely adopted on a commercial scale. An effective programme of monitoring and evaluation should be established.

Amendment 19

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) In light of advice from STECF, fishing with static nets in ICES divisions IIIa, VIa, VIb, VIIb, VIIc, VIIj and VIIk and ICES sub-areas VIII, IX, X and XII east of 27° W in waters with a charted depth of more than 600 metres should continue to be prohibited to provide protection for sensitive deep-sea species.

Amendment

(14) In light of advice from STECF, fishing with static nets in ICES divisions IIIa, VIa, VIb, VIIb, VIIc, VIIj and VIIk and ICES sub-areas VIII, IX, X and XII east of 27° W in waters with a charted depth of more than 600 metres should continue to be prohibited to provide protection for sensitive deep-sea species, ***unless Member States show, through scientific studies in consultation with STECF or through the implementation of specific management making use of regionalisation, which could involve inter alia reducing the vessels operating in the area or reducing fishing months, or through multiannual plans, that those fisheries have a very low level of shark bycatches or discards.***

Amendment 20

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) For certain ***rare*** fish species, ***such as species of sharks and rays***, even limited fishing activity could result in a serious risk to their conservation. To protect such

Amendment

(15) For certain fish species ***that are rare or whose biological characteristics make them especially vulnerable to overexploitation***, even limited fishing

species a general prohibition on fishing for them should be introduced.

activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment 21

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In order to assist the catching sector **implement** the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.

Amendment

(21) In order to assist the catching sector **with the implementation of, and ensure a level playing field by having full compliance with**, the landing obligation, Member States should put in place measures to facilitate the storage and the finding of outlets for marine species which are below the minimum conservation reference size. These measures should include support for investment in the construction and adaptation of landing sites and shelters or support for investment to add value to fishery products.

Amendment 22

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In cases where scientific advice indicates that there are significant unwanted catches of species **which are not subject to catch limits and therefore not subject to the application of the landing obligation**, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

Amendment

(23) In cases where scientific advice indicates that there are significant unwanted catches of species, Member States should carry out pilot projects with the aim of exploring ways to reduce such catches and with a view to introducing appropriate technical measures to achieve this aim.

Amendment 23

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Where no technical measures are in place at regional level **then** defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **mitigate against bycatches** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment

(24) Where no technical measures are in place at regional level, defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **minimise, and, where possible, eliminate incidental catches** of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment 24

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Member States in **conjunction with stakeholders can** develop joint recommendations for appropriate technical measures that deviate from the baselines in accordance with the regionalisation process set out in the CFP.

Amendment

(25) Member States, in **close cooperation with the relevant Advisory Councils, should be able to** develop joint recommendations for appropriate technical measures, **based on the best available scientific advice**, that deviate from the baselines **to adapt the technical measures to regional specificities of fisheries** in accordance with the regionalisation process set out in the CFP, **even if there is no multiannual plan**.

Amendment 25

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Such regional technical measures should as a minimum ***be equivalent in terms of*** exploitation patterns and protection ***for sensitive species and habitats*** as the baseline standards.

Amendment

(26) ***Regionalisation should be used to create tailor-made measures that consider the specificities of each fisheries area including safeguarding their sensitive species and habitats.*** Such regional technical measures should ***be sustainable and*** as a minimum ***ensure the same*** exploitation patterns and ***level of*** protection as the baseline standards. ***The adoption of any regional technical measure should be based on the best available scientific advice.***

Amendment 26

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Decisions taken by regional groups of Member States under regionalisation should meet the same standards of democratic oversight as those in the Member States concerned.

Amendment 27

Proposal for a regulation

Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) Regionalisation should be used as a tool to encourage the participation of all relevant stakeholders, including non-governmental organisations, and empower fishermen and their engagement

so that they can work in close cooperation with Member States, Advisory Councils and scientists, to create tailor-made measures that consider the specificities of each fishing area and safeguard their environmental conditions.

Amendment 28

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Where there is a direct management interest concerning a single Member State, proposals for individual technical measures may be submitted, to modify existing conservation measures, subject to consultation of the relevant Advisory Councils.

Amendment 29

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes *in multiannual plans* regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes, regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

Amendment 30

Proposal for a regulation Recital 29

Text proposed by the Commission

Amendment

(29) In developing joint

(29) In developing joint

recommendations to amend or establish new closed or restricted areas *in multiannual plans* to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Amendment 31

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes *in multiannual plans*, regional groups of Member States should *ensure* the objectives of the CFP *are not jeopardised* by ensuring that the protection of juveniles of marine species *should be* respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment 32

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas as well as the control and monitoring arrangements should be defined in the relevant joint

recommendations to amend or establish new closed or restricted areas to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Amendment

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes, regional groups of Member States should *contribute to achieving* the objectives of the CFP by ensuring that the protection of juveniles of marine species *is fully* respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations *or sensitive species* should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas, *including exemptions where appropriate*, as well as the control and monitoring

recommendations.

arrangements should be defined in the relevant joint recommendations.

Amendment 33

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, the use *of such* or extension *to the* use of *novel* gears, such as the electric pulse trawl could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative impacts on sensitive habitats *and* non-target species.

Amendment

(32) On the basis of scientific assessment of the impacts of innovative gears, duly evaluated by the STECF, **including the potential negative impact of certain gears**, the use or *the* extension of use of *innovative* gears, such as the electric pulse trawl, could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative **direct or cumulative** impacts on **marine habitats, especially** sensitive habitats **or** non-target species, **or compromise the achievement of a good environmental status of marine waters**.

Amendment 34

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In order to minimise the *bycatches* of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the

Amendment

(33) In order to minimise **and, where possible, eliminate the incidental catches** of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of such species and habitats then Member States should

construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region ***to safeguard the marine environment, local fish stocks and the local coastal communities concerned***. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment 35

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) In order to maintain existing detailed recommendations agreed by the North East Atlantic Fisheries Commission (NEAFC) 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 in respect of lists of vulnerable marine ecosystems and also specific technical measures related to defined measures to protect blue ling and redfish. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by NEAFC which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the terms of this Convention. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

deleted

Amendment 36

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) In order not to hinder scientific research, **artificial** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment 37

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) Where available scientific advice indicates that immediate action is required to protect marine species, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish stocks which may threaten the status of a stock. **They** could include restrictions on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

Amendment

(36) In order not to hinder scientific research, **direct** restocking and transplantation, the provisions of this Regulation should not apply to operations which may be necessary for the conducting of such activities.

Amendment

(37) Where **the best** available scientific advice indicates that immediate action is required to protect marine species **and habitats**, the Commission should be able in duly justified cases to adopt immediately applicable delegated acts establishing technical measures to alleviate such threats, in addition to or by way of derogation to this Regulation or technical measures otherwise fixed in accordance with Union law. Those measures should be designed in particular to address unexpected changes in stock patterns as a result of high or low levels of recruitment of juveniles into a stock, **or incidental catches of sensitive species**, to provide protection for spawning fish or shellfish when stocks are at very low levels or other changes in the conservation status of fish stocks **or sensitive species**, which may threaten the status of a stock, **as well as to address deterioration of species populations and habitats due to fishing impacts and to provide for any other necessary conservation measures. Such measures** could include restrictions on the use of towed or static gears or on fishing activities in certain areas or during certain periods.

Amendment 38

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of multiannual plans; and to adopt technical measures as part of temporary discard plans. 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.

Amendment

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***to define, for the purpose of establishing performance indicators for technical measures in relation to catches of fish below the minimum conservation reference size, key fisheries and the levels of such catches that apply to those key fisheries,*** to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part ***of multiannual plans or, where necessary, outside the framework*** of multiannual plans; and to adopt technical measures as part of temporary discard plans. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level ***and based on STECF assessment.*** 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.

Amendment 39

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) ***By the end of 2020*** and every third year thereafter the Commission should report to the European Parliament and to the Council on the implementation of this

Amendment

(40) ***By ... [three years after the date of entry into force of this Regulation]*** and every third year thereafter the Commission should report to the European Parliament

Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **targets** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives **and targets** can be met. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF. This report should assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives and in reaching the **performance indicator levels** of this Regulation. On the basis of that report, where at regional level there is evidence that the objectives have not been met **or that the performance indicators remain at an unsatisfactory level**, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives can be met and **to improve the performance indicator levels**. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.

Amendment 40

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Regulations (EC) No 1967/2006²⁹, (EC) No 1098/2007³⁰ **and** Council Regulation (EC) No 1224/2009³¹, and **Regulations (EU) No 1343/2011³² and (EU) No 1380/2013³³** of the European Parliament and of the Council should be amended accordingly.

²⁹ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation 9EC) No 1626/94 (OJ L 409

Amendment

(42) Regulations (EC) No 1967/2006²⁹, (EC) No 1098/2007³⁰, Council Regulation (EC) No 1224/2009³¹ and **Regulation (EU) No 1380/2013³³** of the European Parliament and of the Council should be amended accordingly.

²⁹ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation 9EC) No 1626/94 (OJ L 409

30.12.2006 p.11).

³⁰ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

³¹ 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1.).

³² ***Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).***

³³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p.22).

30.12.2006 p.11).

³⁰ Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 (OJ L 248, 22.9.2007, p. 1).

³¹ 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1.).

³³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p.22).

Amendment 41

Proposal for a regulation

Recital 43

Text proposed by the Commission

Amendment

(43) In order to supplement or amend existing detailed rules transposing recommendations agreed by the General Fisheries Commission for the Mediterranean (GFCM) 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 in respect of technical measures in Regulation (EU) No 1343/2011. The Commission should also be empowered to adopt delegated acts in respect of the incorporation into Union law of future amendments of those measures adopted by GFCM which form the subject matter of certain expressly defined non-essential elements of this Regulation and which become binding upon the Union in accordance with the terms of the GFCM Agreement. Regulation (EU) No 1343/2011 should be amended accordingly. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

deleted

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the operation of fishing gears *and the interaction of fishing activities with marine ecosystems.*

(b) the operation of fishing gears.

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the interaction of those gears with marine ecosystems.

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

1. **Without prejudice to Article 29**, this Regulation shall apply to **all fishing activities (recreational and commercial)** pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5 as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

Amendment 45

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. **Articles 7 and 14 and Part A of Annexes V to X** shall also apply to recreational fisheries.

2. **This Regulation** shall also apply to recreational fisheries.

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. ***As tools to support the implementation of the Common Fisheries Policy (CFP)***, technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 ***and in particular in paragraphs 2, 3 and 5(a) and (j) of that Article.***

1. Technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013.

Amendment 47

**Proposal for a regulation
Article 3 – paragraph 2 – introductory part**

Text proposed by the Commission

Amendment

2. ***In addition***, technical measures shall in particular:

2. Technical measures shall in particular ***contribute to achieving the following objectives:***

Amendment 48

**Proposal for a regulation
Article 3 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) ***optimise*** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species;

(a) ***ensure sustainable*** exploitation patterns to provide protection for juveniles and spawning aggregations of marine species; ***and provide appropriate safeguards;***

Amendment 49

**Proposal for a regulation
Article 3 – paragraph 2 – point b**

Text proposed by the Commission

Amendment

(b) ***ensure that bycatches of*** marine

(b) ***ensuring that incidental catches of***

species listed under Directives 92/43/EEC and 2009/147/EC **and other sensitive** species that result from fishing are minimised and where possible eliminated **such that they do not represent a threat to the conservation status of these species;**

sensitive marine species, **in particular those** listed under Directives 92/43/EEC and 2009/147/EC, that result from fishing are minimised and where possible eliminated;

Amendment 50

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) **ensure** that the environmental impacts of fishing on marine habitats are minimised and where possible eliminated **such that they do not represent a threat to the conservation status of those habitats;**

Amendment

(c) **ensuring, including by using appropriate incentives,** that the **negative** environmental impacts of fishing on marine habitats are minimised and where possible eliminated;

Amendment 51

Proposal for a regulation

Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) **contribute to** having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendment

(d) having in place fisheries management measures for the purposes of complying with the obligations under Directives 92/43/EEC, 2009/147/EC, 2008/56/EC and 2000/60/EC.

Amendment 52

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Targets

Amendment

Performance indicators

Amendment 53

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Technical measures **shall aim to achieve** the following **targets**:

Amendment

1. **In order to assess whether** technical measures **contribute to achieving the objectives referred to in Article 3**, the following **performance indicators shall be used**:

Amendment 54

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) **ensure that** catches of marine species below minimum conservation reference sizes **do not exceed 5% by volume in accordance with Article 2(2) and Article 15 of Regulation (EU) No 1380/2013**.

Amendment

(a) **the extent to which** catches of marine species below minimum conservation reference sizes **are progressively reduced to specific levels for key fisheries**;

Amendment 55

Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) **ensure that bycatches** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species **do not exceed levels provided for in Union legislation and international agreements**.

Amendment

(b) **the extent to which incidental catches** of marine mammals, marine reptiles, seabirds and other non-commercially exploited species **are progressively reduced and, where possible, eliminated**;

Amendment 56

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) *ensure that the* environmental impacts of fishing activities on seabed habitats *do not exceed* the levels needed to achieve good environmental status for each habitat *type* assessed in the framework of Directive 2008/56/EC in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

Amendment

(c) *the extent to which the negative* environmental impacts of fishing activities on *marine habitats, including sensitive* seabed habitats, *are minimised and maintained below* the levels needed to achieve good environmental status, *in particular* for each *of the* habitat *types* assessed in the framework of Directive 2008/56/EC, in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

Amendment 57
Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 supplementing this Regulation by defining, for the purpose of point (a) of paragraph 1 of this Article:

(a) the key fisheries referred to in that point;

(b) the levels of current catches of marine species below minimum conservation reference sizes for each of those key fisheries, based on data supplied by Member States for the reference years 2013-2015;

(c) the specific levels to which catches of marine species below minimum conservation reference sizes for each of those key fisheries are to be reduced in order to achieve the objective of ensuring sustainable exploitation patterns and to provide protection for juveniles.

When establishing the specific levels referred to in point (c) of the first subparagraph, account shall be taken of the best available scientific advice, including by STECF, as well as of existing and future technical possibilities in relation to the avoidance of catches of marine species below minimum conservation reference size.

Amendment 58

Proposal for a regulation Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *For the purpose of the delegated acts referred to in paragraph 1a, the Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation].*

Amendment 59

Proposal for a regulation Article 4 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. *Where no joint recommendation has been submitted by the deadline set out in paragraph 1b of this Article, or if a joint recommendation submitted by Member States is deemed not to be compatible with the objectives of this Regulation, the Commission shall by ... [18 months after the date of entry into force of this Regulation], and by way of derogation from Article 18(6) of Regulation (EU) No 1380/2013, adopt delegated acts supplementing this Regulation by defining the elements referred to in the first subparagraph of*

paragraph 1a of this Article, in accordance with Article 32 of this Regulation.

Amendment 60

Proposal for a regulation Article 4 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. In order to achieve a progressive reduction of catches of marine species below minimum conservation reference sizes to levels which ensure sustainable exploitation patterns, the specific levels referred to in point (c) of the first subparagraph of paragraph 1a shall be reviewed every three years, using the procedure set out in paragraphs 1a, 1b and 1c, and they shall be further reduced, where appropriate, in accordance with the best available scientific advice and existing and future technical possibilities in relation to the avoidance of such catches.

Amendment 61

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The ***extent to which these targets have been achieved*** shall be ***reviewed as part*** of the reporting process set out in Article 34.

2. The ***assessment referred to in paragraph 1*** shall be ***undertaken in the context*** of the reporting process set out in Article 34.

