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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 – C7-0196/2012 – 2012/0179(COD))

Committee on Fisheries

Rapporteur: Kriton Arsenis

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

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 – C7-0196/2012 – 2012/0179(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0371),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0196/2012),
 - 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 February 2013¹,
 - having regard to Rule 55 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 (A7-0395/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 133, 9.5.2013, p. 41.

Amendment 1

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) As established in Article 11 of the Treaty on the Functioning of the European Union (TFEU), environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, including deep sea fisheries conservation, in particular with a view to promoting sustainable development;

Justification

This amendment ensures compliance with Union primary Law, which establishes in Article 11, TFEU the principle of environmental integration in defining and implementing Union policies.

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the ***destructive*** impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

Recommendations with measures developed and adopted by the North East Atlantic Fisheries Commission (NEAFC) to protect deep water vulnerable marine ecosystems against the adverse effects of

bottom fishing gear, in accordance with paragraph 83(a) of Resolution 61/105 and paragraphs 119(a) and 120 of Resolution 64/72, should be formally incorporated into Union law in their entirety.

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Furthermore the Union should act as a leader in the establishment and implementation of good-governance measures for the sustainable management of deep-sea fisheries within international fora in line with the Resolutions adopted by the General Assembly of the United Nations and by FAO and reflected in this Regulation.

Amendment 4

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The capacity of vessels with deep-sea fishing permits has been limited since 2002 to the aggregate capacity of all the vessels that caught more than 10 tonnes of any mixture of deep sea species in any of the years 1998, 1999 or 2000. The Commission evaluation concluded that this capacity ceiling had no substantial positive effect. Given the past experience and the lack of accurate data in many deep sea fisheries, it is inadequate to manage these fisheries by means of effort

limits only.

Amendment 5

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to maintain necessary reductions in fishing capacity achieved so far in deep-sea fisheries, it is appropriate to provide that fishing for deep-sea species is subject to a fishing authorisation which limits the capacity of vessels eligible to land deep-sea species. With a view to focus management measures on the part of the fleet most relevant for deep-sea fisheries, the fishing authorisations should be issued according to target or by-catch fishery.

Amendment

(4) In order to maintain necessary reductions in fishing capacity achieved so far in deep-sea fisheries, it is appropriate to provide that fishing for deep-sea species is subject to a fishing authorisation which limits the capacity of vessels eligible to land deep-sea species. With a view to focus management measures on the part of the fleet most relevant for deep-sea fisheries, the fishing authorisations should be issued according to target or by-catch fishery.

However, the obligation to land all catches established in Regulation (EU) No .../2013 of the European Parliament and of the Council^{12a} should be taken into account so that vessels catching a small quantity of deep-sea species and which are not currently subject to a deep-sea fishing permit, are not deprived of the opportunity to continue their traditional fishing activities.

^{12a} Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 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, (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L ...).

Amendment 6

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Holders of a fishing authorisation allowing the catch of deep-sea species should cooperate in scientific research activities leading to an improvement in the assessment of deep-sea stocks and deep-sea ecosystems.

Amendment

(5) Holders of a fishing authorisation allowing the catch of deep-sea species should cooperate in scientific research activities leading to an improvement in the assessment of deep-sea stocks and **research into** deep-sea ecosystems.

Amendment 7

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Deep-sea fishing with bottom trawls **carry** the highest risk for vulnerable marine ecosystems among the different gears used **and reports the highest rates of undesired catch of deep-sea species. Bottom trawls should therefore be permanently prohibited from the targeting of deep-sea species.**

Amendment

(7) Deep-sea fishing with bottom trawls **carries** the highest risk for vulnerable marine ecosystems among the different gears used.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Bottom-set gillnets are currently restricted in entering deep-sea fisheries by Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011¹³. In view of the high rates of undesired catch when they were deployed unsustainably in deep waters, and in view of the ecological impact of lost and abandoned gear, this gear should also be permanently prohibited from the targeting

Amendment

deleted

of deep-sea species.

¹³ OJ L 347, 24.12.2009, p. 6.

Amendment 9

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) *However, in order to provide fishermen with* sufficient time to adjust to the new requirements current fishing authorisations for fishing with bottom trawls and bottom-set gillnets should continue to be valid for a specified period of time.

Amendment

(9) *Fishermen require* sufficient time to adjust to the new requirements, *and* current fishing authorisations for fishing with bottom trawls and bottom-set gillnets should continue to be valid for a specified period of time, *so as to minimise the negative consequences for the fleet engaging in this fishing activity.*

Amendment 10

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Moreover, vessels which *have* to change gear *in order to be able to stay in the fishery* should be eligible for receiving financial assistance from the European Fisheries Fund provided that the new gear reduces the impact of fishing on non-commercial species and provided also that the national operational programme allows contributing to such measures.

Amendment

(10) Moreover, vessels which *wish* to change gear should be eligible for receiving financial assistance from the European Fisheries Fund provided that the new gear reduces the impact of fishing on non-commercial species and provided also that the national operational programme allows contributing to such measures.

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Vessels targeting deep-sea species ***with other bottom gear*** should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems.

Amendment

(11) Vessels targeting deep-sea species should not extend their range of operation according to their ***fishing*** authorisation within Union waters, unless ***following an assessment in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, the extension is proven not to carry*** a significant risk of negative impact on vulnerable marine ecosystems.

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Scientific advice concerning certain fish stocks found in the deep-sea indicates that these stocks are particularly vulnerable to exploitation, ***and that fishing*** for these stocks should be limited or reduced as a precautionary measure. ***Fishing opportunities for deep-sea stocks should not go beyond those levels which are scientifically advised as precautionary.*** In the case of advice being absent for lack of sufficient information about stocks or species, no fishing opportunities should be allocated.

Amendment

(12) Scientific advice concerning certain fish stocks found in the deep-sea indicates that these stocks are particularly vulnerable to exploitation. ***Fishing*** for these stocks should be limited or reduced as a precautionary measure ***and aim at achieving levels above those capable of producing maximum sustainable yield.*** In the case of advice being absent for lack of sufficient information about stocks or species, no fishing opportunities should be allocated.

It should be noted however, that several stocks of deep-water species of significant commercial interest, such as Roundnose grenadier (Coryphaenoides rupestris), Blue ling (Molva dypterigia) and Black scabbardfish (Aphanopus carbo), have according to ICES stabilised over the last three years.

Amendment 13
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to specific fisheries.

Amendment

(13) The lack of accurate data in most deep sea fisheries and the mixed nature of most of them make it necessary to implement complementary management measures. Where appropriate, catch limits should be combined with effort limits. Both should be set at levels which minimise and prevent impacts on non-target species and vulnerable marine ecosystems.

Amendment 14
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Given that biological information can best be collected by way of harmonised data collection standards, it is appropriate to integrate data collection on deep-sea métiers into the general framework of scientific data collection, while ensuring the provision of additional information necessary to understand the dynamics of the fisheries. For simplification purposes, the effort reporting by species should be discontinued and replaced by the analysis of recurrent scientific data calls to Member States which contain a specific chapter on deep-sea métiers.

Amendment

(15) Given that biological information can best be collected by way of harmonised data collection standards, it is appropriate to integrate data collection on deep-sea métiers into the general framework of scientific data collection, while ensuring the provision of additional information necessary to understand the dynamics of the fisheries. For simplification purposes, the effort reporting by species should be discontinued and replaced by the analysis of recurrent scientific data calls to Member States which contain a specific chapter on deep-sea métiers. ***Member States should ensure compliance with data collection and reporting obligations, in particular with those related to the protection of vulnerable marine ecosystems.***

Amendment 15

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) A high number of species are caught in deep sea fisheries, including vulnerable species of deep sea sharks. It is necessary to ensure that the obligation to land all catches in deep sea fisheries covers species not subject to catch limits and that de minimis provisions are not applied to these fisheries. A fully implemented obligation to land could greatly contribute to fill the existing data gaps in these fisheries and to a better understanding of the impact of these fisheries on the wide range of species caught.

Amendment 16

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

Text proposed by the Commission

Amendment

(a) to ensure the sustainable exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

(a) to ensure the sustainable ***management and*** exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment 17

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

Text proposed by the Commission

Amendment

(aa) to prevent significant adverse impacts on vulnerable marine ecosystems and

ensure the long-term conservation of deep sea fish stocks;

Justification

An EU Regulation on the management of deep-sea fisheries should contribute to meet the requirements of UNGA Resolution 61/105, paragraphs 83-86, and UNGA Resolution 64/72, paragraphs 119 and 120. The protection of vulnerable marine ecosystems and the long-term conservation of deep sea fish stocks should therefore be a key objective of this regulation.

Amendment 18

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) to minimise and where possible prevent by-catches;

Amendment 19

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) to apply the precautionary and ecosystem approaches to fisheries management and to ensure that the Union measures aimed at the sustainable management of deep-sea fish stocks are consistent with Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) Union waters of International Council

(a) Union waters of International Council

for the Exploration of the Sea (ICES) sub-areas II to XI and of Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2 and 34.2,

for the Exploration of the Sea (ICES) sub-areas II to XI and of Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2 and 34.2, ***including the fishing activities or intended fishing activities carried out by fishing vessels flying the flag of, and registered in, third countries,***

Amendment 21
Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 and Article 2 of Council Regulation (EC) No 734/2008¹⁵ shall apply.

¹⁵. OJ L 201, 30.7.2008, p. 8.

Amendment

1. For the purposes of this Regulation, the definitions laid down in Article 4 of Regulation (EC) No .../2013[***on the Common Fisheries Policy***] and Article 2 of Council Regulation (EC) No 734/2008¹⁵ shall apply.

¹⁵. OJ L 201, 30.7.2008, p. 8.

Amendment 22
Proposal for a regulation
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) "ICES zones" are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council¹⁶;

¹⁶.OJ L 87, 31.3.2009, p. 70.

Amendment

(a) "ICES zones, ***subzones, divisions and subdivisions***" are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council¹⁶

¹⁶.OJ L 87, 31.3.2009, p. 70.

Amendment 23
Proposal for a regulation
Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) "CECAF areas" are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council¹⁷;

¹⁷. OJ L 87, 31.3.2009, p. 1.

Amendment

(b) "CECAF areas, *subareas and divisions*" are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council¹⁷;

¹⁷. OJ L 87, 31.3.2009, p. 1.

Amendment 24

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ia) "sustainable exploitation" means the exploitation of a stock or group of fish stocks in a way that restores and maintains populations of fish stocks above levels capable of producing maximum sustainable yield and that does not have a negative impact on the marine ecosystems;

Amendment 25

Proposal for a regulation

Article 3 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely.

deleted

Amendment 26

Proposal for a regulation

Article 3 a (new)

Article 3a

Transparency, public participation and access to justice

1. For the implementation of this Regulation, the provisions of Directive 2003/4/EC^{17a} and Regulations 1049/2001/EC^{17b} and 1367/2006/EC^{17c} concerning access to environmental information shall apply.

2. The Commission, and Member States, shall ensure that all data-handling and decision-making under this Regulation is conducted in full compliance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters ('the Aarhus Convention', approved on behalf of the Union by Council Decision 2005/370/EC^{17d}).

^{17a} Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

^{17b} Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

^{17c} Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and

bodies (OJ L 264, 25.9.2006, p. 13).

^{17d} OJ L 124, 17.5.2005, p. 1.

Amendment 27
Proposal for a regulation
Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

Identification of deep-sea species and most vulnerable species

1. By ...⁺ and every two years thereafter, the Commission shall review the list of deep-sea species in Annex I, including the designation of most vulnerable species.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of deep-sea species in Annex I, including the designation of most vulnerable species, to incorporate new scientific information from Member States, from the scientific advisory body and from other relevant sources of information, including the IUCN Red List Assessments. When adopting such delegated acts, the Commission shall, in particular, take account of the IUCN Red List Criteria, the rarity of the species, its vulnerability to exploitation and whether the scientific advisory body has recommended a zero by-catch.

⁺ OJ please insert the date of entry into force of this Regulation

Amendment 28
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Fishing activities targeting deep-sea species carried out by a **Union** fishing vessel, shall be subject to a fishing authorisation, which shall indicate deep-sea species as the target species.

Amendment

1. Fishing activities targeting deep-sea species carried out by a fishing vessel, shall be subject to a fishing authorisation, **issued by the flag Member State**, which shall indicate deep-sea species as the target species.

Amendment 29

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to **10 % of the overall catch weight in the fishing day concerned**.

Amendment

(c) the vessel's master records in the logbook a percentage of **the** deep-sea species **listed in Annex I, which is caught within the waters included in the scope of this Regulation and which is** equal or superior to **one of the following thresholds**:

- **15%** of the overall catch weight in the fishing day concerned, **or**

- **8% of the overall catch weight in the fishing trip concerned**,

the choice of threshold being at the discretion of the vessel's master, or

Amendment 30

Proposal for a regulation

Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the vessel deploys bottom gears at depths of or below 600 meters.

Amendment 31

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purpose of calculating the percentages referred to in point c, the species in Annex I subject to deferred application, as indicated in the fourth column thereof, shall only be taken into account from⁺

⁺ OJ please insert the date five years after the entry into force of this Regulation.

Amendment 32

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Fishing activities not targeting deep-sea species but catching deep-sea species as a by-catch, ***carried out by a Union fishing vessel***, shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch.

3. Fishing activities not targeting deep-sea species but catching deep-sea species as a by-catch, shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch.

Amendment 33

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip.

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip. ***Details of all such catches, whether retained or discarded, including***

species composition, weight and sizes, shall be recorded in the vessel's logbook and reported to the competent authorities.

Amendment 34
Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

The aggregate fishing capacity ***measured in gross tonnage and in kilowatt*** of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during ***any of the two calendar years preceding the entry into force of this Regulation, whichever year provides the higher figure.***

Amendment

1. The aggregate fishing capacity of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during ***2009-2011, whichever year provides the higher figure.***

Amendment 35
Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. ***In order to achieve the objective set out in paragraph 1, Member States shall conduct annual capacity assessments in accordance with Article 22 of Regulation (EU) No .../2013 [on the Common Fisheries Policy]. The resulting report, as referred to in paragraph 2 of that Article, shall seek to identify structural overcapacity by segment and shall estimate the long-term profitability by segment. The reports shall be made publicly available.***

Amendment 36

Proposal for a regulation Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where the capacity assessments referred to in paragraph 1a indicate that the fishing mortality of deep sea stocks is above recommended levels, the Member State concerned shall prepare and include in the report an action plan for the affected fleet segment, in order to ensure that the fishing mortality exerted on the stocks concerned is consistent with the objectives of Article 10.

Amendment 37

Proposal for a regulation Article 5 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The capacity assessments and action plans referred to in this Article shall be made publicly available.

Amendment 38

Proposal for a regulation Article 5 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Where fishing opportunities for deep-sea species have been exchanged between Member States, the fishing capacity corresponding to the opportunities exchanged shall, for the purpose of establishing the aggregated fishing capacity according to paragraph 1, be

attributed to the donor Member State.

Amendment 39

Proposal for a regulation Article 5 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Notwithstanding paragraph 1, regional fleets in outermost regions where there is no continental shelf and virtually no alternatives to deep-sea resources shall be permitted an aggregate fishing capacity for deep-sea species which may at no time exceed the aggregate fishing capacity of the current fleet in each outermost region.

Amendment 40

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type of gears, the depth range at which the activities will be ***deployed, and of*** the individual species targeted.

1. Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its ***annual*** renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, ***indicating all the ICES and CECAF subareas, divisions and subdivisions covered, the type and the amount*** of gears, the depth range at which the activities will be ***carried out***, the individual species targeted, ***as well as the intended frequency and duration of the fishing activity. This information shall be made publicly available.***

Amendment 41

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

Text proposed by the Commission

Amendment

1a. Any application for a fishing authorisation shall be accompanied by a record of the concerned fishing vessels' catches of deep-sea species in the area for which an application is sought for 2009-2011.

Amendment 42

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Specific requirements for the protection of vulnerable marine ecosystems

1. Member States shall use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known or likely to occur. In addition, the scientific advisory body shall carry out an annual assessment of where vulnerable marine ecosystems are known or are likely to occur.

2. Where, based on the information referred to in paragraph 1, areas where vulnerable marine ecosystems are known or are likely to occur have been identified, Member States and the scientific advisory body shall inform the Commission in a timely manner.

3. By ...⁺, on the basis of the best scientific and technical information available and based on the assessments and identifications carried out by Member States and the scientific advisory body, the Commission shall establish a list of areas where vulnerable marine ecosystems are

known to occur or are likely to occur. The Commission shall review this list annually, on the basis of advice received from the scientific advisory body.

4. Fishing with bottom gears shall be prohibited in the areas identified according to paragraph 3.

5. The closures referred to in paragraph 4 shall apply to all Union vessels when they occur in the high seas, and to all vessels when the closure occurs in Union waters.

6. By way of derogation from paragraph 4, if the Commission, based on an impact assessment and after consulting the scientific advisory body, determines that there is sufficient evidence that vulnerable marine ecosystems are not present in a particular area which appears on the list referred to in paragraph 3, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, it may reopen that area to fishing with bottom gears.