Amendment 62

Proposal for a regulation Article 5 – paragraph 1 – point a

Text proposed by the Commission

- (a) 'North Sea' means ICES divisions³⁴ of IIa, IIIa and IV;

³⁴ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

Amendment

- (a) 'North Sea' means ***Union waters in*** ICES divisions³⁴ IIa, IIIa and IV;

³⁴ ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

Amendment 63

**Proposal for a regulation
Article 5 – paragraph 1 – point c**

Text proposed by the Commission

- (c) 'North Western waters' means ***ICES sub-areas V (excluding Va and non-Union waters of Vb)***, VI and VII;

Amendment

- (c) 'North Western waters' means ***Union waters in ICES sub-areas V, VI and VII***;

Amendment 64

**Proposal for a regulation
Article 5 – paragraph 1 – point g**

Text proposed by the Commission

- (g) '***Outermost Regions***' means ***waters around the outermost regions as referred to in the first paragraph of Article 349 of the Treaty divided into three sea basins: West Atlantic, East Atlantic and Indian Ocean***;

Amendment

- (g) '***Union waters in the Indian Ocean and the West Atlantic***' means ***waters around Guadeloupe, French Guyana, Martinique, Mayotte, Réunion Island and Saint Martin under the sovereignty or jurisdiction of a Member State***.

Amendment 65

**Proposal for a regulation
Article 6 – paragraph 1 – point 1**

Text proposed by the Commission

Amendment

(1) 'exploitation pattern' means how fishing **pressure** is distributed across the age profile of a stock;

(1) 'exploitation pattern' means how fishing **mortality** is distributed across the age **and size** profile of a stock;

Amendment 66

Proposal for a regulation

Article 6 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'selectivity' means **a quantitative expression represented as a** probability of capture of a certain size of fish **in a** certain **size of mesh (or hook)**;

(2) 'selectivity' means **the** probability of capture of a certain **species or** size of fish **with** certain **gear characteristics**;

Amendment 67

Proposal for a regulation

Article 6 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) '**selective fishing**' means **a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species to be avoided or released unharmed**;

deleted

Amendment 68

Proposal for a regulation

Article 6 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) 'directed fishing' means fishing **for a defined** species or **combination** of species where the **total catch of that/those species makes up more than 50% of the economic value of the catch**;

(4) 'directed fishing' means fishing **effort targeted towards a specific** species or **group** of species where the **exact composition varies across fisheries and the specific rules governing the minimum technical specifications of mesh sizes and selective devices by fishery is established**

at regional level;

Amendment 69

Proposal for a regulation

Article 6 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘conservation status of a species’ means the conservation status of species as defined in point (i) of Article 1 of Directive 92/43/EEC;

Amendment 70

Proposal for a regulation

Article 6 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

(5b) ‘conservation status of a habitat’ means the conservation status of a natural habitat as defined in point (e) of Article 1 of Directive 92/43/EEC;

Amendment 71

Proposal for a regulation

Article 6 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘sensitive species’ means a species whose conservation status, including its habitat, distribution, population size **and** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

(7) ‘sensitive species’ means a species whose conservation status, including its habitat, distribution, population size **or** population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV of Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;

Amendment 72

Proposal for a regulation Article 6 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘small pelagic species’ means mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish;

Amendment

(8) ‘small pelagic species’ means *inter alia* mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentine, sprat, boarfish, *bogue, Sardinella aurita and Sardinella maderensis*;

Amendment 73

Proposal for a regulation Article 6 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘traditional (subsistence) fisheries with passive fishing gears’ means non-commercial fishing activities exploiting marine living aquatic resources on a limited scale at local level, exclusively for personal needs and using only traditional fishing gear and techniques;

Amendment 74

Proposal for a regulation Article 6 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘Advisory Councils’ means stakeholder groups established under *the CFP to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives of the CFP*;

Amendment

(10) ‘Advisory Councils’ means stakeholder groups established under *Article 43 of Regulation (EU) No 1380/2013, conducting their activity according to Article 44 and 45 of and Annex III to that Regulation*;

Amendment 75

Proposal for a regulation

Article 6 – paragraph 1 – point 11

Text proposed by the Commission

(11) 'trawl' means fishing gear which is actively towed by one or more fishing vessels and **consisting of a net having a cone- or pyramid-shaped body (as trawl body) closed at the back by a codend; 'towed gear' means any trawls, Danish seines and similar gear with a cone- or pyramid shaped body closed at the back by a bag (codend) or comprising two long wings, a body and a bag (codend) and which are actively moved in the water;**

Amendment

(11) 'trawl' means **a** fishing gear **comprising a net** which is actively towed by one or more fishing vessels and closed at the back by a bag (codend);

Amendment 76

Proposal for a regulation

Article 6 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment

(11a) 'towed gear' means any trawls, Danish seines and similar gear which are actively moved in the water by one or more vessels or any other mechanical system;

Amendment 77

Proposal for a regulation

Article 6 – paragraph 1 – point 12

Text proposed by the Commission

(12) 'demersal trawl' means a trawl designed and rigged to operate on or near the seabed;

Amendment

(12) 'demersal **bottom** trawl' means a trawl designed and rigged to operate on or near the seabed;

Amendment 78

Proposal for a regulation

Article 6 – paragraph 1 – point 13

Text proposed by the Commission

(13) 'demersal pair trawl' means a **demersal** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment

(13) 'demersal pair **bottom** trawl' means a **bottom** trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;

Amendment 79

Proposal for a regulation

Article 6 – paragraph 1 – point 15

Text proposed by the Commission

(15) 'beam trawl' means gear with a trawl net open horizontally by a **steel or wooden tube, the beam, and netting with ground chains, chain mats or tickler chains actively towed on the bottom**;

Amendment

(15) 'beam trawl' means gear with a trawl net open horizontally by a **beam, wings or other similar devices**;

Amendment 80

Proposal for a regulation

Article 6 – paragraph 1 – point 16

Text proposed by the Commission

(16) 'electric pulse trawl' means a **fishing technique** which uses **an electric field to catch fish. The pulse trawl gear consists of a number of electrodes, attached to the gear in the towing direction, that emit short electric pulses**;

Amendment

(16) 'electric pulse trawl' means a **trawl** which uses electric **pulse current to catch marine biological resources**;

Amendment 81

Proposal for a regulation

Article 6 – paragraph 1 – point 17 a (new)

(17a) ‘shore seines’ means surrounding nets and towed seines set from a boat and towed from the shore or from a boat moored or anchored to the shore;

Amendment 82

Proposal for a regulation

Article 6 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) ‘static nets’ means any type of gillnet, entangling net or trammel net that is *either* anchored to the seabed (gill nets or set nets) *or allowed to drift with the tide (drift nets)* for fish to swim into and become entangled or enmeshed in the netting;

(20) ‘static nets’ means any type of gillnet, entangling net or trammel net that is anchored to the seabed (gill nets or set nets) for fish to swim into and become entangled or enmeshed in the netting;

Amendment 83

Proposal for a regulation

Article 6 – paragraph 1 – point 21

Text proposed by the Commission

Amendment

(21) ‘driftnet’ means a net *made up of one or more walls of netting, hung jointly in parallel on the headline(s)*, held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift *such as a sea-anchor or an anchor on the bottom attached at one single end of the net*;

(21) ‘driftnet’ means a net held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift;

Amendment 84

Proposal for a regulation

Article 6 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘**bottom-set** gillnet’ means gear made up of a single piece of net and held vertically in the water by floats and weights. ***It catches living aquatic resources by enmeshing them and is fixed, or capable of being fixed by any means to the seabed;***

Amendment

(22) ‘gillnet’ means **a static** gear made up of a single piece of net and held vertically in the water by floats and weights;

Amendment 85

Proposal for a regulation

Article 6 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘**bottom-set** entangling net’ means a **single** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet. ***Entangling nets usually have less floatation on the head rope and do not stand as high when fishing, as the average bottom set gill net and are fixed, or capable of being fixed by any means to the seabed;***

Amendment

(23) ‘entangling net’ means a **static net consisting of a** wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet;

Amendment 86

Proposal for a regulation

Article 6 – paragraph 1 – point 24

Text proposed by the Commission

(24) ‘**bottom-set** trammel net’ means a net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of **fine** small mesh sandwiched between them ***and is fixed, or capable of being fixed by any means to the seabed;***

Amendment

(24) ‘trammel net’ means a **static** net made up of two or more layers of netting with two outer layers of a large mesh size with a sheet of small mesh sandwiched between them;

Amendment 87

Proposal for a regulation

Article 6 – paragraph 1 – point 26

Text proposed by the Commission

(26) ‘longline’ means a fishing gear consisting of a main line, ***sometimes of considerable*** length, ***to which snoods with baited or unbaited*** hooks are fixed at ***regular*** intervals. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment

(26) ‘longline’ means a fishing gear consisting of a main line of ***variable*** length, ***to which branch lines (snoods) with*** hooks are fixed at intervals ***determined by the target species***. The main line is anchored either horizontally on or near the bottom, vertically or can be allowed to drift on the surface;

Amendment 88

Proposal for a regulation

Article 6 – paragraph 1 – point 27

Text proposed by the Commission

(27) ‘pots and creels’ means traps in the form of cages or baskets ***made with various materials*** designed to catch crustaceans or fish that are set on the seabed either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment

(27) ‘pots and creels’ means traps in the form of cages or baskets designed to catch crustaceans, ***molluscs*** or fish that are set on the seabed ***or suspended on it***, either singly or in rows connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment 89

Proposal for a regulation

Article 6 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘handline’ means ***a fishing technique where*** a single fishing line ***is held in the hands***. One or more lures or baited hooks are attached ***to the line***;

Amendment

(28) ‘handline’ means a single ***hand-held*** fishing line ***to which*** one or more lures or baited hooks are attached;

Amendment 90

Proposal for a regulation

Article 6 – paragraph 1 – point 29

Text proposed by the Commission

(29) ‘St Andrews cross’ means a grab which **employs** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment

(29) ‘St Andrews cross’ means a grab which **may employ** a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;

Amendment 91

Proposal for a regulation

Article 6 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘codend’ means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) **of the same mesh size** attached to one another along their sides **in the axis of the trawl by a seam where a side rope may be attached**. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment

(30) ‘codend’ means the rearmost part of the trawl, having either a cylindrical shape, i.e. the same circumference throughout, or a tapering shape. Made up of one or more panels (pieces of netting) attached to one another along their sides. For regulatory purposes this shall be taken as the last 50 meshes of the net;

Amendment 92

Proposal for a regulation

Article 6 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘mesh size’ means **the mesh size of any codend of a towed gear as measured in accordance with the procedure set out in Commission Regulation (EC) No 517/2008⁴⁰**;

Amendment

(31) ‘mesh size’ means :

(a) in knotted nets: the greatest distance between two opposite knots on

the same mesh when it is fully extended;

(b) in knotless nets: the greatest distance between two opposite corners along the longest axis on the same mesh when it is fully extended;

⁴⁰ *Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets (OJ L 151, 11.6.2008, p. 5).*

Amendment 93

Proposal for a regulation

Article 6 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘square mesh’ means *the mesh shape originating from mounting netting with 45° deviation from the N-direction such that the bars run parallel and at 90° to the trawl axis;*

Amendment

(32) ‘square mesh’ means *a four-sided mesh consisting of two sets of parallel bars with the same nominal length, where one set is parallel, and the other is at a right angle to the longitudinal axis of the net;*

Amendment 94

Proposal for a regulation

Article 6 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘diamond mesh’ means *normal rhomboid shape of meshes in sheet netting;*

Amendment

(33) ‘diamond mesh’ means *four bars of the same length, in which the diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the netting;*

Amendment 95

Proposal for a regulation

Article 6 – paragraph 1 – point 36

Text proposed by the Commission

Amendment

(36) ‘sieve net’ means a device attached to the full circumference of the shrimp trawl near the beam, and tapering to an apex where it is attached to the bottom sheet of the shrimp trawl. An exit hole is cut where the sieve net and codend join, allowing species or individuals too large to pass through the sieve to escape, whereas the shrimp can pass through the sieve and into the codend;

deleted

Amendment 96

Proposal for a regulation

Article 6 – paragraph 1 – point 38

Text proposed by the Commission

Amendment

(38) ‘immersion time’ means the period from the point of time when **the nets are** first put in the water until the point of time when **the nets are** fully recovered on board the fishing vessel;

(38) ‘immersion time’ means the period from the point of time when **a gear is** first put in the water until the point of time when **it is** fully recovered on board the fishing vessel;

Amendment 97

Proposal for a regulation

Article 6 – paragraph 1 – point 39

Text proposed by the Commission

Amendment

(39) ‘gear monitoring sensors’ means remote electronic sensors **that can be placed on trawls or purse seine** to monitor key **performance** parameters such as the distance between trawl doors or **size** of the catch;

(39) ‘gear monitoring sensors’ means remote electronic sensors that **are attached** to monitor key parameters such as the distance between trawl doors or **volume** of the catch;

Amendment 98

Proposal for a regulation
Article 6 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

(39a) ‘weighted line’ means a line of baited hooks with added weight to increase its sinking speed and thereby reduce its time of exposure to seabirds;

Amendment 99

Proposal for a regulation
Article 6 – paragraph 1 – point 40

Text proposed by the Commission

Amendment

(40) ‘acoustic deterrent device’ means remote devices **used to make** species such as marine mammals **aware and warn them of the presence of** fishing gears **by emitting acoustic signals;**

(40) ‘acoustic deterrent device’ means remote devices **that emit acoustic signals to deter** species such as marine mammals **from** fishing gears;

Amendment 100

Proposal for a regulation
Article 6 – paragraph 1 – point 42

Text proposed by the Commission

Amendment

(42) ‘high grading’ means the practice of discarding low priced fish that are subject to catch limits, even though they **could** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.

(42) ‘high grading’ means the practice of discarding low priced fish that are subject to catch limits, even though they **should** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour;

Amendment 101

Proposal for a regulation
Article 6 – paragraph 1 – point 43 a (new)

Text proposed by the Commission

Amendment

(43a) 'significant adverse impacts' means significant adverse impacts as defined in point (c) of Article 2 of Regulation (EC) No 734/2008;

Amendment 102

Proposal for a regulation

Article 6 – paragraph 1 – point 45 a (new)

Text proposed by the Commission

Amendment

(45a) 'performance indicators' means a set of parameters aimed at assessing the efficiency of technical measures.

Amendment 103

Proposal for a regulation

Article 7 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) any type of projectile;

(g) any type of projectile, *with the exception of those used to kill caged or trapped tuna and of handheld spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk;*

Amendment 104

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. No part of any towed gear shall be **constructed** of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors.

1. No part of any towed gear shall be of a mesh size smaller than the codend mesh size. This provision shall not apply to netting devices used for the attachment of gear monitoring sensors **or to selectivity devices to improve size or species selectivity for marine species.**

Amendment 105

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. ***It shall be prohibited to construct any codend or attach*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears.

Amendment

3. ***The use and transport on board fishing vessels of*** any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear ***shall be prohibited***. This provision shall not exclude the use of specified devices used to reduce wear and tear, to strengthen or to limit the escape of catches in the forward part of towed gears, ***or the installation of catch control devices***.

Amendment 106

Proposal for a regulation Article 10 – title

Text proposed by the Commission

General restrictions on the use of static nets

Amendment

General restrictions on the use of static nets ***and driftnets***

Amendment 107

Proposal for a regulation Article 10 – paragraph 4 – indent 1

Text proposed by the Commission

- Albacore (Thunnus alalunga),

Amendment

(Does not affect English version.)

Amendment 108

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **600** metres.