7. Where, in the course of fishing operations, a fishing vessel encounters evidence of vulnerable marine ecosystems, it shall immediately cease fishing in the area concerned. It shall resume operations only when it has reached an alternative area at a minimum distance of five nautical miles from the fished area in which the encounter occurred.

8. The fishing vessel shall immediately report each encounter with vulnerable marine ecosystems to the competent national authorities, who in turn shall notify the Commission, without delay.

9. The areas referred to in paragraph 4 and 7 shall remain closed to fishing until such time as the scientific advisory body carries out an assessment of the area and concludes that no vulnerable marine ecosystems are present, or that

appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, after which the Commission may reopen that area to fishing.

+ OJ: Please insert the date: one year after the entry into force of this Regulation.

Amendment 43
Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation *for targeted deep sea fisheries, as referred to in Article 4(1)*, that allows the use of bottom gears in Union waters as referred to in Article 2(a), shall be accompanied by a detailed fishing plan specifying:

Amendment

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation, *issued in accordance with Article 4*, that allows the use of bottom gears in Union waters as referred to in Article 2(a), *or in international waters as referred to in Article 2(b) and (c)*, shall be accompanied by a detailed fishing plan, *which shall be made publicly available*, specifying:

Amendment 44
Proposal for a regulation
Article 7 - paragraph 1 - point a

Text proposed by the Commission

(a) the locations of the intended activities *targeting* deep-sea species *in the deep-sea métier. The location(s)* shall be defined by coordinates in accordance with the World Geodetic System of 1984;

Amendment

(a) the locations of the intended activities *fishing for* deep-sea species *which* shall be defined by coordinates in accordance with the World Geodetic System of 1984 *and shall include an indication of all the ICES and CECAF subareas, divisions and subdivisions covered*;

Amendment 45
Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the locations, if any, of activities in the deep-sea métier during ***the last three full calendar years. Those location(s)*** shall be defined by coordinates in accordance with the World Geodetic System of 1984 and they shall circumscribe the fishing activities as closely as possible.

Amendment

(b) the locations, if any, of activities in the deep-sea métier during ***2009-2011 which*** shall be defined by coordinates in accordance with the World Geodetic System of 1984 and they shall circumscribe the fishing activities as closely as possible ***and shall include an indication of all the ICES and CECAF subareas, divisions and subdivisions covered;***

Amendment 46

Proposal for a regulation
Article 7 - paragraph 1 - point b a (new)

Text proposed by the Commission

Amendment

(ba) the types of fishing gears and the depth at which they will be deployed, a list of the species to be targeted and the technical measures to be put in place, in accordance with the technical measures on fisheries management recommended by NEAFC and measures under Regulation (EC) No 734/2008, as well as the configuration of the bathymetric profile of the seabed in the intended fishing grounds, where this information is not already available to the competent authorities of the flag State concerned.

Amendment 47

Proposal for a regulation
Article 7 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Prior to issuing an authorisation Member States shall verify through the VMS record of such vessels that the information submitted in accordance with paragraph 1(b) is accurate. If the information provided under paragraph 1(b) does not match that in the VMS record the authorisation shall not be issued.

Amendment 48

**Proposal for a regulation
Article 7 - paragraph 1 b (new)**

Text proposed by the Commission

Amendment

1b. Authorised fishing activities shall be limited to existing fishing areas established under paragraph 1(b).

Amendment 49

**Proposal for a regulation
Article 7 - paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. Any modification to the fishing plan shall be subject to an evaluation by the flag Member State. A modified fishing plan shall only be accepted by the flag Member State if it does not allow for fishing operations in areas where vulnerable marine ecosystems occur or are likely to occur.

Amendment 50

Proposal for a regulation

Article 7 - paragraph 1 d (new)

Text proposed by the Commission

Amendment

Id. Failure to comply with the fishing plan shall result in the withdrawal by the flag Member State of the fishing authorisation from the fishing vessel concerned.

Amendment 51

Proposal for a regulation

Article 7 - paragraph 1 e (new)

Text proposed by the Commission

Amendment

Ie. Small-scale vessels that, due to technical factors such as the type of gear used or the capacity of the vessel, do not have the capacity to catch more than 100 kg of deep-sea species per fishing trip are exempted from the obligation to present a fishing plan.

Amendment 52

Proposal for a regulation

Article 7 - paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Applications for the renewal of fishing authorisations for deep-sea species may be exempted from the requirement to submit a detailed fishing plan unless changes are planned in the fishing operations of the vessel concerned in which case a revised plan shall be submitted.

Amendment 53
Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Any fishing authorisation issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorised to the area in which the intended fishing activity, as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice, that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

Amendment

2. Without prejudice to paragraph 1, fishing with bottom gear that is to take place in waters where deep-sea fisheries have not been carried out during 2009-2011, as referred to in paragraph 1(b), shall require a fishing authorisation as established in accordance with Article 4. No fishing authorisation shall be issued unless the Member State has assessed and documented, on the basis of the best available scientific data and advice, that the fishing activities concerned will not have a significant adverse impact on the marine ecosystem. This assessment shall be conducted in accordance with this Regulation and the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and shall be made publicly available. The Commission, in consultation with the Member State concerned and the scientific advisory body, shall review this assessment to ensure that all areas where vulnerable marine ecosystems are known or are likely to occur have been identified and that the proposed mitigation and management measures are sufficient to prevent significant adverse impacts on vulnerable marine ecosystems.

Amendment 54
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Before ...[†], no fishing authorisation targeting deep-sea species, including in

areas defined in paragraph 1(b), shall be issued or renewed unless the Member State has assessed and documented, on the basis of the best available scientific advice, that the fishing activities concerned would not have a significant adverse impact on the marine ecosystem. That assessment shall be conducted in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas including as set out in Annex IIa and shall be made publicly available.

+ OJ please insert the date: two years after the entry into force of this Regulation.

Amendment 55
Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall apply the precautionary approach when carrying out their impact assessments. In areas where no impact assessment has been carried out or where an impact assessment has been carried out but not in accordance with 2008 FAO Guidelines, the use of bottom gears shall be prohibited.

Amendment 56
Proposal for a regulation
Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. No fishing authorisations under Article 4 shall be issued for areas where vulnerable marine ecosystems are known to occur or are likely to occur, unless the Commission, after consulting the scientific advisory body determines that

there is sufficient evidence that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems are prevented..

Amendment 57

Proposal for a regulation Article 7 - paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. New impact assessments shall be required if there are significant changes to the way in which existing fisheries with bottom gear are carried out, or to the applicable technology, or where there is new scientific information indicating the presence of vulnerable marine ecosystems in a given area.

Amendment 58

Proposal for a regulation Article 7 - paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. In addition to the requirements in Article 6, details of all catches of deep-sea species, whether retained or discarded, including species composition, weight and sizes shall be reported.

Amendment 59

Proposal for a regulation Article 8 – paragraph -1 (new)

Text proposed by the Commission

Amendment

Member States shall implement measures to ensure that all vessels that catch deep-sea species, whether or not in accordance with a fishing authorisation issued under Article 4, record all of their catches of such species and report them to the relevant competent authority.

Amendment 60
Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall put in place the necessary systems to ensure that, wherever possible, the data collected is reported to the relevant competent authorities as it is generated, in order to reduce risks to vulnerable marine ecosystems, minimise by-catch, and allow better fishing management through "real-time monitoring".

Amendment 61
Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The relevant data to be recorded and reported in accordance with this Article shall as a minimum include the weight and species composition of all deep-sea catches.

Amendment 62
Proposal for a regulation
Article 9 - paragraph 1

Text proposed by the Commission

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest two years after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Amendment

Four years after the entry into force of this Regulation the Commission shall evaluate its implementation in accordance with Article 21. The use of all types of fishing gear when targeting deep-sea species shall be evaluated with a particular emphasis on the impact on the most vulnerable species and on vulnerable marine ecosystems. If this evaluation shows that the deep-sea stocks listed in Annex I, excluding the species in Annex I subject to deferred application of Article 4(2)(c), are not exploited at maximum sustainable yield rates adequate for restoring and maintaining populations of deep-sea stocks above levels capable of producing maximum sustainable yield, and that vulnerable marine ecosystems are not protected from significant adverse impacts, before...⁺ the Commission shall submit a proposal to amend this Regulation. This proposal shall ensure that fishing authorisations for vessels targeting deep-sea species, as referred to in Article 4, using bottom trawls or bottom-set gillnets shall expire and shall not be renewed and that any measures necessary regarding bottom gears, including longliners, are put in place to ensure the protection of the most vulnerable species.

⁺ OJ please insert the date five years after the entry into force of this Regulation.

**Amendment 63
Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species

Amendment

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species

concerned that *is consistent with* maximum sustainable yield.

concerned that *ensures that populations of deep-sea species are progressively restored and maintained above biomass levels capable of producing the* maximum sustainable yield. *This exploitation rate shall contribute to achieving and maintaining a good environmental status in the Union's marine environment by 2020 and shall be based on the best scientific information available.*

Amendment 64

Proposal for a regulation

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where, based on best scientific information available, it is not possible to identify exploitation rates consistent with *maximum sustainable yield*, the fishing opportunities shall be fixed as follows:

Amendment

2. Where, based on best scientific information available, it is not possible to identify exploitation rates consistent with *paragraph 1*, the fishing opportunities shall be fixed as follows:

Amendment 65

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, *no* fishing opportunities *may be allocated for the fisheries concerned*.

Amendment

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, *the* fishing opportunities *for the relevant fishing management period shall not be fixed higher than the rates provided within the ICES approach for data limited stocks*.

Amendment 66

Proposal for a regulation

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where ICES has not been able to identify exploitation rates as referred to in paragraph 2 (a) or (b), including for data limited stocks or species, no fishing opportunities shall be allocated for the fisheries concerned.

Amendment 67

Proposal for a regulation

Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Fishing opportunities set for deep sea species shall take into account the probable composition of the catch in these fisheries and shall ensure the long term sustainability of all harvested species.

Amendment 68

Proposal for a regulation

Article 10 - paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. When allocating the fishing opportunities available to them Member States shall comply with the criteria set out in Article 17 of Regulation (EU) No .../2013 [on the Common Fisheries Policy].

Amendment 69

Proposal for a regulation

Article 10 - paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Management measures, including the fixing of fishing opportunities for target and by-catch species in mixed species fisheries, area and seasonal closures, and the use of selective gears, shall be designed and established to avoid, minimise and eliminate by-catch of deep-sea species and to ensure the long-term sustainability of all species adversely affected by the fishery.

Amendment 70
Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Conservation Measures

1. Member States shall apply the precautionary and ecosystem approaches to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species. Those measures shall aim to rebuild depleted stocks, to minimise, prevent and, where possible, to eliminate by-catch, to protect spawning aggregations and to ensure the adequate protection and prevention of significant adverse impacts on vulnerable marine ecosystems. Such measures may include real time, seasonal or permanent prohibitions of certain fishing activities or gears in certain areas

2. This Regulation shall contribute to the implementation of Directive 92/43/EEC and Directive 2009/147/EC and to the achievement and maintenance of good environmental status by 2020 at the latest as set out in Directive 2008/56/EC of the

European Parliament and of the Council^{17e}, including in particular that all stocks of harvested species exhibit a population age and size distribution that is indicative of a healthy stock, and descriptors 1, 2, 3, 4, 6, 9, and 10.

^{17e} 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 (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

Amendment 71

Proposal for a regulation Article 10 b (new)

Text proposed by the Commission

Amendment

Article 10b

Obligation to land all catches

1. By way derogation of Article 15 of Regulation (EU) No .../2013 [on the Common Fisheries Policy] all catches of fish and non-fish species, irrespective of whether they are subject to catch limits or not, made by a fishing vessel holding an authorisation to catch deep-sea species granted under Article 4(1) or 4(3) of this Regulation shall be brought and retained on board, recorded in the logbook and landed. The de minimis provisions shall not apply to such vessels.

Justification

A high number of species are caught in deep sea fisheries, but only nine out of fifty three included in the Commission proposal are subject to catch limits. It is necessary to ensure that the obligation to land all catches in deep sea fisheries covers species not subject to catch limits and that de minimis provisions are not applied to these fisheries.

Amendment 72
Proposal for a regulation
Chapter 3 – section 2 – title

Text proposed by the Commission

Management by fishing effort limits

Amendment

Fishing effort limits *and accompanying measures*

Amendment 73
Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Fishing opportunities *by means of fishing effort limits only*

Amendment

Fixing of fishing opportunities

Amendment 74
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. *The Council, acting in accordance with the Treaty, may decide to switch from the fixing of annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits to the fixing of only fishing effort limits for specific fisheries.*

Amendment

1. Fishing opportunities for *the* deep-sea species *shall be* in terms of *Total Allowable Catches (TACs)*.

Amendment 75

Proposal for a regulation
Article 11 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition to the TACs, fishing effort limits may be set.

Amendment 76

Proposal for a regulation Article 11 - paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The fixing of fishing opportunities under paragraphs 1 and 1a shall comply with the objectives laid down in Article 16(4) of Regulation (EU) No .../2013 [on the Common Fisheries Policy].

Amendment 77

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of paragraph ***I***, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during ***the previous two calendar years***.

2. For the purposes of paragraph ***1a***, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during ***2009-2011***.

For the assessment of the fishing effort levels referred to in the first subparagraph, the species in Annex I subject to the deferred application of Article 4(2)(c), as indicated in the fourth column of that Annex, shall only be taken into account from⁺

⁺ OJ please insert the date: five years after the entry into force of this Regulation.

Amendment 78

Proposal for a regulation

Article 11 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fishing effort limits for deep sea métiers shall take into account the probable composition of the catch in these fisheries and shall be set at a level capable of securing the long term sustainability of all harvested species.

Amendment 79

Proposal for a regulation

Article 11 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the species targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; ***and***

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated ***type and amount of*** gear, the species ***and specific stocks*** targeted, ***the depth*** and the ICES zones or CECAF areas within which the allowed effort may be deployed;

Amendment 80

Proposal for a regulation

Article 11 - paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the fishing effort unit to be used for management.

(b) the fishing effort unit ***or combination of units*** to be used for management; ***and***

Amendment 81

Proposal for a regulation

Article 11 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the methods and protocols for the monitoring and reporting of effort levels during a fishing management period.

Amendment 82
Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Where annual fishing effort limits have replaced catch limits in accordance with Article 11(1)***, Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

1. Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

Amendment 83
Proposal for a regulation
Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) measures to ***avoid an increase of the overall catching capacity of the vessels concerned by the effort limits.***

(a) measures to ***prevent or eliminate overfishing and excess fishing*** capacity.

Amendment 84
Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) measures to ***avoid an increase in*** by-catches ***of*** most vulnerable species; and

(b) measures to ***prevent and minimise*** by-catches, ***particularly by-catches of the*** most vulnerable species; and

Amendment 85
Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) conditions for effective discard prevention. Those conditions shall aim *at* landing all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy.

Amendment

(c) conditions for effective discard prevention. Those conditions shall aim *to avoid the catching of unwanted species in the first place and shall require the landing of* all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy *or unless the species have a proven high long-term survival rate after discarding;*

Amendment 86
Proposal for a regulation
Article 12 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) measures to prevent, deter and eliminate illegal, unregulated and unreported fishing in the deep-sea métier.

Amendment 87
Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in *paragraphs 1(a), (b) and (c)*.

Amendment

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in *paragraph 1*.

Amendment 88
Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall, without delay,

notify the Commission of the measures adopted in accordance with paragraph 1.

Amendment 89
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption.

Amendment

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption, *and thereafter annually.*

Amendment 90
Proposal for a regulation
Article 13 - paragraph 1 – point a

Text proposed by the Commission

(a) if the Member State concerned does not notify to the Commission any measures adopted pursuant to Article 12 within three months after the date of entry into force of *the fishing effort limits.*

Amendment

(a) if the Member State concerned does not notify to the Commission any measures adopted pursuant to Article 12 within three months after the date of entry into force of *this Regulation.*

Amendment 91
Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Specific Union Measures

With a view to preventing and minimising by-catches, particularly by-catches of the most vulnerable species, modifications to gear, or real-time closures of areas with high by-catch rates may be decided.

Amendment 92

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. This Regulation shall be construed as a 'multiannual plan' for the purposes of **Regulation (EC) No 1224/2009**.

Amendment

1. This Regulation shall be construed as a 'multiannual plan' for the purposes of **Regulation (EU) No .../2013 [on the Common Fisheries Policy]**.

Amendment 93

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Deep-sea species shall be regarded as **the 'species** subject to a multiannual plan' and the 'stocks subject to a multiannual plan' for the purposes of **Regulation (EC) No 1224/2009**.

Amendment

2. Deep-sea species shall be regarded as **being** 'subject to a multiannual plan' and the 'stocks subject to a multiannual plan' for the purposes of **Regulation (EU) No .../2013 [on the Common Fisheries Policy]**.

Amendment 94

Proposal for a regulation Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

1. Member States shall designate the ports in which any landing or transhipment of deep-sea species in excess of 100 kg is to take place. By ...⁺, Member States shall transmit to the Commission the list of these designated ports.