5. It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel nets at any position where the charted depth is greater than **200** metres.

Amendment 109

Proposal for a regulation

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Notwithstanding paragraph 5:

(a) specific derogations as specified in Annex V Part C point 6, Annex VI Part C points 6 and 9 and Annex VII Part C point 4 shall apply where the charted depth is between 200 and 600 metres;

(b) the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 metres shall be allowed in the fishing zone defined in point (e) of Article 5.

Amendment 110

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. The deliberate catching, retention on board, transshipment or landing of fish or shellfish species referred to in Annex IV to Directive 92/43/EEC shall be prohibited except when a derogation has been granted according to Article 16 of that Directive.

deleted

Amendment 111

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. When caught *as bycatches*, species referred to in paragraph 1 and 2 shall not be harmed and specimens shall be promptly released back into the sea.

Amendment

3. When caught *accidentally*, species referred to in paragraph 2 shall not be harmed and specimens shall be promptly released back into the sea.

Amendment 112

Proposal for a regulation Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 3 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of the species listed in Annex I.

Amendment 113

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require protection, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary through the addition of new species which require protection **or the deletion of species which no longer need to remain on the list**, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment 114

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to *in* paragraph 4 of this Article ***shall aim at achieving the target set out*** in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article ***should be preceded by an assessment of the performance indicators set out*** in Article 4(1)(b).

Amendment 115

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Bycatches of marine mammals, seabirds and marine reptiles

Amendment

Catches of marine mammals, seabirds and marine reptiles

Amendment 116

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. When caught ***as bycatch***, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.

Amendment

2. When caught ***accidentally***, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released. ***Fishing vessel operators shall record and transmit to the relevant authorities information on those incidental catches, in accordance with Regulation (EU) 2017/1004 of the European Parliament and of the Council^{1a}.***

^{1a} ***Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the***

fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).

Amendment 117

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught *as bycatch*, shall be *authorised* as far as this activity is necessary to secure assistance for the recovery of the individual animals and provided that the competent national authorities concerned *have been* fully informed in advance.

Amendment

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught *accidentally*, shall be *permitted* as far as this activity is necessary to secure assistance for the recovery of the individual animals. *The retention on board, transshipment or landing of specimens of marine species shall be permitted where the specimen is dead* and provided that *it can be used for scientific purposes*. The competent national authorities concerned *shall be* fully informed in advance.

Amendment 118

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraphs 1 and 2 shall not apply when the flag Member State has an official programme that addresses the collection and scientific study of specimens of seabirds, reptiles or marine mammals.

Amendment 119

Proposal for a regulation Article 12 – paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to *in* paragraph 4 of this Article shall aim at achieving the *target* set out in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the ***objectives of this Regulation in relation to the performance indicators*** set out in Article 4(1)(b).

Amendment 120

Proposal for a regulation Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall monitor the effectiveness of measures adopted under this Article on minimising incidental catches and report to the Commission on progress by ... [two years after the date of entry into force of this Regulation] and every three years thereafter.

Amendment 121

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.

Amendment

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex. ***Appropriate assessment shall be carried out by Member States when fishing gears are deployed in special areas of conservation under Directive 92/43/EEC and special protection areas under Directive 2009/147/EC.***

Amendment 122

Proposal for a regulation Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The deliberate disturbance, deterioration or destruction of sensitive habitats and of breeding sites or resting places of sensitive species shall be prohibited.

Amendment 123

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the best available scientific advice recommends an amendment of the list of areas in Annex II, **including the addition of new areas**, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) 1380/2013. When **adopting** such amendments, the Commission shall give particular attention to the mitigation of negative effects of the displacement of fishing activity to other **sensitive** areas.

2. Where the best available scientific advice recommends an **urgent** amendment of the list of areas in Annex II, the Commission shall be empowered to adopt such amendments by means of delegated acts, pursuant to the procedure laid down in Article 11(2) and 11(3) of Regulation (EU) **No** 1380/2013. When **presenting a proposal with** such amendments, the Commission shall **provide a full map of the vulnerable area and** give particular attention to the mitigation of negative **social, economic and environmental** effects of the displacement of fishing activity to other areas.

Amendment 124

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Where **such habitats occur** in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to establish closed areas or

3. Where **the areas referred to in Annex II are** in waters under the sovereignty or jurisdiction of a Member State, that Member State is empowered to

other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as measures under Union law.

establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) No 1380/2013 and be at least as stringent as measures under Union law.

Amendment 125

Proposal for a regulation Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall adopt measures to protect areas where vulnerable marine ecosystems as defined in point (b) of Article 2 of Regulation (EC) No 734/2008 occur or are likely to occur in waters falling under their sovereignty or jurisdictions and close those areas to bottom fishing activities unless the best available scientific advice demonstrates that such activities do not have significant adverse impacts on those ecosystems. Such measures shall be consistent with the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, and shall as a minimum be equivalent in terms of level of protection provided for vulnerable marine ecosystems under Regulation (EC) No 734/2008.

Amendment 126

Proposal for a regulation Article 14 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ensuring the protection of juveniles of marine species pursuant to Article 15(11) and 15(12) of Regulation (EU) No

(a) ensuring the protection of juveniles of marine species ***so that the majority of the fish caught have reached spawning***

1380/2013;

age before being caught and pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment 127

Proposal for a regulation Article 14 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) prohibiting the placing on the market for human consumption of juveniles of marine species pursuant to point (b) of Article 2(5) and Article 15(11) of Regulation (EU) No 1380/2013;

Amendment 128

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Imported fisheries products intended for human consumption

Imported fisheries products intended for human consumption that have been caught outside Union waters in the areas, subareas and divisions referred to in Article 5 shall comply with the minimum conservation reference sizes laid down in the Annexes to this Regulation.

Amendment 129

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall have in place measures to facilitate the storage of or find outlets for catches below minimum

Member States shall have in place ***adequate*** measures to facilitate the storage of or find outlets for catches below

conservation reference sizes landed in accordance with Article 15(1) of Regulation (EU) No 1380/2013. Those measures *may* include support for investment in the construction and adaptation of landing sites and shelters, *or* support for investments to add value to fishery products.

minimum conservation reference sizes landed in accordance with Article 15(1) of Regulation (EU) No 1380/2013. Those measures *shall* include support for investment in the construction and adaptation of landing sites and shelters, *as well as* support for investments to add value to fishery products.

Amendment 130

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. The *practices* of high grading *and slipping* shall be prohibited.

Amendment

1. The *practice* of high grading shall be prohibited.

Amendment 131

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment

2. Paragraph 1 shall not apply to *fishing activities in the Mediterranean Sea* or catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment 132

Proposal for a regulation Article 17 – title

Text proposed by the Commission

Species not subject to catch limits

Amendment

Pilot projects for the avoidance of unwanted catches

Amendment 133

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches ***of the species not subject to catch limits***. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Amendment

1. Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on best available scientific advice.

Amendment 134

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States ***may*** establish technical measures to reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) 1380/2013. ***Those technical measures shall apply solely to fishing vessels flying the flag of that Member State.***

Amendment

2. Where the results of those pilot studies or other scientific advice indicate that unwanted catches of species which are not subject to catch limits are significant, Member States ***shall*** establish technical measures to ***avoid or as far as possible*** reduce those unwanted catches in accordance with the procedure set out in Article 19 of Regulation (EU) ***No*** 1380/2013 ***or in Article 18 of this Regulation.***

Amendment 135

Proposal for a regulation Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In cases where other Member States wish to establish similar technical measures, a joint recommendation may be submitted in accordance with Article 18.

Amendment 136

Proposal for a regulation Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Derogation from the landing obligation

1. By way of derogation from Article 15 of Regulation (EU) No 1380/2013, fishing vessels which participate voluntarily in a system of full documentation of catches and discards shall not be required to land non-marketable catches, provided that they are recorded and counted against quotas where applicable.

2. Full documentation systems as referred to in paragraph 1 shall make it possible to record all data on fishing activities, including catches and discards.

3. Full documentation systems as referred to in paragraph 1 may be established by a Member State with the approval of the Commission or by an act of the Union. The Commission shall be empowered to adopt delegated acts in accordance with Article 32 concerning:

(a) the establishment or approval of these full documentation systems;

(b) the data to be recorded and the specifications of those systems, having due regard to paragraph 2 of this Article.

Amendment 137

Proposal for a regulation Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

Documentation

In accordance with Article 49 of Regulation (EC) No 1224/2009, Member States may introduce electronic monitoring arrangements in order to document catches, discards and fishing activity.

Amendment 138

**Proposal for a regulation
Chapter 2 – section 5 a (new)**

Text proposed by the Commission

Amendment

SECTION 5a

ADAPTATION OF FISHING VESSELS

Article 17c

Adaptation of tonnage

On new and existing fishing vessels, increases in the tonnage of the vessel intended to improve safety on board, working conditions and the hygiene and quality of products, as well as increases in the tonnage of the vessel intended to store unwanted catches subject to the landing obligation in accordance with Article 15 of Regulation (EU) No 1380/2013 shall be authorised, provided that they do not result in an increase in the vessel's catch potential. The corresponding volumes shall not be taken into account for the purpose of assessing fishing capacity in the light of the ceilings imposed in Annex II to Regulation (EU) No 1380/2013 or in the entry/exit schemes referred to in Article 23 of that Regulation.

Amendment 139

**Proposal for a regulation
Article 18 – title**

Text proposed by the Commission

Amendment

Guiding principles

Regional technical measures

Amendment 140

Proposal for a regulation

Article 18 – paragraph 1 – point g

(g) in Annex XI for the ***Outermost Regions***.

(g) in Annex XI for the ***Union waters in the Indian Ocean and the West Atlantic***.

Amendment 141

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

However, the provisions on mesh sizes set out in Part B of Annexes V to XI shall only apply in so far as, by ... [18 months after the date of entry into force of this Regulation], no delegated act has been adopted pursuant to paragraph 2 of this Article covering the same subject-matter for the fisheries concerned. In the event that Part B of an Annex to this Regulation becomes applicable, the Commission shall, notwithstanding point 4 of Article 6(1), by the same date adopt a delegated act in accordance with Article 32 supplementing this Regulation by providing a definition of “directed fishing” for the purpose of applying Part B in the relevant fishing zone and to the fisheries concerned.

Until the date of expiry of the deadline set out in the second subparagraph of this paragraph or until the date of adoption of the delegated act referred to in that subparagraph, whichever is earlier, the provisions applicable to mesh sizes on ... [the day before the date of entry into force of this Regulation*] shall continue to apply in respect of the fishing areas concerned.

** If this approach is accepted, Articles 35-41 are to be adapted in the course of the negotiations with Council, after having identified the measures that shall remain applicable until the deadline indicated here.*

Amendment 142

Proposal for a regulation Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where appropriate in order to achieve the objectives of the common fisheries policy and to take into account the specificities of a region, technical measures that deviate from the measures referred to in paragraph 1 of this Article may be adopted in the context of a multiannual plan referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013.

Amendment 143

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. In accordance with *the procedure set out in* Article 18 of Regulation (EU) No 1380/2013 *Member States may submit joint recommendations* defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.

2. *Where no multiannual plan is in place for the fisheries in question or where the relevant multiannual plan does not establish technical measures or a procedure for the adoption of such technical measures, the Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 supplementing this Regulation by* defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1, *in particular by establishing mesh sizes to be applied at regional level. For the purpose of adopting such*

delegated acts, Member States may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013 by ... [12 months after the date of entry into force of this Regulation]. The Commission shall make those joint recommendations public immediately after their submission by the Member States and shall make public any scientific assessment carried out to ensure their compliance with Article 18(5) of Regulation (EU) No 1380/2013.

Amendment 144

Proposal for a regulation Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The measures adopted pursuant to paragraphs 1a and 2 shall:*

(a) aim at achieving the objectives set out in Article 3 of this Regulation, taking particular account of the performance indicators set out in Article 4 hereof;

(b) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;

(c) provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, including through the allocation of fishing opportunities; and

(d) be at least equivalent to the measures referred to in paragraph 1 or, in the case of rules on mesh sizes, to the measures applicable on... [the day before the date of entry into force of this Regulation] in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.

Amendment 145

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. ***Technical measures recommended*** in accordance with paragraph 2 shall ***as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.***

Amendment

3. In accordance with ***Article 18(5) of Regulation (EU) No 1380/2013, Member States shall base the joint recommendations referred to in paragraph 2 of this Article on the best available scientific advice. That scientific advice shall take into account the impact of such measures on the targeted species and sensitive species and habitats, demonstrating the benefits for the conservation of the marine ecosystem.***

Amendment 146

Proposal for a regulation
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Notwithstanding Article 18(1), (3) and (6) of Regulation (EU) No 1380/2013, the Commission may adopt such delegated acts also in the absence of a joint recommendation referred to in these paragraphs.

Amendment 147

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

Article 19

deleted

Regional measures under multiannual plans

1. ***The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of***

Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.

2. Measures established in accordance with paragraph 1 may:

(a) amend or supplement the measures set out in Annexes V to XI;

(b) derogate from the measures set out in Annexes V to XI for a specific area or time period, provided it can be demonstrated that those measures have no conservation benefit in that area or period or that the alternative measures achieve the same objectives.

3. A multiannual plan may define the kind of technical measures that may be adopted pursuant to paragraphs 1 and 2 for the relevant region.

4. The measures adopted pursuant to paragraphs 1 and 2 shall

(a) aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;

(b) be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013; and

(c) provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact through the allocation of fishing opportunities.

5. Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures.

6. The Commission may require the STECF to assess the joint recommendations referred to in paragraph 5.

Amendment 148

Proposal for a regulation

Article 20 – paragraph 1 – introductory part

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to define size selective and species selective gears, they shall provide evidence demonstrating that those gears meet at least one of the following criteria:

Amendment 149

Proposal for a regulation

Article 21 – paragraph 1 – introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article **19** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI *or* establish new closed or restricted areas they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment

When Member States submit joint recommendations in accordance with Article **18** to amend the closed or restricted areas listed in Part C of Annexes V to VIII and X and Part B of Annex XI, establish new closed or restricted areas, *or do away with them*, they shall include the following elements in respect of such closed or restricted areas in those joint recommendations:

Amendment 150

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

If Member States do not adopt joint recommendations, the Commission may adopt delegated acts in accordance with Article 32 establishing closed or restricted areas on the basis of the best available scientific advice.

Amendment 151

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species.

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species. ***Joint recommendations shall be based on the best available scientific evidence and shall take into account biological grounds, in particular the maturity size of the species. Joint recommendations shall not jeopardise the control and enforcement provisions relating to the landing and marketing of fishery products.***

Amendment 152

Proposal for a regulation Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article **19** to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species, they shall include the following elements:

Amendment

When Member States submit joint recommendations in accordance with Article **18** to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species ***or sensitive species***, they shall include the following elements:

Amendment 153

Proposal for a regulation Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the event that the vessels of only

one Member State are affected by the real-time closures or the displacements, measures based on the best available scientific advice shall be adopted to reduce the impact on the affected vessels.

Amendment 154

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article **19** to allow for the use or extend the use of innovative fishing gears including the pulse trawl as described in Part E of Annex V within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

Amendment

1. When Member States submit joint recommendations in accordance with Article **18** to allow for the use or extend the use of innovative fishing gears including the pulse trawl as described in Part E of Annex V within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species and on sensitive species and habitats.

Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5 % of the vessels currently in that métier for a period of at least four years.

Amendment 155

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. The use of innovative fishing gears shall **not** be permitted where **those assessments indicate that** their use will lead to negative impacts on sensitive habitats **and** non-target species.