⁺ OJ please insert the date: 60 days after the entry into force of this Regulation.

Amendment 95
Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated *for landing deep-sea species*.

Amendment

2. No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated *by Member States pursuant to paragraph 1*.

Amendment 96
Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3. To improve coherence and coordination across the Union, the Commission shall establish measures for vessels, designated ports and relevant competent authorities regarding the inspection and surveillance procedures necessary for the landing or transhipment of deep-sea species and for recording and reporting landing or transhipment data, including as a minimum the weight and species composition.

Amendment 97
Proposal for a regulation
Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

4. Vessels that land or tranship deep-sea species shall adhere to the terms and conditions for recording and reporting the weight and composition of deep-sea species landed or transhipped, and shall comply with all inspection and surveillance procedures relating to the landing or transhipping of deep-sea species.

Amendment 98
Proposal for a regulation
Article 16 - paragraph 1

Text proposed by the Commission

*By way of derogation of Article 17 of Regulation (EC) No 1224/2009, the masters of all Union fishing vessels intending to land 100 kg or more of deep-sea species, **whichever their length**, shall be required to notify **their flag Member State's** competent authority of that intention.*

Amendment

*The masters of all Union fishing vessels, **regardless of their length**, intending to land **or tranship** 100 kg or more of deep-sea species, shall be required to notify **the** competent authority **of their flag Member State, as well as the port state authority**, of that intention. **The master or any other person responsible for the operation of vessels of 12 meters in length or more shall notify the competent authorities at least four hours before the estimated time of arrival at port, in accordance with Article 17 of Regulation (EC) No 1224/2009. This notwithstanding, small-scale fishing vessels without an electronic fishing logbook and artisanal vessels shall be exempted from the notification requirement.***

Amendment 99

Proposal for a regulation
Article 18 - paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 7(4) of Regulation (EC) 1224/2009, the fishing authorisations referred to in Article 4(1) and (3) of this Regulation shall be withdrawn for a duration of at least one year in the following cases:

Amendment

1. Without prejudice to Article 7(4) of Regulation (EC) 1224/2009, the fishing authorisations referred to in Article 4(1) and (3) of this Regulation shall be withdrawn for a duration of at least one year in **any of** the following cases:

Amendment 100
Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, ***as appropriate***, catch ***or*** effort limits on the species whose targeting is allowed; ***or***

Amendment

(a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, catch ***and*** effort limits on the species whose targeting is allowed;

Amendment 101

Proposal for a regulation

Article 18 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment 102

Proposal for a regulation

Article 18 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment 103

Proposal for a regulation

Article 18 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

ba) failure to collect, record and report data in accordance with Article 8;

Amendment

bb) failure to comply with the requirements of the Common Fisheries Policy;

Amendment

bc) any of the cases specified in Council Regulation (EC) No 1005/2008^{17f}, particularly under the provisions of Chapters VII-IX.

^{17f} Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and

unregulated fishing (OJ L 286, 29.10.2008, p. 1).

Amendment 104

Proposal for a regulation Article 18 - paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not apply if the failures referred to therein have been caused by force majeure.

Amendment

deleted

Amendment 105

Proposal for a regulation Chapter 5 – title

Text proposed by the Commission

DATA COLLECTION

Amendment

**DATA COLLECTION AND
COMPLIANCE**

Amendment 106

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation.

Amendment

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation. *Member States shall ensure that the necessary systems are in place to facilitate the reporting of catches of target and by-catch species, and the reporting of*

evidence of any encounters with vulnerable marine ecosystems. Such reporting shall wherever possible be in real-time.

¹⁸. OJ L 60, 5.3.2008, p. 1.

¹⁸. OJ L 60, 5.3.2008, p. 1.

Amendment 107

Proposal for a regulation Article 19 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall establish a programme for observer coverage to ensure the collection of relevant, timely and accurate data on the catch and by-catch of deep-sea species, encounters with vulnerable marine ecosystems and other relevant information for the effective implementation of this Regulation. Vessels using bottom trawls or bottom-set gillnets with a fishing authorisation to target deep-sea species shall be subject to 100 % observer coverage. All other vessels with an authorisation to catch deep-sea species shall be subject to 10 % observer coverage.

Amendment 108

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

Amendment

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for *his* vessel, ***unless this is not possible for security reasons***. The master shall facilitate the discharging of the scientific observer's

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for ***their*** vessel, ***in accordance with the conditions specified in paragraph 4***. The master shall facilitate the discharging of the scientific

tasks.

observer's tasks.

Amendment 109
Proposal for a regulation
Article 19 – paragraph 3 – point a

Text proposed by the Commission

(a) carry out their *recurrent data collection tasks, as set out in paragraph 1.*

Amendment

(a) *be qualified to* carry out their *duties and tasks as scientific observers, including the ability to identify species found in deep-sea ecosystems;*

Amendment 110
Proposal for a regulation
Article 19 - paragraph 3 - point a a (new)

Text proposed by the Commission

Amendment

(aa) *record independently, in the same format as that used in the vessel's logbook, the catch information prescribed in Regulation (EC) No 1224/2009;*

Amendment 111
Proposal for a regulation
Article 19 - paragraph 3 - point a b (new)

Text proposed by the Commission

Amendment

(ab) *record any instances of alteration of the fishing plan referred to in Article 7;*

Amendment 112
Proposal for a regulation
Article 19 - paragraph 3 - point a c (new)

Text proposed by the Commission

Amendment

(ac) document any unforeseen encounters with vulnerable marine ecosystems including the gathering of information that may be of use in relation to the protection of the area;

Amendment 113

Proposal for a regulation

Article 19 - paragraph 3 - point a d (new)

Text proposed by the Commission

Amendment

(ad) record depths at which gear is deployed;

Amendment 114

Proposal for a regulation

Article 19 - paragraph 3 - point a e (new)

Text proposed by the Commission

Amendment

(ae) present a report to the competent authorities of the flag Member State concerned within 20 days following the termination of the observation period, a copy of which shall be sent by those authorities to the Commission, within 30 days following receipt of the Commission's written request

Amendment 115

Proposal for a regulation

Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. It shall be prohibited for scientific

observers to be any of the following:

(i) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;

(ii) an employee of the master of the vessel to which they are assigned;

(iii) an employee of the master's representative;

(iv) an employee of a company controlled by the master or their representative;

(v) a relative of the master's representative.

Amendment 116

Proposal for a regulation

Article 19 - paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Data collection may enable the creation of partnerships between scientists and fishermen and contribute to the area of research regarding the marine environment, biotechnology, food sciences, processing and the economy.

Amendment 117

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

Amendment

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier.

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier. ***These reports shall be made publicly available.***

Amendment 118

Proposal for a regulation Chapter Va (new) - title

Text proposed by the Commission

Amendment

Chapter Va

FINANCIAL ASSISTANCE

Amendment 119

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Financial Assistance for changing of fishing gear

- 1. Fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea métier shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has demonstrably better size and species selectivity, a lower and limited impact on the marine environment and vulnerable marine ecosystems and does not increase the fishing capacity of the vessel, as assessed by the Commission, after consulting the appropriate independent scientific body;***
- 2. Fishing vessels shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the purpose of minimising and, where possible, eliminating unwanted catches of deep-sea species, particularly those that are most vulnerable;***
- 3. Support shall not be granted more than once for the same Union fishing vessel .***

4. Access to financial assistance from the European Maritime and Fisheries Fund shall be conditional upon full compliance with this Regulation, the Common Fisheries Policy and Union environmental law.

Amendment 120

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for ***an indeterminate period of time.***

Amendment

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for ***a period of three years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the three year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension no later than three months before the end of each period.***

Amendment 121

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. ***Within six years from the entry into force of this Regulation,*** the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1(a) ***and (b)*** have been achieved.

Amendment

1. ***By ...⁷,*** the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1 have been achieved.

+ OJ please insert the date four years from the entry into force of this Regulation.

Amendment 122
Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the *development of their discard levels*;

Amendment

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the *progress as regards the prevention, minimisation and, where possible, on the elimination of unwanted catches*;

Amendment 123
Proposal for a regulation
Article 21 – paragraph 2 – point e

Text proposed by the Commission

(e) *the fisheries that are managed according to fishing effort limits only, and the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species.*

Amendment

(e) the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species;

Amendment 124
Proposal for a regulation
Article 21 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment 125
Proposal for a regulation
Article 21 - paragraph 2 - point e b (new)

Amendment

(ea) the quality of the impact assessments carried out pursuant to Article 7;

Text proposed by the Commission

Amendment

(eb) the number of vessels and ports in the Union directly affected by the implementation of this Regulation;

Amendment 126

Proposal for a regulation

Article 21 – paragraph 2 – point e c (new)

Text proposed by the Commission

Amendment

(ec) the effectiveness of measures established to ensure the long-term sustainability of deep-sea fish stocks and to prevent by-catch of non-target species, in particular by-catch of the most vulnerable species;

Amendment 127

Proposal for a regulation

Article 21 – paragraph 2 – point e d (new)

Text proposed by the Commission

Amendment

(ed) the extent to which vulnerable marine ecosystems have been effectively protected through the restriction of authorised fishing activities to existing deep-sea fishing areas, area closures, the move-on rule and/or by other measures;

Amendment 128

Proposal for a regulation

Article 21 - paragraph 2 - point e e (new)

Text proposed by the Commission

Amendment

(ee) the application of the 600 meter depth limitation.

Amendment 129

Proposal for a regulation

Article 21 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Based on the evaluation referred to in paragraphs 1 and 2, the Commission shall by⁺ make proposals for amendments to this Regulation as appropriate.

⁺ OJ please insert the date: five years after the date of entry into force of this Regulation.

Amendment 130

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid after **30 September 2012**.

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid after...⁺.

⁺ OJ please insert the date one year after the date of entry into force of this Regulation.

Amendment 131

Proposal for a regulation

Annex I

Annex I

Section 1: Deep-sea species

<u>Scientific name</u>	<u>Common name</u>	<u>Most vulnerable (x)</u>
<i>Centrophorus granulosus</i>	Gulper shark	x
<i>Centrophorus squamosus</i>	Leafscale gulper shark	x
<i>Centroscyllium fabricii</i>	Black dogfish	x
<i>Centroscymnus coelolepis</i>	Portuguese dogfish	x
<i>Centroscymnus crepidater</i>	Longnose velvet dogfish	x
<i>Dalatias licha</i>	Kitefin shark	x
<i>Etmopterus princeps</i>	Greater lanternshark	x
<i>Apristuris spp</i>	Iceland catchark	
<i>Chlamydoselachus anguineus</i>	Friiled shark	
<i>Deania calcea</i>	Birdbeak dogfish	
<i>Galeus melastomus</i>	Blackmouth dogfish	
<i>Galeus murinus</i>	Mouse catshark	
<i>Hexanchus griseus</i>	Bluntnose six-gilled shark	x
<i>Etmopterus spinax</i>	Velvet belly	
<i>Oxynotus paradoxus</i>	Sailfin roughshark (Sharpback shark)	
<i>Scymnodon ringens</i>	Knifetooth dogfish	
<i>Somniosus microcephalus</i>	Greenland shark	
<i>Alepocephalidae</i>	Smoothheads (Slickheads)	
<i>Alepocephalus Bairdii</i>	Baird's smoothhead	
<i>Alepocephalus rostratus</i>	Risso's smoothhead	
<i>Aphanopus carbo</i>	Black scabbardfish	
<i>Argentina silus</i>	Greater silver smelt	
<i>Beryx spp.</i>	Alfonsinos	
<i>Chaceon (Geryon) affinis</i>	Deep-water red crab	
<i>Chimaera monstrosa</i>	Rabbit fish (rattail)	
<i>Hydrolagus mirabilis</i>	Large-eyed rabbitfish (Ratfish)	
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish	
<i>Coryphaenoides rupestris</i>	Roundnose grenadier	
<i>Epigonus telescopus</i>	Black cardinalfish	x
<i>Helicolenus dactilopterus</i>	Bluemouth (Bluemouth redfish)	
<i>Hoplostethus atlanticus</i>	Orange roughy	x
<i>Macrourus berglax</i>	Roughhead grenadier (Rough rattail)	
<i>Molva dypterigia</i>	Blue ling	
<i>Mora moro</i>	Common mora	
<i>Antimora rostrata</i>	Blue antimora (Blue hake)	
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream	
<i>Phycis blennoides</i>	Greater Forkbeard	
<i>Polyprion americanus</i>	Wreckfish	

<i>Reinhardtius hippoglossoides</i>	Greenland halibut	
<i>Cataetyx laticeps</i>		
<i>Hoplosthetus mediterraneus</i>	Silver roughy (Pink)	
<i>Macrouridae</i> other than <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	Grenadiers (rattails) other than roundnose grenadier and roughhead grenadier	
<i>Nesiarchus nasutus</i>	Black gemfish	
<i>Notocanthus chemnitzii</i>	Snubnosed spiny eel	
<i>Raja fyllae</i>	Round skate	
<i>Raja hyperborea</i>	Arctic skate	
<i>Raja nidarosiensis</i>	Norwegian skate	
<i>Trachyscorpia cristulata</i>	Spiny (deep-sea) scorpionfish	

Section 2: Species regulated in NEAFC in addition

<i>Brosme brosme</i>	<i>Tusk</i>	
<i>Conger conger</i>	<i>Conger eel</i>	
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutless fish)	
<i>Lycodes esmarkii</i>	Greater Eelpout	
<i>Molva molva</i>	<i>Ling</i>	
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)	

Amendment

Annex I

Section 1: Deep-sea species

<u>Scientific name</u>	<u>Common name</u>	<u>Most vulnerable (x)</u>	<u><i>Deferred Application of Article 4(2)(c)</i></u>
<i>Centrophorus granulosus</i>	Gulper shark	x	
<i>Centrophorus squamosus</i>	Leafscale gulper shark	x	
<i>Centroscyllium fabricii</i>	Black dogfish	x	
<i>Centroscymnus coelolepis</i>	Portuguese dogfish	x	
<i>Centroscymnus crepidater</i>	Longnose velvet dogfish	x	
<i>Dalatias licha</i>	Kitefin shark	x	
<i>Etmopterus princeps</i>	Greater lanternshark	x	
<i>Apristuris spp</i>	Iceland catchark		
<i>Chlamydoselachus anguineus</i>	Frilled shark		
<i>Deania calcea</i>	Birdbeak dogfish		
<i>Galeus melastomus</i>	Blackmouth dogfish		
<i>Galeus murinus</i>	Mouse catshark		
<i>Galeus murinus</i>	Bluntnose six-gilled shark	x	
<i>Hexanchus griseus</i>	Velvet belly		
<i>Etmopterus spinax</i>	Sailfin roughshark (Sharpback shark)		
<i>Oxynotus paradoxus</i>	Knifetooth dogfish		
<i>Scymnodon ringens</i>	Knifetooth dogfish		
<i>Somniosus microcephalus</i>	Greenland shark		

<i>Alepocephalidae</i>	Smoothheads (Slickheads)	
<i>Alepocephalus Bairdii</i>	Baird's smoothhead	
<i>Alepocephalus rostratus</i>	Risso's smoothhead	
<i>Aphanopus carbo</i>	Black scabbardfish	
<i>Argentina silus</i>	Greater silver smelt	
<i>Beryx spp.</i>	Alfonsinos	
<i>Chaceon (Geryon) affinis</i>	Deep-water red crab	x
<i>Chimaera monstrosa</i>	Rabbit fish (rattail)	x
<i>Hydrolagus mirabilis</i>	Large-eyed rabbitfish (Ratfish)	x
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish	x
<i>Coryphaenoides rupestris</i>	Roundnose grenadier	
<i>Epigonus telescopus</i>	Black cardinalfish	x
<i>Helicolenus dactilopterus</i>	Bluemouth (Bluemouth redfish)	
<i>Hoplostethus atlanticus</i>	Orange roughy	x
<i>Macrourus berglax</i>	Roughhead grenadier (Rough rattail)	
<i>Molva dypterigia</i>	Blue ling	
<i>Mora moro</i>	Common mora	x
<i>Antimora rostrata</i>	Blue antimora (Blue hake)	x
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream	
<i>Phycis blennoides</i>	Greater Forkbeard	
<i>Polyprion americanus</i>	Wreckfish	
<i>Reinhardtius hippoglossoides</i>	Greenland halibut	
<i>Cataetyx laticeps</i>		x
<i>Hoplostethus mediterraneus</i>	Silver roughy (Pink)	x
<i>Macrouridae</i>	Grenadiers (rattails)	
other than <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	other than roundnose grenadier and roughhead grenadier	
<i>Nesiarchus nasutus</i>	Black gemfish	
<i>Notocanthus chemnitzii</i>	Snubnosed spiny eel	
<i>Raja fyllae</i>	Round skate	x
<i>Raja hyperborea</i>	Arctic skate	
<i>Raja nidarosiensis</i>	Norwegian skate	
<i>Trachyscorpia cristulata</i>	Spiny (deep-sea) scorpionfish	
Section 2: Species regulated in NEAFC in addition		
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutless fish)	x
<i>Lycodes esmarkii</i>	Greater Eelpout	
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)	

Amendment 132
Proposal for a regulation
Annex II – point 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall ensure that data is collected in a timely manner, in a way that is harmonised in all Member States, and that it is accurate, reliable and comprehensive.