Amendment

3. The use of innovative fishing gears shall **only** be permitted **on a commercial scale** where **the assessment referred to in paragraph 1 indicates that in comparison with existing regulated fishing gear and techniques**, their use will **not** lead to **direct or cumulative** negative impacts on **marine habitats, including** sensitive habitats **or** non-target species.

Amendment 156

Proposal for a regulation

Article 25 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***provide information on the effectiveness of existing mitigation measures and monitoring arrangements;***

Amendment 157

Proposal for a regulation

Article 25 – paragraph 1 – indent 3

Text proposed by the Commission

Amendment

- specify measures to minimise the impacts of fishing gears on the habitats referred to in Article 13 ***or other sensitive habitats outside NATURA 2000 sites;***

- specify measures to minimise the impacts of fishing gears on the habitats referred to in Article 13;

Amendment 158

Proposal for a regulation

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the fishermen directly concerned by these measures are appropriately consulted.

Amendment 159

Proposal for a regulation

Article 26 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) derogations adopted on the basis of Article 15(4) of Regulation (EU) No 1380/2013;

Amendment 160

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species.

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species. ***They shall be at least as stringent as technical measures applicable under Union law.***

Amendment 161

Proposal for a regulation Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Pilot projects on full documentation of catches and discards

1. The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013, supplementing this Regulation by defining pilot projects that develop a system of full documentation of catches and discards based on measurable targets and objectives, for the purpose of a results-based management of fisheries.

2. The pilot projects referred to in paragraph 1 of this Article may derogate from the measures set out in Part B of Annexes V to XI for a specific area and for a maximum period of one year, provided that it can be demonstrated that such pilot projects aim at achieving the objectives set out in Article 3 and complying with the performance indicators set out in Article 4 and, in particular, aim at improving the selectivity

of the fishing gear or practice concerned or otherwise reduce its environmental impact. That one-year period may be extended by one more year under the same conditions. It shall be limited to no more than 5% of the vessels in that metier per Member State.

3. Where Member States submit joint recommendations for the establishment of pilot projects as referred to in paragraph 1, they shall provide scientific evidence to support their adoption. STEFC shall assess those joint recommendations and shall make that assessment public. Within six months of the conclusion of the project, the Member States shall submit a report to the Commission outlining the results, including a detailed assessment of the changes in selectivity and other environmental impacts.

4. STECF shall assess the report referred to in paragraph 3. Where STECF concludes that the new gear or practice successfully achieves the objectives set out in paragraph 2, the Commission may submit a proposal in accordance with the TFEU to allow for the generalised use of that gear or practice. The STECF assessment shall be made public.

5. The Commission shall adopt delegated acts in accordance with Article 32 supplementing this Regulation by defining the technical specifications of a system for the full documentation of catches and discards referred to in paragraph 1.

Amendment 162

Proposal for a regulation Article 28

Text proposed by the Commission

Article 28

North East Atlantic Fisheries

Amendment

deleted

Commission (NEAFC)

The Commission shall be empowered to adopt delegated acts in accordance with Article 32 in order to

(a) transpose into Union law certain technical measures agreed by the North East Atlantic Fisheries Commission (NEAFC), including lists of vulnerable marine ecosystems and specific technical measures related to fisheries for blue ling and redfish defined in NEAFC Recommendations 05:2013, 19:2014, 01:2015, 02:2015; and

(b) adopt other technical measures supplementing or amending certain non-essential elements of legislative acts which transpose NEAFC recommendations.

Amendment 163

Proposal for a regulation

Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted ***solely for the purpose*** of scientific investigations subject to the following conditions:

Amendment

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted ***in the context*** of scientific investigations subject to the following conditions:

Amendment 164

Proposal for a regulation

Article 29 – paragraph 2 – point b

Text proposed by the Commission

(b) they are sold for purposes other than direct human consumption.

Amendment

(b) ***in the case of fish below the minimum conservation reference size***, they are sold for purposes other than direct human consumption.

Amendment 165

Proposal for a regulation

Article 30 – title

Text proposed by the Commission

Artificial restocking and transplantation

Amendment

Direct restocking and transplantation

Amendment 166

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of **artificial** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment

1. The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of **direct** restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.

Amendment 167

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Where the **artificial** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment

2. Where the **direct** restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed at least one month in advance of the intention to conduct such fishing operations.

Amendment 168

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. Where available scientific advice indicates that immediate action is required to protect marine species, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods.

Amendment

1. Where available scientific advice indicates that immediate action is required to protect marine species ***or marine habitats***, the Commission shall be empowered to adopt delegated acts in accordance with Article 32 to alleviate such threats. Those acts may concern, in particular, restrictions on the use of fishing gears or on fishing activities in certain areas or during certain periods, ***or any other conservation measure needed***.

Amendment 169

**Proposal for a regulation
Article 31 – paragraph 3**

Text proposed by the Commission

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than ***three*** years without prejudice to paragraph 6 of Article 32.

Amendment

3. Delegated acts referred to in paragraph 1 shall apply for a period of no more than ***two*** years without prejudice to paragraph 6 of Article 32.

Amendment 170

**Proposal for a regulation
Article 34 – paragraph 1**

Text proposed by the Commission

1. By ***the end of 2020*** and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives ***set out*** in Article 3 ***and in reaching the targets*** set out in Article 4.

Amendment

1. By ... ***[three years after the date of entry into force of this Regulation]*** and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by the STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. This report shall assess the extent to which technical measures both regionally and at Union level have contributed to achieving the objectives ***referred to*** in Article 3 ***on the basis of the performance indicators*** set

out in article 4.

Amendment 171

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. On the basis of that report, where at regional level there is evidence that the objectives **and targets** have not been met, within **six** months after the submission of the report **as** referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **those** objectives **and targets** can be met.

Amendment

2. On the basis of that report, where at regional level there is evidence that the objectives and targets have not been met **or the specific levels of catches below minimum conservation size for key fisheries as referred to in point (a) of Article 4(1) have been exceeded**, within **twelve** months after the submission of the report referred to in paragraph 1 Member States within that region shall submit a plan setting out the corrective actions to be taken to ensure **the objectives set out in Article 3 can be met and catches of marine species below minimum conservation reference sizes can be reduced to the levels referred to in point (a) of Article 4(1)**.

Amendment 172

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall assist Member States in establishing a national action plan in order to address identified difficulties in implementing new technical measures to achieve the requirements set out in Article 4. Member States shall take all measures necessary to implement that action plan.

Amendment 173

Proposal for a regulation
Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the report shows that a Member State has failed to comply with its obligations regarding control and data collection, the Commission may interrupt or suspend the EMFF funding for that Member State, in accordance with Articles 100 and 101 of Regulation (EU) No 508/2014.

Amendment 174

Proposal for a regulation
Article 35 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Articles 3, 8, 9, 10, 11, 12, 14, 15, 16 and 25 are deleted;

(a) Articles 3, 8, 9, 10, 11, 12, **the second subparagraph of Article 13(3), and Articles 14, 15, 16 and 25** are deleted;

Amendment 175

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Amendments to Regulation (EC) No 1098/2007

In Regulation (EC) No 1098/2007, Articles 8 and 9 are deleted.

Amendment 176

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point a

Text proposed by the Commission

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **80** mm or one or more purse seines or similar fishing gears; or

Amendment

(a) the vessel does not simultaneously carry or use on board either towed gear of mesh size less than **70** mm or one or more purse seines or similar fishing gears; or

Amendment 177

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point b – indent 2

Text proposed by the Commission

the graded fish are frozen ***immediately*** after grading and no graded fish are returned to the sea; and

Amendment

the graded fish are frozen after grading and no graded fish are returned to the sea; and

Amendment 178

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 2 – point b – indent 3

Text proposed by the Commission

(the equipment is installed and located on the vessel in such a way as to ensure ***immediate*** freezing and not to allow the return of marine species to the sea.

Amendment

the equipment is installed and located on the vessel in such a way as to ensure freezing and not to allow the return of marine species to the sea.

Amendment 179

Proposal for a regulation

Article 37 – paragraph 1 – point b

Regulation (EC) No 1224/2009

Article 54 c – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The competent authority of the flag State shall certify the freezer trawler plans to ensure that they are in accordance with the applicable rules.*

Amendment 180

Proposal for a regulation

Article 38

Text proposed by the Commission

Amendment

Article 38

deleted

Amendment to Regulation (EU) No 1343/2011

Article 26 of Regulation (EC) No 1343/2011, is amended as follows:

(1) the following point is added:

‘(h) technical measures in Articles 4, 10, 12, 15, 15a, 16, 16b, 16c, 16d, 16f, 16g, 16h, 16i, 16j and 16k.; ’

(2) the following paragraph is added:

‘The Commission shall also be empowered to adopt delegated acts, in accordance with Article 27, in order to transpose into Union law other technical measures established by the GFCM that become obligatory for the Union and to supplement or amend certain non-essential elements of legislative acts which transpose GFCM recommendations on technical measures. ’

Amendment 181

Proposal for a regulation Article 40 – paragraph 1

Text proposed by the Commission

Regulations (EC) No 894/97, (EC) No 850/98, ((EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

Amendment

Regulations (EEC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 **as well as Commission Regulation (EC) No 494/2002^{1a}** are repealed.

^{1a} **Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).**

Amendment 182

Proposal for a regulation Annex I – point n a (new)

Text proposed by the Commission

Amendment

(na) houting (*Coregonus oxyrhynchus*) in ICES sub-area IVb (Union waters);

Amendment 183

Proposal for a regulation Annex I – point n b (new)

Text proposed by the Commission

Amendment

(nb) the Adriatic sturgeon (*Acipenser naccarii*) and common sturgeon (*Acipenser sturio*) in Union waters;

Amendment 184

Proposal for a regulation Annex I – point o

Text proposed by the Commission

(o) berried female crawfish (*Palinuridae spp.*) and berried female lobster (*Homarus gammarus*) in all Union waters except when used for direct restocking or transplantation purposes;

Amendment

(Does not affect the English version.)

Amendment 185

Proposal for a regulation Annex I – point p

Text proposed by the Commission

(p) date shell (*Lithophaga lithophaga*) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean.

Amendment

(p) date shell (*Lithophaga lithophaga*), ***fan mussel (Pinna nobilis)*** and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean;

Amendment 186

Proposal for a regulation Annex I – point p a (new)

Text proposed by the Commission

Amendment

(pa) hatpin urchin (Centrostephanus longispinus).

Amendment 187

Proposal for a regulation Annex IV – point 5 a (new)

Text proposed by the Commission

Amendment

5a. The size of a spinous spider crab shall be measured, as shown in Figure 5a, as the length of the carapace, along the mid-line, from the edge of the carapace,

between the rostrums to the posterior edge of the carapace.

Amendment 188

Proposal for a regulation Annex IV – point 5 b (new)

Text proposed by the Commission

Amendment

5b. *The size of an edible crab shall be measured, as shown in Figure 5b, as the maximum width of the carapace measured perpendicular to the anteroposterior midline of the carapace.*

Amendment 189

Proposal for a regulation Annex IV – point 5 c (new)

Text proposed by the Commission

Amendment

5c. *The size of a whelk shall be measured, as shown in Figure 5c, as the length of the shell.*

Amendment 190

Proposal for a regulation Annex IV – point 5 d (new)

Text proposed by the Commission

Amendment

5d. *The size of any swordfish shall be measured, as shown in Figure 5d, as the length from the fork of the caudal fin to the tip of the lower jaw.*

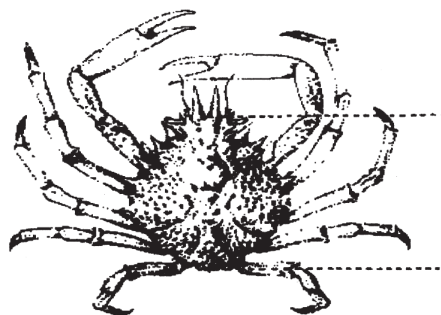
Amendment 191

Proposal for a regulation
Annex IV – Figure 5 a (new)

Text proposed by the Commission

Amendment

Figure 5a Spinous spider crab (*Maia squinado*)



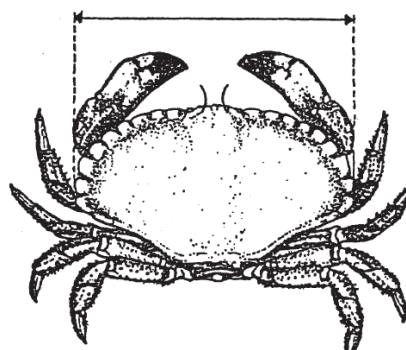
Amendment 192

Proposal for a regulation
Annex IV – Figure 5 b (new)

Text proposed by the Commission

Amendment

Figure 5b Edible crab (*Cancer pagarus*)



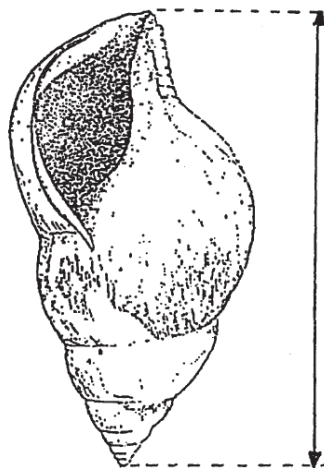
Amendment 193

**Proposal for a regulation
Annex IV – Figure 5 c (new)**

Text proposed by the Commission

Amendment

Figure 5c Whelk (*Buccinum spp*)



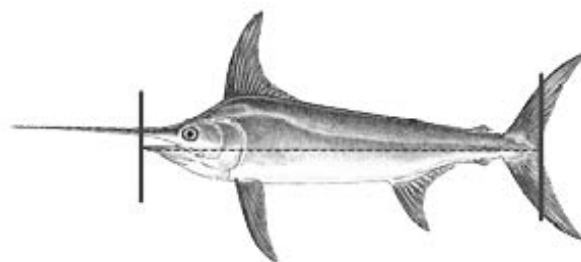
Amendment 194

**Proposal for a regulation
Annex IV – Figure 5 d (new)**

Text proposed by the Commission

Amendment

Figure 5d Swordfish (*Xiphias gladius*)



Amendment 195

Proposal for a regulation Annex V – Part A – table 1 – row 14

Text proposed by the Commission

Mackerel (*Scomber* spp.) 20 cm

Amendment

Mackerel (*Scomber* spp.) 30 cm^{1a}

^{1a} ***The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.***

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 196

Proposal for a regulation Annex V – Part A – table 1 – row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 20 cm

Amendment

Herring (*Clupea harengus*) 20 cm^{1a}

^{1a} ***The minimum conservation***

reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 197

Proposal for a regulation

Annex V – Part A – table 1 – row 16

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.)

15 cm

Amendment

Horse mackerel (*Trachurus* spp.)

15 cm ^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be

exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 198

Proposal for a regulation

Annex V – Part A – table 1 – row 17

Text proposed by the Commission

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo

Amendment

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 199

Proposal for a regulation

Annex V - Part A - table 1 - row 19

Text proposed by the Commission

Sardine (*Sardina pilchardus*)

11 cm

Amendment

Sardine (*Sardina pilchardus*)

11 cm^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 200

Proposal for a regulation Annex V - Part A - table 1 - row 20

Text proposed by the Commission

Lobster (*Homarus gammarus*) 87 mm

Amendment

Lobster (*Homarus gammarus*) 87 mm (*carapace length*)

Amendment 201

Proposal for a regulation Annex V – Part A – table 1 – row 34

Text proposed by the Commission

Crawfish (*Palinurus* spp.) 95 mm

Amendment

Crawfish (*Palinurus* spp.) 95 mm (*carapace length*)

Amendment 202

Proposal for a regulation

Annex V - Part A - table 2 - row 13

Text proposed by the Commission

Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

Amendment

Norway lobster (*Nephrops norvegicus*)

Total length 105mm

Carapace length 32mm

Norway lobster tails 59 mm

Amendment 203

Proposal for a regulation

Annex V - Part A - table 2 - row 14

Text proposed by the Commission

Mackerel (*Scomber* spp.)