Amendment 133
Proposal for a regulation
Annex II – point 4 b (new)

Text proposed by the Commission

Amendment

4b. The Commission shall ensure safe storage of collected data, making it publicly available, save in exceptional circumstances where appropriate protection and confidentiality are required where the reasons for such restrictions are declared.

Amendment 134
Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

Annex II a

Impact assessments referred to in Article 7(2)

The impact assessments to establish the deep-sea fishing activities referred to in Article 7(2) shall address, inter alia:

1. the type(s) of fishing conducted, including vessels and gear types, fishing areas and the depth range at which the activities will be deployed, individual species targeted and potential by-catch species, fishing effort levels and the duration of fishing;

2. best available scientific information on the current state of fish stocks and baseline information on the ecosystems and habitats in the fishing area, against which future changes are to be compared;

3. identification, description and mapping of vulnerable marine ecosystems known or likely to occur in the fishing area;

4. data and methods used to identify, describe and assess the impact of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;

5. the identification, description and evaluation of the occurrence, scale and duration of likely impact by the fishing operations, including cumulative impacts of fishing activities, particularly on vulnerable marine ecosystems and low-productivity fishery resources in the fishing area;

6. the proposed mitigation and management measures to be used to prevent significant adverse impact on vulnerable marine ecosystems and ensure long-term conservation and sustainable management of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.

EXPLANATORY STATEMENT

As demersal fish stocks on the continental shelf started declining due to overfishing and unsustainable practices, the fishing industry started looking for ways to fish further and deeper. Deep-sea fishing in the North-East Atlantic developed rapidly at the end of the 1980s, in large part due to this trend.

Deep-sea species are generally considered to be those that live at depths greater than 400 meters. Deep-sea fish stocks have distinct biological characteristics. They are typically slow growing, and long-lived, with some species living more than 100 years, they have late maturity, many of them reach 30 years of age before they can reproduce and low fecundity. These characteristics make them particularly vulnerable to fishing pressure and mean that for many stocks recovery from depletion is likely to take a very long-time or not happen at all.

The deep-sea fisheries in the North-East Atlantic is characterized by two very different fishing practices, on one hand traditional coastal fleets that employ long-lining in Portugal and on the other hand large nomadic trawlers mainly operating under French and Spanish flags. Altogether deep-sea species account for approximately 1% of landings from the North-East Atlantic.

Deep sea fishing largely developed and expanded before sufficient information was available regarding the status of deep-sea fish stocks, the level of discards and unwanted catches or the impacts on the marine ecosystem caused by this fishing activity.

Up until 2003 deep-sea fisheries were largely unregulated in the EU, without the establishment of any accompanying measures. This led to a 'race to fish' with certain deep-sea stocks being depleted after only a few years. The most infamous example being the commercial fishery for orange roughy in Ireland which began in 2000, based largely on public funding, as a non-quota fishery. The rapid boom and bust of many deep-sea fisheries was experienced as landings peaked in 2002 and most vessels went bankrupt and were forced out of the fishery by 2005 due to stock depletion. Most of Porcupine Bank orange roughy fishery has been closed since January 2005 and the total allowable catch for orange roughy is still set at zero for both EU and international waters.

In 2002, the Council adopted Regulation No 2347/2002, which establishes a specific access regime for fishing vessels engaged in the deep-sea fisheries and is made of four components: capacity restriction, data collection, effort management and control. Unfortunately the Deep-Sea Access Regulation failed to ensure both the economic and environmental sustainability of deep-sea fishing in the North-East Atlantic. As the Commission acknowledges in COM(2007)30, certain measures prescribed in the Deep-Sea Access Regulation were inadequate, namely the scope of the regulation concerned was too broad, inflexible and lacking details of guidance to control fishing activities and clear procedures for reporting data on vulnerable marine ecosystems. Furthermore, many measures were also incorrectly implemented and thus failed to protect deep-sea stocks. The Commission has also acknowledged that "many deep-sea stocks have such low productivity that sustainable levels

of exploitation are probably too low to support an economically viable fishery.”¹

In response to these shortcomings, the Commission published a proposal establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic (repealing Regulation (EC) No 2347/2002).

The proposal aims to solve the **main problems of this fishery**, which are seen to be:

-the high vulnerability of deep-sea fish stocks;

- the lack of data on deep-sea fish stocks;

Poor information on deep-sea stocks does not allow scientists to assess the stocks' status, neither in terms of absolute population size nor fishing mortality. Lack of data on discards, fishing depth and longevity and low growth makes, also makes it impossible to structure the stock into age classes. However, despite the fact that most deep-sea fish stocks are still classified as "data poor", ICES states that most of the deep-sea fish stocks are considered to be harvested outside safe biological limits;

- the impact on vulnerable marine ecosystems;

Fishing with bottom trawls destroys irreplaceable benthic habitats, which in the deep-sea are primary sources of biodiversity, such as corals and sponges. The extent of destruction of such vulnerable marine ecosystems that has already occurred after decades of deep-sea bottom trawling remains largely unknown. Moreover, it is worth noting that sponge grounds have received no specific protection measures in the North East Atlantic and that while there are many observations of corals and sponges being trawled by commercial fishing operations, there are very few records with precise information on quantity. Bottom trawls are in fact only likely to retain a small fraction of corals and sponges due to their fragile nature.

- the high levels of by-catch

Trawling for deep-sea species entails medium to large levels of unwanted catches. Estimated rates of undesired catch in observed trawl fisheries are on average between 20 and 30% in weight², but can go beyond 50%.

The key elements introduced in the current Commission Proposal include:

-a clear distinction in fishing authorisations between vessels targeting deep-sea species and vessels catching deep-sea species as by-catch, in order to make sure the measures are focused on the part of the fleet most relevant to deep-sea fisheries.

-a freezing of the fishing footprint and an introduction of the obligation to conduct a scientific impact assessment indicating that there will be no significant adverse impacts on vulnerable marine ecosystems before an authorisation to expand fishing activities beyond the area where

¹ COM(2007)30, Communication from the Commission to the Council and the European Parliament, Review of the management of deep-sea fish stocks, page 10

² ICES advice 2010 Book 9, chapter 9.4.15.2 Advice on roundnose grenadier.

it currently takes place can be issued.

-a two year phase out of the gears that are the most harmful to deep sea ecosystem, namely bottom trawls and bottom set gillnets.

The rapporteur fully supports the Commission's proposal as it has the potential to ensure the sustainability of both commercially exploited deep-sea fish stocks and deep-sea species caught as by-catch and prevent significant adverse impacts on vulnerable marine ecosystems. The draft report aims at strengthening the Commission proposal in the following key areas:

-identification of deep-sea species and most vulnerable species

Given the vulnerability of deep-sea fish stock this report calls for the biannual review of the list of deep-sea species, including the designation of most-vulnerable species in order to incorporate new scientific information and make sure that measures taken are up to date and tailored towards ensuring the sustainability of these species

-identification and protection of vulnerable marine ecosystems

Given the high biodiversity importance and fragility of vulnerable marine ecosystems (VMEs) the report calls for the mapping of areas where vulnerable marine ecosystems are known to occur or likely to occur and calls for the closure of these areas to fishing with bottom gears. These areas may be reopened to fishing with bottom gears if appropriate conservation and management measures are taken to ensure that adverse impacts on VMEs are prevented or if an impact assessment proves that no VMEs are present. This measure is in line with the requirements established in UNGA Resolutions 61/105 and 64/72 as well as Council Regulation No 734/2008 and has been identified as one of the most affective measures to protect VMEs by both scientists and the fishing industry.

-a 400 meter depth definition of fishing activities deemed to target deep-sea species

This amendment aims to ensure that all areas where both aggregations of deep-sea species and deep-sea vulnerable marine ecosystems are likely to occur are indeed covered by this Regulation. This is in line with ICES as it defines the deep-sea as waters deeper than 400 meters.

- an establishment of an annual fleet capacity assessment by Member States

This is in line with the Parliament position on the Basic Regulation of the Common Fisheries Policy and is an effective way to ensure that fishing capacity is not increased.

-an obligation to record and report all catches of deep-sea species

The report introduces an obligation to report all catches of deep-sea species, in terms of species composition, weight and sizes, whether subject to a special fishing authorisation or not, in order to improve the data available on deep-sea stocks and the subsequent management measures adopted and for these to be reported in real-time where possible, to allow for improvements in real-time management.