20 cm

Amendment

Mackerel (*Scomber* spp.)

20 cm ^{1a}

^{1a}The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 204

Proposal for a regulation Annex V – Part A – table 2 – row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 18 cm

Amendment

Herring (*Clupea harengus*) 18 cm^{1a}

^{1a}The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 205

Proposal for a regulation Annex V – Part A – table 2 – row 16

Text proposed by the Commission

Horse mackerel (*Trachurus* spp.) 15 cm

Amendment

Horse mackerel (*Trachurus* spp.) 15 cm^{1a}

^{1a}The minimum conservation reference

sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 206

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 2 b (new)

Text proposed by the Commission

Amendment

At least 90 mm

Skagerrak and Kattegat

A panel with a mesh size of at least 270 mm (diamond mesh) or of 140mm^{1a} (square mesh) shall be fitted.

^{1a} In the Kattegat subdivision, a square mesh panel of 120 mm shall be fitted (on the trawl between 1 October and 31 December and on the purse seine between 1 August and 31 October).

Amendment 207

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 4

Text proposed by the Commission

At least 80 mm	ICES Division IVb <i>south of 54° 30'N</i> and ICES Division IVc	Directed fishing for sole with beam trawls <i>or electric pulse trawls</i> . A panel with a mesh size of at least 180 mm fitted in the upper half of the anterior part of the net.
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Amendment

At least 80 mm ^{1a}	ICES Divisions IVb and IVc	Directed fishing for sole <i>(15% of catches)</i> with beam trawls. A panel with a mesh size of at least 180 mm fitted in the upper half of the anterior part of the net <i>shall be fitted</i> . <i>Directed fishing for whiting, mackerel and species not subject to catch limits (combined 55 % of catches). A square mesh panel of at least 100 mm shall be fitted.</i>
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1a Vessels shall be prohibited from using any beam trawl with a mesh size between 32 and 99 mm north of a line joined by the following points by a point on the East Coast of the UK at latitude 55°N, then east to latitude 55°, longitude 5°E, then north to latitude 56°N and east to a point on the west Coast of Denmark at latitude 56°N. It is prohibited to use any beam trawl of mesh size range 32 to 119 mm within ICES Division IIa and that part of ICES

*Sub-area IV to the north
of 56° 00' N.*

Amendment 208

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 4 b (new)

Text proposed by the Commission

Amendment

At least 40mm

Whole area

***Directed fishing for squid
(85 % of catches)
(Lolignidae,
Ommastrephidae).***

Amendment 209

Proposal for a regulation

Annex V – Part B – paragraph 1 – table – row 6

Text proposed by the Commission

At least 16mm

Whole area

Directed fishing for small pelagic species.

Directed fishing for Norway pout. A sorting grid with a maximum bar spacing of 22 mm in the Norway Pout fishery shall be fitted.

Directed fishing for ***Crangon crangon***. ***A sorting grid, sieve net or equivalent selectivity device*** shall be fitted.

Amendment

At least 16mm

Whole area

Directed fishing for small pelagic species ***(80 % of catches)***.

Directed fishing for Norway pout (**50 % of catches**). A sorting grid with a maximum bar spacing of **35** mm in the Norway Pout fishery shall be fitted.

Directed fishing for **common shrimp and Aesop shrimp (90 % of catches)**. A **selective net or a sorting grid** shall be fitted **in accordance with nationally agreed standards**.

Amendment 210

Proposal for a regulation Annex V – Part B – paragraph 2 – title

Text proposed by the Commission

2. Baseline mesh sizes for static nets

Amendment

2. Baseline mesh sizes for static nets **and driftnets**

Amendment 211

Proposal for a regulation Annex V – Part B – paragraph 2 – introductory part

Text proposed by the Commission

The following mesh sizes for static nets shall apply in the North Sea and Skagerrak/Kattegat.

Amendment

The following mesh sizes for static nets **and driftnets** shall apply in the North Sea and Skagerrak/Kattegat.

Amendment 212

Proposal for a regulation Annex V – Part C – paragraph 1 – point 1.1

Text proposed by the Commission

1.1 Fishing for sandeels with any towed

Amendment

1.1 Fishing for sand eels with any

gear with a codend mesh size less than **80 mm or any static net with a mesh size of less than 100 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

towed gear with a codend mesh size less than **32 mm** shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Amendment 213

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 1

Text proposed by the Commission

- vessels whose engine power does not exceed 221kW using **demersal** trawls or Danish seines;

Amendment

- vessels whose engine power does not exceed 221kW using **bottom** trawls or Danish seines;

Amendment 214

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 2

Text proposed by the Commission

- paired vessels whose combined engine power does not exceed 221kW at any time using **demersal** pair trawls;

Amendment

- paired vessels whose combined engine power does not exceed 221kW at any time using pair **bottom** trawls;

Amendment 215

Proposal for a regulation

Annex V – Part C – paragraph 2 – point 2.2 – indent 3

Text proposed by the Commission

- vessels whose engine power exceeds 221kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use **demersal** pair trawls provided that such vessels do not engage in directed fishing

Amendment

- vessels whose engine power exceeds 221kW shall be permitted to use demersal trawls or Danish seine, and paired vessels whose combined engine power exceeds 221kW shall be permitted to use pair **bottom** trawls provided that such vessels do not engage in directed fishing

for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

for plaice and sole and respect the relevant mesh size rules contained in Part B of this Annex.

Amendment 216

Proposal for a regulation Annex V – Part C – paragraph 6 – point 6.2

Text proposed by the Commission

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EC) No 2347/2002¹ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 6.1.

¹ *Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).*

Amendment

6.2 Directed fishing for deepwater sharks as listed in Annex I of Regulation (EU) 2016/2336 of the European Parliament and of the Council¹ in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks *for which fishing is expressly prohibited under Union law, they shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits* shall be retained on board. Such catches shall be landed and counted against quotas. *In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.* Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 6.1.

¹ *Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).*

Amendment 217

Proposal for a regulation

Annex V – Part E – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. Electrical pulse fishing shall be allowed only when:

- the maximum electrical power in kW for each beam trawl is no more than the length in metres of the beam multiplied by 1,25;**
- the effective voltage between the electrodes is no more than 15 V;**
- the vessel is equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows, and it is not possible for non-authorized personnel to modify this automatic computer management system;**
- tickler chains in front of the footrope are not used.**

Amendment 218

**Proposal for a regulation
Annex VI – Part A 2 table – row 15**

Text proposed by the Commission

Herring (*Clupea harengus*) 20 cm

Amendment

Herring (*Clupea harengus*) 20 cm^{1a}

^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine

organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 219

Proposal for a regulation Annex VI – Part A – table – row 16

Text proposed by the Commission

Horse mackerel (Trachurus spp.) 15 cm³

³ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VIIId, e, f, a minimum conservation reference size of 130 mm shall apply.

Amendment

Horse mackerel (Trachurus spp.) 15 cm^{3, 3a}

³ In Union waters in ICES sub-areas, V, VI south of 56° N and VII, except ICES divisions VIIId, e, f, a minimum conservation reference size of 130 mm shall apply.

^{3a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the

basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 220

Proposal for a regulation Annex VI – Part A – table – row 17

Text proposed by the Commission

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo

Amendment

Anchovy (*Engraulis encrasicolus*)

12 cm or 90 individuals per kilo^{1a}

^{1a} The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 221

Proposal for a regulation Annex VI – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least **120** mm

Whole area

None

Amendment

At least 100 mm^{1a}

Whole area

None

1a To be phased in over a two year period from the date of entry into force of this Regulation. For ICES Divisions VIIId and VIIe a mesh size of at least 100 mm shall apply.

Amendment 222

Proposal for a regulation

Annex VI – Part B – paragraph 1 – table – row 6 a (new)

Text proposed by the Commission

Amendment

Less than 16 mm

Whole area

***Directed fishing for sandeel
(90 % of catches)***

Amendment 223

Proposal for a regulation

Annex VI – part B – paragraph 2 – title

Text proposed by the Commission

Amendment

2. Baseline mesh sizes for static nets

2. Baseline mesh sizes for static nets
and driftnets

Amendment 224

Proposal for a regulation

Annex VI – part B – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following mesh sizes for static nets shall apply in North Western waters.

The following mesh sizes for static nets
and driftnets shall apply in North Western waters.

Amendment 225

Proposal for a regulation

Annex VI – Part B – paragraph 2 – table– row 2

Text proposed by the Commission

At least 120 mm, ¹	Whole area	None
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Amendment

At least 120 mm ¹	Whole area	None
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¹ *For directed fishing for anglerfish (30% of catches) a mesh size of at least 220 mm shall be used. A mesh size of at least 110 mm for directed fishing for pollock and hake (50% of catches) in ICES divisions VIIId and VIIe*

Amendment 226

Proposal for a regulation

Annex VI - Part B - table - row 4

Text proposed by the Commission

At least 50mm	Whole area	Directed fishing for small pelagic species
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Amendment

At least 50mm	Whole area	Directed fishing for small pelagic species (80 % of catches) Directed fishing for red mullet (50 % of catches)
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Amendment 227

Proposal for a regulation

Annex VI – Part C – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing

From 1 January to 31 March, and from 1 October to 31 December each year, it shall be prohibited to conduct any fishing

activity using any towed gears or static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

activity using any **bottom** towed gears or **bottom** static nets in the area enclosed by sequentially joining with rhumb lines the following co-ordinates, measured according to the WGS84 coordinate system:

Amendment 228

Proposal for a regulation

Annex VI – Part C – paragraph 3 – point 3.2

Text proposed by the Commission

3.2 By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF). ***Where bycatches of cod caught by the vessels of any Member State operating within the areas referred to in point 3.1 exceed 10 tonnes then those vessels may no longer fish within that area.***

Amendment

3.2 By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by the Scientific, Technical and Economic Committee for Fisheries (STECF).

Amendment 229

Proposal for a regulation

Annex VI – Part C – paragraph 9 – title

Text proposed by the Commission

9. Use of static nets in ICES divisions Vb, VIa, VII b,c,j,k

Amendment

9. Use of static nets in ICES divisions Vb, VIa, ***VIb***, VII b, ***c, h, j, k***

Amendment 230

Proposal for a regulation

Annex VI – Part C – paragraph 9 – point 9.2

Text proposed by the Commission

9.2. Directed fishing for deepwater

Amendment

9.2. Directed fishing for deepwater

sharks as listed in Annex I of Regulation (EC) No 2347/2002 in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations as *described* in point 9.1.

sharks as listed in Annex I of Regulation (EU) 2016/2336 in charted depths of less than 600 metres shall be prohibited. When accidentally caught deepwater sharks *for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits* shall be retained on board. Such catches shall be landed and counted against quotas. *In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.* Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 9.1.

Amendment 231

Proposal for a regulation Annex VII – Part A – table – row 15

Text proposed by the Commission

Herring (*Clupea harengus*) 20 cm

Amendment

Herring (*Clupea harengus*) 20 cm^{1a}

^{1a} *The minimum conservation reference sizes for sardines, anchovies, herring, horse mackerel and mackerel shall not apply within the 10 % limit of live weight of the total catches retained on board of each of those species.*

The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage shall be calculated on the basis of one or more representative

samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

Amendment 232

Proposal for a regulation Annex VII – Part A – table – row 18

Text proposed by the Commission

Bass (*Dicentrarchus labrax*) 42 cm

Amendment

Bass (*Dicentrarchus labrax*) 36 cm

Amendment 233

Proposal for a regulation Annex VII – Part A – table – row 23

Text proposed by the Commission

Queen scallop (*Chlamys spp.*) 40 mm

Amendment

Queen scallop (*Chlamys spp.*,
Mimachlamys spp.) 40 mm

Amendment 234

Proposal for a regulation Annex VII – Part A – table – row 26

Text proposed by the Commission

Short-necked clam (*Venerupis philippinarum*) 35 mm

Amendment

Short-necked clam (*Ruditapes philippinarum*) 35 mm

Amendment 235
Proposal for a regulation
Annex VII – Part A – table – row 34

Text proposed by the Commission

Octopus (*Octopus vulgaris*) 750 grammes

Amendment

Octopus (*Octopus vulgaris*) 1000 grammes

Amendment 236

Proposal for a regulation
Annex VII – Part B – paragraph 1 – table – row 6

Text proposed by the Commission

At least 55 mm ICES division IXa *east of longitude 7°23'48"W* Directed fishing for crustaceans

Amendment

At least 55 mm ICES division IXa Directed fishing for crustaceans (30 % of catches)

Amendment 237

Proposal for a regulation
Annex VII – Part B – paragraph 1 – table – row 7

Text proposed by the Commission

At least 16mm Whole area Directed fishing for small pelagic species

Amendment

At least 16mm Whole area Directed fishing for small pelagic species (90 % of catches)
Directed fishing for shrimp (30 % of catches) (*Palaemon serratus*, *Crangron crangon*), and crab (*Polybius henslowi*)

Amendment 238

Proposal for a regulation Annex VII – part B – paragraph 2 – title

Text proposed by the Commission

Amendment

2. Baseline mesh sizes for static nets

2. Baseline mesh sizes for static nets
and driftnets

Amendment 239

Proposal for a regulation Annex VII – part B – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following mesh sizes for static nets shall apply in South Western waters.

The following mesh sizes for static nets
and driftnets shall apply in South Western waters.

Amendment 240

Proposal for a regulation Annex VII – Part B – paragraph 2 – table – row 2

Text proposed by the Commission

At least 100 mm

Whole area

None

Amendment

At least 100 mm^{1a}

Whole area

None

1a For directed fishing for hake and sole (50% of catches) in ICES divisions VIIIc and IX, the mesh size shall be at least 80 mm. For directed fishing for anglerfish (30% of catches), a mesh size of at least 220 mm shall be used.

Amendment 241

Proposal for a regulation

Annex VII – Part B – paragraph 2 – table – row 4

Text proposed by the Commission

At least 50 mm	Whole area	Directed fishing for small pelagic species
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Amendment

At least 50 mm	Whole area	Directed fishing for small pelagic species (80 % of catches)^{1a}
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^{1a.} For sardines, a mesh size smaller than 40 mm may be used.

Amendment 242

Proposal for a regulation

Annex VII – Part C – paragraph 4 – point 4.2

Text proposed by the Commission

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EC) No 2347/2002 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks shall be retained on board. Such catches shall be landed and counted against quotas. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations as **described** in point 1.

Amendment

4.2. Directed fishing for the deepwater sharks listed in Annex I of Regulation (EU) 2016/2336 that have a charted depth of less than 600 metres. When accidentally caught deepwater sharks **for which fishing is expressly prohibited under Union law shall be released back into the sea as soon as possible. Catches of deepwater species of shark subject to catch limits** shall be retained on board. Such catches shall be landed and counted against quotas. **In the event that a Member State does not have a sufficient quota, the Commission shall be permitted to apply Article 105(5) of Regulation (EC) No 1224/2009.** Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonne then those vessels may no longer avail of the derogations set out in point 1.

Amendment 243

Proposal for a regulation

Annex VII – Part C – paragraph 4 – point 4.2 a (new)

Text proposed by the Commission

Amendment

4.2a. The Commission may decide, after consulting STECF, to exclude certain types of fisheries in ICES zones VIII, IX and X from the scope of paragraph 4.1 if it is demonstrated by means of information provided by Member States or the implementation of specific management making use of regionalisation, which could involve reducing the vessels operating in the area, reducing fishing months etc., or of multiannual plans that those fisheries have a very low level of shark bycatches or discards.

Amendment 244

Proposal for a regulation

Annex VIII – Part B – paragraph 1 – table– row 3

Text proposed by the Commission

At least 105 mm	Whole area	A Bacoma exit window with a mesh size of at least 110 mm shall be fitted
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Amendment

At least 105 mm	Whole area	A Bacoma exit window with a mesh size of at least 120 mm shall be fitted ^{1a}
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^{1a.} **The use of beam trawls is prohibited.**

Amendment 245

Proposal for a regulation

Annex VIII – Part B – paragraph 1 – table– row 3 b (new)

Text proposed by the Commission

Amendment

At least 32 mm

Sub-areas 22-27

Directed fishing for herring, horse mackerel and blue whiting (80 % of catches)

Amendment 246

Proposal for a regulation

Annex VIII – Part B – paragraph 1 – table – row 4

Text proposed by the Commission

At least 105 mm

Whole area

Directed fishing for small pelagic species

Amendment

At least 16 mm

Sub-areas 28-32

Directed fishing for small pelagic species (**80 % of catches**)

Amendment 247

Proposal for a regulation

Annex VIII – Part B – paragraph 2 – table – row 2

Text proposed by the Commission

At least 157 mm

Whole area

Directed fishing for salmon

Amendment

deleted

Amendment 248

Proposal for a regulation

Annex VIII – Part B – paragraph 2 – table – row 3

Text proposed by the Commission

At least 110 mm

Whole area

Directed fishing for cod *and flatfish species*

Amendment

At least 110 mm Whole area *None*^{1a}

^{1a.} *For direct fishing of salmon (30 % of catches), a mesh size smaller than 157 mm shall be used.*

Amendment 249

Proposal for a regulation

Annex VIII – Part B – paragraph 2 – table – row 4 a (new)

Text proposed by the Commission

Amendment

Less than 90 mm Whole area Directed fishing for small pelagic species (80 % of catches)

Amendment 250

Proposal for a regulation

Annex VIII – Part B – paragraph 2 – table – row 4 b (new)

Text proposed by the Commission

Amendment

At least 16 mm Whole area Directed fishing for species not subject to TAC (excluding turbot) (60 % of catches)

Amendment 251

Proposal for a regulation

Annex IX – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least 40mm square Whole area A diamond mesh codend of 50 mm

mesh codend

may be used as an alternative to the **44** mm square mesh cod end at the justified request of the vessel owner

Amendment

At least 40mm square mesh codend

Whole area

A diamond mesh codend of 50 mm may be used as an alternative to the **40** mm square mesh cod end at the justified request of the vessel owner

Amendment 252

**Proposal for a regulation
Annex IX – Part B – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Baseline mesh sizes for encircling gears

<i>Mesh sizes</i>	<i>Geographical zones</i>	<i>Conditions</i>
<i>At least 14 mm</i>	<i>Whole area</i>	<i>None</i>

Amendment 253

**Proposal for a regulation
Annex IX – Part B – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Amendment

The following mesh sizes for **static nets** shall apply in the Mediterranean.

The following mesh sizes for **bottom set gillnets** shall apply in the Mediterranean.

Amendment 254

**Proposal for a regulation
Annex IX – Part B – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The existing derogations to the provisions set out in paragraphs 1, 1a and 2 of this Part for encircling gears affected

by a management plan referred to in Article 19 of Regulation (EC) No 1967/2006 and adopted pursuant to Article 9 of that Regulation shall remain in effect unless otherwise provided for under Article 18 of this Regulation.

Amendment 255

Proposal for a regulation Annex IX – Part C – paragraph 5

Text proposed by the Commission

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch *deepwater* crustacean (*including Plesionika spp., Pasiphaea spp. or similar species*).

Amendment

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch *deep-water* crustacean.

Amendment 256

Proposal for a regulation Annex IX – Part C – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Highly localised fleets using artisanal gear shall be authorised to catch deepwater crustacean (including Plesionika spp., Pasiphaea spp. or similar species).

Amendment

Amendment 257

Proposal for a regulation Annex IX – Part C – paragraph 6 a (new)

Text proposed by the Commission

6a. Restrictions on underwater spear fishing

It is prohibited to fish with underwater spears using an aqualung and at night, from dusk until dawn.

Amendment

Amendment 258

Proposal for a regulation Annex X – part B – paragraph 1 – title

Text proposed by the Commission

Amendment

1. Baseline mesh sizes for towed gears

1. Baseline mesh sizes for towed gears
for demersal stocks

Amendment 259

Proposal for a regulation Annex X – Part B – paragraph 1 – table – row 2

Text proposed by the Commission

At least **50** mm Whole area

40 mm square mesh codends may be used as an alternative

Amendment

At least **40** mm Whole area

50 mm diamond mesh codends^{1a} may be used as an alternative ***to the 40 mm square mesh codend at the duly substantiated request of the vessel owner.***

^{1a}. ***Only one type of net (of 40 mm square mesh or 50 mm diamond mesh) may be carried on board or rolled out.***

Amendment 260

Proposal for a regulation Annex X – Part B – paragraph 2 – table – row 2

Text proposed by the Commission

At least 400 mm Whole area

Directed fishing for turbot

Amendment

At least 400 mm Whole area

Fishing for turbot ***with bottom set gillnets***

Amendment 261

Proposal for a regulation

Annex X – Part C

Text proposed by the Commission

Amendment

Part C

deleted

Closed or restricted areas

Seasonal Closure to protect turbot

Directed fishing, transshipment, landing and first sale of turbot shall be permitted from 15 April to 15 June annually in Union waters of the Black Sea.

Amendment 262

Proposal for a regulation

Annex XI – Part A – title

Text proposed by the Commission

Amendment

Baseline mesh sizes for towed gears

1. Baseline mesh sizes for towed gears

Amendment 263

Proposal for a regulation

Annex XI – Part A – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following codend mesh sizes shall apply in the **Outermost Regions**.

The following codend mesh sizes shall apply in **Union waters in the Indian Ocean and in the West Atlantic**

Amendment 264

Proposal for a regulation

Annex XI – Part A – table – row 3

Text proposed by the Commission

At least 45 mm

All waters off the coast of the French department of Guyana that come under the

Directed fishing for shrimp (*Penaeus subtilis*, *Penaeus brasiliensis*, *Xiphopenaeus*

sovereignty or jurisdiction of France
kroyeri)

Amendment

At least 45 mm All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France Directed fishing for shrimp (*Penaeus subtilis*, *Penaeus brasiliensis*, *Xiphopenaeus kroyeri*) (**15 % of catches**)

Amendment 265

Proposal for a regulation
Annex XI – Part A – table – row 4

Text proposed by the Commission

At least 14 mm Whole area Directed fishing for small pelagic species with purse seines

Amendment

deleted

Amendment 266

Proposal for a regulation
Annex XI – Part A – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Baseline mesh size for purse seines
The following mesh sizes for purse seines shall apply in Union waters in the Indian Ocean and in the West Atlantic

Amendment 267

Proposal for a regulation
Annex XI – Part A – paragraph 1 a (new) – table (new)

Text proposed by the Commission

Amendment

Mesh size
At least 14 mm

Geographical zones
Whole area

Conditions
Directed fishing for small pelagic species with purse seines

EXPLANATORY STATEMENT

1. Background to the Commission proposal

The objective of the technical measures is to reduce unwanted catches, of both juvenile fish and species other than the target, and to limit the impacts of fishing on vulnerable species and ecosystems. To achieve those objectives, the technical measures regulate what can be fished, how, with what, when and where. In other words, they regulate the different fishing methods, spatial and seasonal restrictions, prohibited species and the measures to protect vulnerable ecosystems. They lay down standards for the design and other technical characteristics of fishing gears and for their use. They also include provisions on catch characteristics such as minimum fish size and catch composition.

The technical measures are a key element of the Common Fisheries Policy (CFP). Over time, the technical measures have been accumulating haphazardly in more than 30 regulations. They now constitute a complex, heterogeneous and disorganised system of provisions, which often lack coherence and are sometimes contradictory. This makes matters complicated for the fishermen who have to apply them and has made them sceptical towards them. Despite the obvious need for revision and simplification, the two previous attempts, in 2002 and 2004, failed.

The CFP reform in 2013 introduced two elements that significantly changed the backdrop for the technical measures. On the one hand, regionalisation should hand over decision-making to a local level, allowing the direct involvement of stakeholders. On the other hand, the landing obligation is an incentive for fishermen to avoid unwanted catches, which is one of the main tasks of the technical measures.

2. Gist of the proposal

On 11 March 2016, the Commission presented its proposal to reform the technical measures. The Commission's proposal is intended to simplify the existing rules, optimise the contribution of the technical measures towards achieving the objectives of the new CFP and, in particular, to reach the maximum sustainable yield and create the flexibility needed to adjust the technical measures to the specificities of the different fisheries by means of a regionalised decision-making procedure.

The proposal is based on a set of general measures for all seas and several series of baseline measures for each of the seven sea basins. It also lays down the delegation of powers for the development of regional measures.

Thus, simplification, together with regionalisation, constitute the proposal's core. The Commission chose the option that would remove a maximum of general baseline standards, granting a wide margin to regionalisation, which would make it possible to adjust the baseline standards to each fishery. Regionalisation also represents a means of simplifying the rules. Moreover, it is hoped that regionalisation will improve the effectiveness of the technical measures, providing them with the necessary flexibility.

3. Position of the rapporteur

The rapporteur welcomes the Commission's proposed results-based approach. It is to be hoped that this approach will reduce recourse to micro-management and will encourage greater sectoral involvement. The challenge of this dossier is in setting the limits between simplification and the need for detailed standards in certain cases, on the one hand, and the regionalisation and the standards that should remain the joint decision of the European Parliament and Council, on the other hand.

The first problem is that both the institutions and the stakeholders welcome simplification and regionalisation, but their visions for these concepts differ greatly. For example, the Commission is seeking to simplify the rules, establishing a common base for all basins and removing many current derogations. As a result, a considerable number of fisheries would become illegal overnight. This is one of the limits of simplification. Some forums fear that regionalisation will be used to nationalise the adoption of technical measures. However, the Lisbon Treaty and the CFP set limits to that possible development.

As regards the objective and targets of the technical measures, the rapporteur does not share the Commission's focus. Although he supports the results-based management approach and believes the effectiveness of the technical measure should be assessed, he thinks the term 'targets' should be replaced by 'performance indicators'. That term is a more accurate description of the assessment function.

Nor does he agree with the wording that makes the fulfilment of the CFP's objectives the full responsibility of the technical measures. The technical measures should contribute to achieving the CFP's objectives, but they are merely one of its instruments, as are the multiannual plans, the TACs and quotas. It is therefore preferable to use the term 'contribute' rather than 'ensure'.

It does not seem reasonable to use the 5% tolerance margin for catches under the minimum size as a target. It should be pointed out that this 5% is only an exemption to an instrument such as the landing obligation. For this reason, it seems excessive to consider it a target. It does seem reasonable, however, to use the Maximum Sustainable Yield, which is one of the CFP's objectives, as a performance indicator.

The Commission also intends to set a number of targets in accordance with different directives. Evidently, the technical measures, such as the CFP, should be in line with EU environmental policy, but basing regulation targets on directives presents several problems which lead to legal uncertainty.

By definition, the directives apply to the Member States, which must incorporate them into national law. European Parliament and Council regulations are never subject to the Directives. Moreover, the Water Framework Directive has no connection to the technical measures, given that they do not affect water quality.

The Marine Strategy Framework Directive (MSFD) presents serious problems, as has been demonstrated, including in finding appropriate wording and in establishing good environmental status. Only two Member States provided adequate definitions for good environmental status concerning the good status of commercially exploited fishing resources. Nine provided definitions considered to be only partially adequate, while nine others provided definitions regarded by the Commission as inadequate.

References to the MSFD appear under both specific objectives (Article 3) and targets (Article 4), which makes the proposal harder to follow. A further problem arises from the fact that, ultimately, the targets of the technical measures would be set by way of a Commission decision. It would be irregular for the objectives of a Regulation of the European Parliament and of the Council to be set by Commission decision.

Furthermore the setting of objectives based on international agreements raises various problems. The Commission proposal seeks to establish the objectives of the technical measures through international agreements, whether they have been signed by the EU or not.

So far, once the EU has signed any international agreement relating to technical measures, it has been transposed into EU law. For example, a number of provisions relating to technical measures are in line with recommendations issued by the United Nations General Assembly¹ or international agreements falling within the remit of the UN and of which the EU is a contracting party².

The Commission is seeking to ensure that bycatches of non-commercially exploited species do not exceed levels provided for in international agreements. Firstly, it does not list these international agreements, which gives rise to a question of an institutional nature, given that the proposed provision might result in the automatic transposition into Union law of any international agreement, including agreements concluded between third countries. In addition, it must be remembered that international agreements are adopted by the EU under the Assent procedure and that the European Parliament is not involved in the negotiations regarding the substance thereof. Under the regulation on technical measures, however, the Codecision procedure applies.

Simplification and detailed rules

Simplification is welcomed by the rapporteur, taking into account that the current legislation is prolific and illegible, which makes it difficult to apply it correctly. However, when it comes to the annexes proposed by the Commission, that simplification goes too far and lays down measures that are not adapted to the present situation. The Commission has also failed to consider the need to resolve certain issues that have surfaced regarding the application of the current legislation.

In the Commission's proposal, simplification also leads to a time lag between the technical measures recognised in the Annexes, which will immediately enter into force, and the measures that will be adopted under regionalisation, once the Annexes have been amended. That time lag could lead to confusion in practice and to bringing some fisheries to an immediate standstill.

The rapporteur believes that simplification should not mean reinventing the standards, but rather making the existing rules clearer and making it easier for fishermen to apply them. To prevent problems, the status quo should be maintained as much as possible within the present regulation.

¹ Regulation (EC) No 734/2008 (on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears)

² Regulation (CE) No 520/2007 and Regulation (CE) No 302/2009 (International Convention for the Conservation of Atlantic Tunas) and Regulation (EC) No 601/2004 (Convention for the conservation of Antarctic marine living resources)

Regionalisation and baseline standards

The rapporteur considers that the decisions adopted at local level could improve legislation by adapting it to fishery or sea basin specificities. Regionalisation should enable decisions on the technical measures to be adjusted to fisheries' real circumstances. The objective is to remove the rigidity that exists in the current rules and to opt for legislation that is more progressive and adapted to the context. The regionalisation approach is coherent with the aim of results-based technical measures. The flip side of the coin is the European Parliament's loss of power.

Regionalisation should not create an extreme scenario where the baseline standards are reduced to a bare minimum and the application of key aspects may be amended by means of delegated acts. That would mean that what is decided in the regulation on the technical measures would be purely transitory: the Commission, on the basis of joint recommendations from the Member States, and without the involvement of the European Parliament, could amend the basic elements of the regulation by means of delegated acts. That would be unacceptable.

Under no circumstances should regionalisation lead to renationalisation. It must be stressed that the EU's fishing policy is a common policy and not by chance: shared and migratory stocks should be managed together. Some key basic principles, therefore, should remain the joint decision of the central EU institutions. That will create a level playing field between all EU operators and will make the technical measures easier to apply and follow.

The rapporteur considers that the multiannual plans should play a key role in fishery resources management and that they are the most appropriate vehicle for the adoption and application of specific technical measures in the regionalisation process.

Regionalisation, of course, should not be hindered by the absence of multiannual plans. In such an event, the Member States should not be stopped from presenting joint regional recommendations which would lead to Commission delegated acts, in line with the procedure described in Article 18 of the basic CFP regulation.

10.3.2017

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Fisheries

on the proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (COM(2016)0134 – C8-0117/2016 – 2016/0074(COD))

Rapporteur: Claudiu Ciprian Tănăsescu

SHORT JUSTIFICATION

Technical measures are rules governing how, where and when fishermen may fish, and have an important role in ensuring that fishing is done in an environmentally sustainable manner. As alarming numbers of fish stocks in European waters continue to be overfished and the levels of by-catches of non-target species often remain high in spite of best efforts to respond to these problems with regulatory changes, it is clear that the current regulatory structure for technical measures has performed sub-optimally. Especially following the adoption of the new Common Fisheries Policy (CFP) Basic Regulation, it is now crucial that the Technical Measures Framework is adjusted to fulfil the objectives laid out in the CFP. Moreover, to ensure the sustainable exploitation of our fishery resources as well as protect sensitive species and habitats, the new Technical Measures must be in line with the Union's environmental legislation and commitments.

The Commission proposal is a step in the right direction. For better success in the future, fisheries have to be governed proactively, and in partnership with fishermen and all other stakeholders. Regionalisation of technical measures, in the right framework and provided that the process of regionalisation follows common objectives and aims to fulfil current or higher levels of the Union's environmental commitments, provides an opportunity for such improved governance. To make it absolutely clear that the process of regionalisation must take place in the context of existing objectives, provisions related to especially the Birds and Habitats Directives (Directives 92/43/EEC and 2009/147/EC) should be more clearly inserted and integrated throughout the text.

Moreover, some aspects of the Commission proposal also require improved wording to better ensure that the new approach delivers as the new technical measures must also respect other principles of the Union's fisheries and environmental management. Firstly, fisheries policy must be scientifically based: decisions on management of our common natural resources must be based on as accurate data as possible, build on best available scientific advice that is public and reviewable, and where data is unreliable or scientific advice inconclusive, the precautionary approach must apply. Secondly, especially following the shift towards results-based management of fisheries, the implementation, monitoring and enforcement provisions of the proposal must be fit for purpose. The Member States should also use the new framework and the proactive, stakeholder-inclusive regulatory approach to build a "culture of compliance".

From the environmental point of view, key role of the new technical measures framework should be to ensure the correct baseline for technical measures and the right conditions under which regionalisation should happen. It is clear that the framework must also be able to respond quickly in cases where data and scientific advice show it functions sub-optimally. As such, the new technical measures should not only aim for new targets, but the technical measures should reach the set targets; if the targets are not reached, then the technical measures are not the right ones.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Simplification of the existing rules is necessary for a better understanding and acceptance by operators, national authorities and stakeholders. Participation in decision-making from the sector should be encouraged. Attention should be paid for standards on conservation and sustainability not to be weakened.

Amendment 2

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Technical measures **where relevant** should apply to recreational fisheries which can have a significant impact on the stocks of fish and **shellfish** species.

(6) Technical measures should apply to recreational fisheries which can have a significant impact on the **marine environment**, stocks of fish and **other** species.

Amendment 3

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The incidental catching and killing of protected species should be addressed in a comprehensive manner across all fisheries and gear types in view of the strict level of protection they are afforded under Council Directive 92/43/EEC, their high level of vulnerability and the obligation to achieve a good environmental status by 2020.

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) To evaluate the effectiveness of technical measures, targets relating to the levels of unwanted catches; to the level of bycatches of sensitive species and to the extent of seabed habitats adversely affected by fishing; should be established that reflect the objectives of the CFP, Union environmental legislation (in particular Council Directive 92/43 and Directive 2000/60/EC of the European Parliament and of the Council²¹), and international best **practice**.

(9) To evaluate the effectiveness of technical measures, targets relating to the levels of unwanted catches; to the level of bycatches of sensitive species and to the extent of seabed habitats adversely affected by fishing; should be established that reflect the objectives of the CFP, Union environmental legislation (in particular Council Directive 92/43, **Directive 2009/147/EC**, and Directive 2000/60/EC of the European Parliament and of the Council²¹), and international best **practices**.

²¹ Directive 2000/60/EC of the European

²¹ Directive 2000/60/EC of the European

Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy OJ L 327, 22.12.2000, p.1.

Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy OJ L 327, 22.12.2000, p. 1.

Amendment 5

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) For certain *rare* fish species, such as species of sharks and rays, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment

(15) For certain fish species ***that are rare or whose biological characteristics make them especially vulnerable to overexploitation***, such as species of sharks and rays, even limited fishing activity could result in a serious risk to their conservation. To protect such species a general prohibition on fishing for them should be introduced.

Amendment 6

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) The *practises* of highgrading and slipping should be prohibited ***except*** in cases where exemptions are introduced under the landing obligation.

Amendment

(22) The *practices* of highgrading and slipping should be prohibited. ***Slipping may only be permitted*** in cases where exemptions are introduced under the landing obligation ***and only if data collection requirements are introduced alongside to the exemptions.***

Justification

Slipping is a method to handle fish prior to hauling it on board, meaning that the sorting takes place already in the water. It is therefore in line with the intention of exemptions from the landing obligation in cases where high survivability rates have been proven. High-grading is an economic choice for discarding low priced fish already on board. This practice may have tremendous effects on the different species according to their survival capacities, e.g. nephrops with survival rates are above 90% vs other species such as sole. Therefore a different approach shall be taken concerning these 2 practices

Amendment 7

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Where no technical measures are in place at regional level then defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **mitigate against** bycatches of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment

(24) Where no technical measures are in place at regional level then defined baseline standards should apply. Those baseline standards should be derived from existing technical measures, taking account of STECF advice and the opinions of stakeholders. They should consist of baseline mesh sizes for towed gears and static nets, minimum conservation reference sizes, closed or restricted areas, nature conservation measures to **minimise, and, where possible, eliminate** bycatches of marine mammals and seabirds in certain areas and any other regionally specific measures currently in existence that are still required to ensure conservation objectives continue to be met until such times measures are put in place under regionalisation.

Amendment 8

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Member States in conjunction with stakeholders **can** develop joint recommendations for appropriate technical measures **that deviate from the baselines** in accordance with the regionalisation process set out in the CFP.

Amendment

(25) Member States, in conjunction with stakeholders, **should** develop joint recommendations for appropriate technical measures, in accordance with the regionalisation process set out in the CFP, **even where there is no multiannual plan.**

Amendment 9

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Such regional technical measures should as a minimum be equivalent in terms of exploitation patterns and protection for sensitive species and habitats as the baseline standards.

Amendment

(26) Such regional technical measures should ***aim for high environmental sustainability and***, as a minimum, be equivalent in terms of exploitation patterns and protection for sensitive species and habitats as the baseline standards. ***The adoption of regional technical measures should be based on best available scientific advice.***

Amendment 10

**Proposal for a regulation
Recital 26 a (new)**

Text proposed by the Commission

Amendment

(26a) Regionalisation should be used as a tool to encourage the participation of all relevant stakeholders, including NGOs, and empower fishermen and their engagement so that they can work in close cooperation with Member States, Advisory Councils and scientists, to create tailor-made measures that consider the specificities of each fishing areas and safeguard their environmental conditions;

Amendment 11

**Proposal for a regulation
Recital 26 b (new)**

Text proposed by the Commission

Amendment

(26b) Decisions taken by regional groups of Member States under regionalisation should meet the same standards of democratic oversight as those in the concerned Member States.

Amendment 12

Proposal for a regulation
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) *Where there is a direct management interest concerning a single Member State, proposals for individual technical measures may be submitted, to modify existing conservation measures, subject to consultation of the relevant Advisory Councils.*

Amendment 13

Proposal for a regulation
Recital 28

Text proposed by the Commission

Amendment

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes ***in multiannual plans*** regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

(28) In developing joint recommendations to adopt alternative size and species selective gears to the baseline mesh sizes, regional groups of Member States should ensure that such gears result in, as a minimum, similar or improved selectivity patterns as the baseline gears.

Amendment 14

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) In developing joint recommendations to amend or establish new closed or restricted areas ***in multiannual plans*** to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

(29) In developing joint recommendations to amend or establish new closed or restricted areas to protect juveniles and spawning aggregations, regional groups of Member States should define the specifications, extent, duration, gear restrictions and control and monitoring arrangements in their joint recommendations.

Amendment 15

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes ***in multiannual plans***, regional groups of Member States should ensure the objectives of the CFP are ***not jeopardised*** by ensuring that the protection of juveniles of marine species ***should be*** respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment

(30) In developing joint recommendations to amend or establish minimum conservation reference sizes, regional groups of Member States should ensure the objectives of the CFP are ***achieved*** by ensuring that the protection of juveniles of marine species ***is*** respected while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.

Amendment 16

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Amendment

(31) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of juveniles or spawning aggregations ***or sensitive species*** should be allowed as an option to be developed under joint recommendations. The conditions for the establishment and lifting of such areas as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.

Amendment 17

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) On the basis of scientific

Amendment

(32) On the basis of scientific

assessment of the impacts of innovative gears, duly evaluated by the STECF, the use of such or extension to the use of novel gears, such as the electric pulse trawl could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative impacts on sensitive habitats *and* non-target species.

assessment of the impacts of innovative gears, duly evaluated by the STECF, the use of such or extension to the use of novel gears, such as the electric pulse trawl could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gears should not be permitted where scientific assessment indicates that their use will lead to negative *direct or cumulative* impacts on *marine habitats, especially* sensitive habitats, *or* non-target species.

Amendment 18

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In order to minimise the bycatches of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a *serious* threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment

(33) In order to minimise *and, where possible, eliminate* the bycatches of sensitive species and impacts of fishing gears on sensitive habitats, regional groups of Member States should develop additional mitigation measures to reduce the impacts of fishing on sensitive species and habitats. Where scientific evidence shows that there is a threat to the conservation status of such species and habitats then Member States should introduce additional restrictions on the construction and operation of certain fishing gears or even the introduction of a total prohibition on their use in that region. In particular such provisions could be applied to the use of driftnets which in certain areas has resulted in significant catches of cetaceans and seabirds.

Amendment 19

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of multiannual plans; and to adopt technical measures as part of temporary discard plans. 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.

Amendment

(38) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to update the list of fish and shellfish for which directed fishing is prohibited; to update the list of sensitive areas where fishing should be restricted; to adopt technical measures as part of multiannual plans; and to adopt technical measures as part of temporary discard plans. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and based on STECF assessment**. 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.

Justification

All technical measures adopted should be conditional upon the positive assessment of the Scientific, Technical and Economic Committee for Fisheries (STECF). According to the CFP this Committee exists to provide sound scientific advice. Therefore, all technical measures should be assessed by STECF, as the impact of those measures on areas or non-targeted species may be unknown or not yet studied.

Amendment 20

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. As tools to support the implementation of the Common Fisheries Policy (CFP), technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 and in particular in paragraphs 2, 3 and 5(a) and (j) of that Article.

Amendment

1. As tools to support the implementation of the Common Fisheries Policy (CFP), technical measures shall contribute to the objectives of the CFP set out in Article 2 of Regulation (EU) No 1380/2013 and in particular in paragraphs **I**, 2, 3 and 5(a), **(i)** and (j) of that Article.

Amendment 21

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) *optimise* exploitation patterns *to provide protection for* juveniles and spawning aggregations of marine species;

Amendment

(a) *ensure sustainable* exploitation patterns *that guarantee the conservation of fishery resources and protect sensitive sizes and ages, in particular* juveniles and spawning aggregations of marine species;

Amendment 22

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) ensure that bycatches of marine species listed under Directives 92/43/EEC and 2009/147/EC and other sensitive species that result from fishing are minimised and where possible eliminated *such that they do not represent a threat to the conservation status of these species*;

Amendment

(b) ensure that bycatches of marine species listed under Directives 92/43/EEC and 2009/147/EC and other sensitive species that result from fishing are minimised and where possible eliminated;

Amendment 23

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) ensure that the environmental impacts of fishing on marine habitats are minimised and where possible eliminated *such that they do not represent a threat to the conservation status of those habitats*;

Amendment

(c) ensure that the environmental impacts of fishing on marine habitats are minimised and where possible eliminated;

Amendment 24

Proposal for a regulation

Article 3 – paragraph 2 – point d a (new)

(da) ensure that the criteria provided for Descriptors 1, 3, 4 and 6, laid down in Part B of the Annex to the Commission Decision 2010/477/EU, are fulfilled.

Amendment 25

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Technical measures shall ***aim to*** achieve the following targets:

1. Technical measures shall achieve the following targets:

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ensure that catches of marine species below minimum conservation reference sizes do not exceed ***5% by volume in accordance with Article 2(2) and Article 15 of Regulation (EU) No 1380/2013.***

(a) ensure that catches of marine species below minimum conservation reference sizes do not exceed ***the volume as established by the joint recommendations of regional groups of Member States and are consistent with the discard plans, while variability among fish species and fishing gear should be taken into account.***

Amendment 27

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ensure that bycatches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements.

(b) ensure that bycatches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements,

with the aim of progressively eliminating such bycatches;

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) ensure that the environmental impacts of fishing activities on seabed habitats **do not exceed** the levels needed to achieve good environmental status for each habitat type assessed in the framework of Directive 2008/56/EC in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved.

Amendment

(c) ensure that the environmental impacts of fishing activities on **marine habitats, including sensitive seabed habitats, are minimised and maintained below** the levels needed to achieve good environmental status, **in particular** for each habitat type assessed in the framework of Directive 2008/56/EC in each marine region or subregion in relation to both habitat quality and the spatial extent over which the required levels need to be achieved **with the aim of ensuring that the criteria provided for Descriptor 6, laid down in Part B of the Annex to the Commission Decision 2010/477/EU, are fulfilled;**

Amendment 29

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ensure that by-catches of unwanted fish are progressively and gradually eliminated with the aim of ensuring that the criteria provided for Descriptors 1, 3 and 4, laid down in Part B of the Annex to the Commission Decision 2010/477/EU, are fulfilled.

Amendment 30

Proposal for a regulation

Article 6 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'exploitation pattern' means how fishing pressure is distributed across the age profile of a stock;

Amendment

(1) 'exploitation pattern' means how fishing pressure is distributed across the age **and size** profile of a stock;

Amendment 31

Proposal for a regulation

Article 6 – paragraph 1 – point 3

Text proposed by the Commission

(3) 'selective fishing' means a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species to be avoided or released unharmed;

Amendment

(3) 'selective fishing' means a fishing method's ability to target and capture fish or shellfish by size and species type during the fishing operation allowing non-target species **and juveniles of regulated species** to be avoided or released unharmed;

Amendment 32

Proposal for a regulation

Article 6 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) 'conservation status of a natural habitat' means the conservation of habitats as defined in point (e) of Article 1 of Directive 92/43/EEC;

Amendment 33

Proposal for a regulation

Article 6 – paragraph 1 – point 9

Text proposed by the Commission

(9) 'recreational fisheries' means non-commercial fishing activities exploiting marine living **aquatic** resources for recreation, tourism or sport;

Amendment

(9) 'recreational fisheries' means non-commercial fishing activities exploiting marine living **biological** resources for recreation, tourism or sport;

Amendment 34

Proposal for a regulation

Article 6 – paragraph 1 – point 10

Text proposed by the Commission

(10) 'Advisory Councils' means stakeholder groups established under the CFP **to promote a balanced representation of all stakeholders and** to contribute to the achievement of the objectives of the CFP;

Amendment

(10) 'Advisory Councils' means stakeholder groups established under the CFP **in accordance with Articles 43 to 45 and stakeholder representation in accordance with Annex III of Regulation (EU) No 1380/2013** to contribute to the achievement of the objectives of the CFP;

Justification

The composition of the Advisory Councils should respect the balance of representation established in the CFP.

Amendment 35

Proposal for a regulation

Article 6 – paragraph 1 – point 42

Text proposed by the Commission

(42) 'high grading' means the practice of discarding low priced fish that are subject to catch limits, even though they **could** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.

Amendment

(42) 'high grading' means the practice, of discarding low priced fish that are subject to catch limits, even though they **ought to** have been legally landed, so as to maximise the total economic or monetary value of the fish brought back to harbour.

Justification

Concerning the high-grading practice, discarding it is an economic choice that often has tremendous effects on the some species, as the survival rate is varying depending on the species and the time spent on board . The principle governing the practice shall be that this fish should be landed and not a flexible approach based on economic factors.

Amendment 36

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Notwithstanding the provisions of Article 2, this Article shall apply to waters on the high seas and to the waters of third countries.

Amendment 37

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary ***through the addition of new species which require protection***, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Amendment

4. Where the best available scientific advice indicates that an amendment of the list in Annex I is necessary, the Commission shall be empowered to adopt such amendments by means of delegated acts in accordance with Article 32.

Justification

The list should be subject to amendment not only when a new species requires protection, but also for example if a species requires protection in another additional area, or alternatively if a species would no longer require protection.

Amendment 38

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in Article 4(1)(b).

Amendment

5. Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in ***points (b) and (ca)*** of Article 4(1).

Amendment 39

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. When caught as bycatch, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.

Amendment

2. When caught as bycatch, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released. ***For species referred to in paragraph 1, fishing vessel operators shall record and transmit to the relevant authorities information on specimen caught as bycatch and released as per Commission Implementing Decision (EU) 2016/1251^{1a}.***

^{1a} Commission Implementing Decision (EU) 2016/1701 of 19 August 2016 laying down rules on the format for the submission of work plans for data collection in the fisheries and aquaculture sectors (notified under document C(2016) 5304) OJ L 260, 27.09.2016, p.153.

Justification

The Commission Implementing Decision (EU) 2016/1251 on data collection states that bycatch of sensitive species can be recorded in fishing logbooks. Furthermore, fishers often work with scientists to provide them with dead specimens. This is an important contribution that fishes do for the improvement of knowledge of these species.

Amendment 40

**Proposal for a regulation
Article 12 – paragraph 3**

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught as bycatch, shall be authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals ***and provided that*** the competent national authorities concerned ***have been*** fully informed ***in advance***.

Amendment

3. Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught as bycatch, shall be authorised as far as this activity is necessary to secure assistance for the recovery of the individual animals, ***or the specimen is dead and therefore can be used for scientific purposes.*** The competent national authorities concerned ***shall be***

fully informed.

Justification

The Commission Implementing Decision (EU) 2016/1251 on data collection states that bycatch of sensitive species can be recorded in fishing logbooks. Furthermore, fishers often work with scientists to provide them with dead specimens. This is an important contribution that fishes do for the improvement of knowledge of these species.

Amendment 41

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. On the basis of the best available scientific advice a Member State may put in place for vessels flying its flag, mitigation measures or restrictions on the use of certain gears pursuant to the procedure laid down in Article 19 of Regulation (EU) No 1380/2013. Such measures shall minimise and where possible eliminate the catches of the species referred to in paragraph 1 and shall be compatible with the objectives set out in Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as technical measures applicable under Union law.

Amendment

4. On the basis of the best available scientific advice a Member State may put in place for vessels flying its flag, mitigation measures or restrictions on the use of certain gears pursuant to the procedure laid down in Article 19 of Regulation (EU) No 1380/2013. Such measures shall minimise and where possible eliminate the catches of the species referred to in paragraph 1 ***or other species caught incidentally*** and shall be compatible with the objectives set out in Article 2 of Regulation (EU) 1380/2013 and be at least as stringent as technical measures applicable under Union law.

Amendment 42

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.

Amendment

1. It shall be prohibited to deploy the fishing gears specified in Annex II within the relevant areas set out in that Annex.
For special areas of conservation under Directive 92/43/EEC and special protection areas under Directive 2009/147/EC, deployment of fishing gears can only take place pursuant to Article

Amendment 43

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) ensuring the protection of juveniles of marine species pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment

(a) ensuring the protection of juveniles of marine species ***so that the majority of the fish caught has reached spawning age before being caught*** and pursuant to Article 15(11) and 15(12) of Regulation (EU) No 1380/2013;

Amendment 44

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. ***Paragraph 1 shall not*** apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Amendment

2. ***Without prejudice to*** paragraph 1, ***slipping may*** apply to catches of species which are exempted from the application of the landing obligation in accordance with Article 15(4) of Regulation (EU) No 1380/2013.

Justification

In slipping, the sorting takes place already in the water. It is therefore in line with the intention of exemptions from the landing obligation in cases where high survivability rates have been proven. High-grading is an economic choice for discarding low priced fish already on board. This practice may have tremendous effects on the different species according to their survival capacities, therefore, a different approach shall be taken concerning the landing obligations of these 2 practices

Amendment 45

Proposal for a regulation

Article 17 – title

Text proposed by the Commission

Amendment

Species not subject to catch limits

Catches of unwanted species not subject to catch limits

Amendment 46

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. In accordance with the procedure set out in Article 18 of Regulation (EU) No 1380/2013 Member States may submit joint recommendations defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1.

Amendment

2. In accordance with the procedure set out in Article 18 of Regulation (EU) No 1380/2013 Member States may submit joint recommendations defining appropriate technical measures at the regional level that deviate from the measures set out in paragraph 1. ***In doing so, Member States should aim at involving to the greatest extent all relevant stakeholders.***

Amendment 47

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. Technical measures recommended in accordance with paragraph 2 shall as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.

Amendment

3. Technical measures recommended in accordance with paragraph 2 shall ***aim for high environmental sustainability and*** as a minimum be equivalent in terms of exploitation patterns and level of protection provided for sensitive species and habitats as those measures referred to in paragraph 1.

Amendment 48

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Regional measures ***under multiannual plans***

Amendment

Technical measures ***in the context of regionalisation***

Amendment 49

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.

Amendment

1. The Commission shall be empowered to establish technical measures at regional level with the aim of achieving objectives of multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013. Such measures shall be established by means of delegated acts adopted in accordance with Article 32 of this Regulation and Article 18 of Regulation (EU) No 1380/2013.
Notwithstanding Article 18(1) and (3) of Regulation (EU) No 1380/2013, the Commission may adopt such delegated acts also in the absence of a joint recommendation referred thereto.

Amendment 50

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

5. Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures.

Amendment

5. Where Member States submit joint recommendations for the establishment of technical measures as referred to in paragraph 1, they shall provide scientific evidence to support the adoption of those measures. ***Scientific evidence shall be made publicly available at the latest when the joint recommendation is transmitted to the Commission.***

Amendment 51

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission **may** require the STECF to assess the joint recommendations referred to in paragraph 5.

6. The Commission **shall** require the STECF to assess the joint recommendations referred to in paragraph 5.

Justification

The assessment of the Scientific, Technical and Economic Committee for Fisheries (STECF) should not be optional. According to the CFP this Committee exists to provide sound scientific advice. Therefore, the joint recommendations establishing technical measures should always be assessed by STECF, as the impact of those measures on areas or non-targeted species may not be holistically studied.

Amendment 52

Proposal for a regulation

Article 19 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The adoption of the technical measures, pursuant to paragraphs 1 and 2, shall be conditional upon a positive assessment by the STECF.

Justification

All recommendations amending, supplementing or derogating from existing measures should be scientifically assessed by STECF, as the impact of those measures on areas or non-targeted species may not be yet known or holistically studied. Only when the assessment is positive, these measures should be adopted.

Amendment 53

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. When Member States submit joint recommendations in accordance with Article 19 to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of

1. When Member States submit joint recommendations in accordance with Article 19 to amend or establish minimum conservation reference sizes listed in Part A of Annexes V to X they shall respect the objective of ensuring the protection of juveniles of marine species. **Joint**

juveniles of marine species.

recommendations shall be based on best available scientific evidence and shall take into account biological grounds, in particular the maturity size of the species. Joint recommendations shall not jeopardise the control and enforcement provisions relating to the landing and marketing of fish products.

Amendment 54

Proposal for a regulation

Article 23 – paragraph 1 – introductory part

Text proposed by the Commission

When Member States submit joint recommendations in accordance with Article 19 to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species, they shall include the following elements:

Amendment

When Member States submit joint recommendations in accordance with Article 19 to allow for the creation of real-time closures and moving on provisions with the aim of ensuring the protection of aggregations of juveniles or spawning fish or shellfish species **or sensitive species**, they shall include the following elements:

Justification

Sensitive species as defined on art.6 (7) are species whose protection is necessary to achieve good environmental status under Dir. 2008/56/EC. Real-time closures should also be an option for the protection of those species.

Amendment 55

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. When Member States submit joint recommendations in accordance with Article 19 to allow for the use or extend the use of innovative fishing gears including the pulse trawl as described in Part E of Annex V within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species **and on sensitive species and**

Amendment

1. When Member States submit joint recommendations in accordance with Article 19 to allow for the use or extend the use of innovative fishing gears including the pulse trawl as described in Part E of Annex V within a specific sea basin, they shall provide an assessment of the likely impacts of using such gears on the targeted species, **on other species in the ecosystem**

habitats.

and on habitats. Such an assessment shall be based on use of the innovative gear during a trial period which shall be limited to no more than 5% of the vessels currently in that métier for a period of at least two years.

Amendment 56

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. The use of innovative fishing gears shall not be permitted where those assessments indicate that their use will lead to negative impacts on sensitive habitats *and* non-target species.

Amendment

3. The use of innovative fishing gears shall not be permitted where those assessments indicate that their use will lead to *direct or cumulative* negative impacts on *marine habitats, including* sensitive habitats *or* non-target species.

Amendment 57

Proposal for a regulation Article 26 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species.

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular for the protection of aggregations of juveniles or spawning fish or shellfish species. *They shall be at least as stringent as technical measures applicable under Union law.*

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Conservation of fishery resources and the protection of marine ecosystems through technical measures
References	COM(2016)0134 – C8-0117/2016 – 2016/0074(COD)
Committee responsible Date announced in plenary	PECH 11.4.2016
Opinion by Date announced in plenary	ENVI 11.4.2016
Rapporteur Date appointed	Claudiu Ciprian Tănăsescu 27.4.2016
Discussed in committee	30.1.2017
Date adopted	9.3.2017
Result of final vote	+ : 37 - : 22 0 : 3
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Alberto Cirio, Birgit Collin-Langen, Mireille D'Ornano, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Ian Duncan, Stefan Eck, Bas Eickhout, José Inácio Faria, Karl-Heinz Florenz, Francesc Gambús, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Jytte Guteland, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Peter Liese, Valentinas Mazuronis, Gilles Pargneaux, Bolesław G. Piecha, Pavel Poc, Julia Reid, Frédérique Ries, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Estefanía Torres Martínez, Nils Torvalds, Adina-Ioana Vălean
Substitutes present for the final vote	Clara Eugenia Aguilera García, Nicola Caputo, Albert Deß, Eleonora Evi, Anja Hazekamp, Merja Kyllönen, James Nicholson, Gabriele Preuß, Christel Schaldemose, Bart Staes, Carlos Zorrinho
Substitutes under Rule 200(2) present for the final vote	Edouard Martin, Lieve Wierinck

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
ALDE	Gerben-Jan Gerbrandy, Valentinas Mazuronis, Frédérique Ries, Nils Torvalds, Lieve Wierinck
ECR	Mark Demesmaeker, Julie Girling
EFDD	Eleonora Evi
GUE/NGL	Stefan Eck, Anja Hazekamp, Kateřina Konečná, Merja Kyllönen, Estefanía Torres Martínez
NI	Zoltán Balczó
S&D	Clara Eugenia Aguilera García, Simona Bonafè, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nicola Caputo, Nessa Childers, Seb Dance, Jytte Guteland, Karin Kadenbach, Edouard Martin, Gilles Pargneaux, Pavel Poc, Gabriele Preuß, Christel Schaldemose, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Bas Eickhout, Benedek Jávor, Davor Škrlec, Bart Staes

22	-
ECR	Ian Duncan, Arne Gericke, Urszula Krupa, James Nicholson, Boleslaw G. Piecha
EFDD	Julia Reid
PPE	Pilar Ayuso, Ivo Belet, Alberto Cirio, Birgit Collin-Langen, Angélique Delahaye, Albert Deß, José Inácio Faria, Karl-Heinz Florenz, Francesc Gambús, Jens Gieseke, Françoise Grossetête, Peter Liese, Annie Schreijer-Pierik, Renate Sommer, Ivica Tolić, Adina-Ioana Vălean

3	0
ENF	Mireille D'Ornano, Sylvie Goddyn, Jean-François Jalkh

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conservation of fishery resources and the protection of marine ecosystems through technical measures			
References	COM(2016)0134 – C8-0117/2016 – 2016/0074(COD)			
Date submitted to Parliament	11.3.2016			
Committee responsible Date announced in plenary	PECH 11.4.2016			
Committees asked for opinions Date announced in plenary	DEVE 11.4.2016	ENVI 11.4.2016		
Not delivering opinions Date of decision	DEVE 24.5.2016			
Rapporteurs Date appointed	Gabriel Mato 12.4.2016			
Discussed in committee	19.4.2016	12.7.2016	8.9.2016	10.10.2016
	10.11.2016	25.4.2017	30.5.2017	
Date adopted	21.11.2017			
Result of final vote	+: -: 0:	20 5 2		
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Renata Briano, Alain Cadec, David Coburn, Richard Corbett, Diane Dodds, Linnéa Engström, Mike Hookem, Ian Hudghton, Carlos Iturgaiz, Werner Kuhn, António Marinho e Pinto, Barbara Matera, Gabriel Mato, Norica Nicolai, Liadh Ní Riada, Ulrike Rodust, Annie Schreijer-Pierik, Remo Sernagiotto, Ricardo Serrão Santos, Isabelle Thomas, Ruža Tomašić, Peter van Dalen, Jarosław Wałęsa			
Substitutes present for the final vote	Anja Hazekamp, Yannick Jadot, France Jamet, Verónica Lope Fontagné, Francisco José Millán Mon, María Lidia Senra Rodríguez			
Date tabled	28.11.2017			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

20	+
ALDE Group	António Marinho e Pinto, Norica Nicolai
ECR Group	Remo Sernagiotto, Ruža Tomašić, Peter van Dalen
GUE/NGL Group	Liadh Ní Riada
NI	Diane Dodds
PPE Group	Alain Cadec, Carlos Iturgaiz, Werner Kuhn, Verónica Lope Fontagné, Gabriel Mato, Annie Schreijer-Pierik, Jarosław Wałęsa
S&D Group	Clara Eugenia Aguilera García, Renata Briano, Richard Corbett, Ulrike Rodust, Ricardo Serrão Santos, Isabelle Thomas

5	-
EFDD Group	David Coburn, Mike Hookem
Verts/ALE Group	Marco Affronte, Linnéa Engström, Ian Hudghton

2	0
ENF Group	France Jamet
GUE/NGL Group	Maria Lidia Senra Rodríguez

Key to symbols:

+ : in favour

- : against

0 : abstention