-obligation to conduct an impact assessment prior to the issuance or renewal of fishing authorisations for bottom gears targeting deep-sea species

The report includes a phased introduction, 2 years after this Regulation enters into force, of an obligation for Member States to assess that fishing activities do not have a significant adverse

impact on the marine ecosystem before a fishing authorisation is issued or renewed. This is a vital measure given that VMEs have repeatedly been caught in areas where fishing currently takes place and these assessments are invaluable in identifying and protecting nursing, spawning and feeding areas as well as areas where these vulnerable species aggregate .

-financial assistance for a shift to more sustainable fishing gears

This report specifies that fishing vessels using bottom trawls or bottom-set gillnets should be eligible for funding through the European Maritime and Fisheries Fund for the changing or fishing gear and related vessel modification and the necessary training ICES has repeatedly stated “the impact of bottom trawl is far more detrimental to the seabed than static gear” and a recent report from IFREMER found that up to 144 species are caught in deep-sea trawl fisheries¹. The shift from bottom trawling and bottom-set gillnets to longlining, when targeting deep-sea fish stocks is a shift towards a more sustainable fishery. A more sustainable fishery economically, as deep-sea longlining appears to be more profitable and entails lower operational costs, given that bottom trawling requires a 6 times higher fuel consumption, socially, as longlining is far more labour intensive and therefore presents new job opportunities and environmentally, as longlining has a demonstrably lower impact on the marine environment.

¹ IFREMER Report, Fauconnet et al., Observations à bord des navires de pêche Bilan de l'échantillonnage 2010 Section 1.2. “CHALUTIERS À ESPÈCES PROFONDES TOUTES ZONES”, December 2001

21.3.2013

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 establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 – C7-0196/2012 – 2012/0179(COD))

Rapporteur: Anna Rosbach

SHORT JUSTIFICATION

The Commission proposal establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (2012/0179 (COD)) has the potential to prevent significant adverse impacts on vulnerable marine ecosystems and restore deep-sea fish populations.

The deep sea is an area of high biodiversity with unique and exceptional species and habitats. Recent observer reports from the French national marine research institute IFREMER found that up to 144 species are caught in deep-sea trawl fisheries. Many of the fish species inhabiting the deep-sea are slow growing, long-lived, low fecundity species which reproduce relatively late in life. Very little is known of the biology and life-history characteristics of the large majority of the species caught by EU deep-sea fishing vessels in Union waters and on the high seas of the Northeast Atlantic, but most of them are recognized to be particularly vulnerable to the impact of fishing. The catch of most of these species remains unregulated under existing EU regulations.

Most deep-sea fisheries species are caught using bottom trawls, a method of fishing that causes damage to deep-sea benthic ecosystems by dragging steel plates, heavy cables and nets across the seafloor. The International Council for the Exploration of the Seas (ICES) recognizes that while all bottom contact gear can impact deep-sea benthic ecosystems, “*the impact of bottom trawl is far more detrimental to the seabed than static gear*”¹. Bottom trawling is recognized as the greatest threat to deep-sea coral and sponge ecosystems

¹ NEAFC request to evaluate the use and quality of VMS data, ICES Advice 2007, Book 9. page 30

according to scientific research undertaken by the United Nations Environment Program (UNEP) amongst others.^{1 2}

The Commission proposal for fishing in the North-East Atlantic: specific conditions for deep-sea stocks, provisions for fishing in international waters 2012/0179 (COD) repealing Regulation No 2347/2002 has the potential to prevent further adverse impacts on vulnerable marine ecosystems and restore deep-sea fish populations.

This opinion unequivocally supports the phasing out of the use of destructive bottom gears with reference to a number of international agreements, with particular regard to UN General Assembly (UNGA) resolutions 59/25 (2004), 61/105 (2006), 64/72 (2009) and 66/68 (2011) on deep-sea fisheries management in the high seas³ giving a one year period to allow fishermen to implement alternative gears or fishing options.

For EU vessels operating in the unregulated high seas, it is important to note that Council Regulation 734/2008 has already incorporated the UNGA resolution 61/105 into EU law to improve the access conditions for bottom fishing of EU vessels operating in those areas of the high seas which are unregulated by regional fisheries management organizations or multilateral fisheries agreements. This opinion updates the conditions for access to deep-sea fish stocks for EU vessels operating in Union waters and on the high seas of the North East Atlantic with the existing UNGA Resolutions mentioned above. Further, it sets criteria for conducting deep-sea fisheries impact assessments in accordance with international standards, identifying vulnerable marine ecosystems and determining significant adverse impacts agreed under the auspices of the UN FAO (the Food and Agriculture Organization of the United Nations) and subsequently adopted by the UN FAO Committee on Fisheries and endorsed by the UN General Assembly and incorporated into UNGA resolutions 64/72 and 66/88⁴.

This is of critical environmental importance given the vulnerability of deep-sea fish populations and the benthic habitats impacted by deep-sea fisheries in the region. Amongst other benefits, requiring prior impact assessments of deep-sea bottom fisheries would make an essential contribution to meeting Good Environmental Status under the Marine Strategy Framework Directive and EU biodiversity targets for fisheries.

Lastly, the opinion includes several additional amendments that align the Commission proposal with the provisions of the Lisbon Treaty, which establishes in Article 11 TFEU that environmental protection requirements must be integrated into the definition and implementation of Union policies and activities, especially with a view to promoting sustainable development.

¹ A. Friewald, J.H. Fosså, T. Koslow & J.M. Roberts. Cold-water coral reefs. UNEP-WCMC, Cambridge, UK. 2004.

² M.M. Hogg, O.S. Tendal, K.W. Conway, S.A. Pomponi, R.W.M. van Soest, J. Gutt, M. Krautter & J.M. Roberts. Deep-sea Sponge Grounds: Reservoirs of Biodiversity, UNEP -WCMC Biodiversity Series No. 32, UNEP -WCMC, Cambridge, UK. 2010

³ International Guidelines for the Management of Deep-sea Fisheries in the High Seas. United Nations Food and Agriculture Organization, Rome. 2008

⁴ International Guidelines for the Management of Deep-sea Fisheries in the High Seas. United Nations Food and Agriculture Organization, Rome. 2008

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) **and Article 191** thereof,

Justification

For the revision of the deep sea access regime, which includes the management of vulnerable marine ecosystems, it is important to stress Article 191 TFEU, which lays down the basis for Union policy on the environment.

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) As established in Article 11 of the TFEU, environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, including deep sea fisheries conservation, in particular with a view to promoting sustainable development;

Justification

This amendment ensures compliance with Union primary Law, which establishes in Article

11, TFEU the principle of environmental integration in defining and implementing Union policies.

Amendment 3

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the destructive impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks.

Amendment

(2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the destructive impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks. ***Furthermore the Union should act as a leader in the establishment and implementation of good governance measures for the sustainable management of deep-sea fisheries within international fora in line with the UNGA and FAO resolutions adopted in this regulation.***

Amendment 4

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Union notes in particular paragraphs 83(a) of UNGA Resolution 61/105 and paragraphs 119(a) and 120 of UNGA Resolution 64/72 calling on flag States to not authorize bottom fishing activities until these resolutions have been fully implemented, including the requirement to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse

impacts on vulnerable marine ecosystems.

Amendment 5

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The capacity of vessels with deep-sea fishing permits has been limited since 2002 to the aggregate capacity of all the vessels that caught more than 10 tonnes of any mixture of deep sea species in any of the years 1998, 1999 or 2000. The Commission evaluation concluded that this capacity ceiling had no substantial positive effect. Given the past experience and the lack of accurate data in many deep sea fisheries, it is inadequate to manage these fisheries by means of effort limits only.

Amendment 6

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) Vessels targeting deep-sea species with other bottom gear should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems.

(11) Vessels targeting deep-sea species with other bottom gear should not extend their range of operation according to their authorisation within Union waters, unless expansion can be assessed as not carrying a significant risk of negative impact on vulnerable marine ecosystems. ***Impact assessments carried out to that effect must conform to the requirements referred to in paragraph 47 of the 2008 FAO Guidelines for the Management of Deep Sea Fisheries.***

Amendment 7

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Given the mixed nature of most deep sea fisheries, fishing opportunities for deep sea fishing should be established in a way that ensures the long term conservation of the most vulnerable species caught in the fisheries involved.

Amendment 8

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to specific fisheries.

(13) Given the lack of accurate data in most deep sea fisheries and the mixed nature of most of them, fishing effort limits should only be used in combination with catch limits for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits need to be adapted to specific fisheries.

Amendment 9

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) A high number of species are caught in deep sea fisheries, including vulnerable species of deep sea sharks. An obligation to land all catches of fish and

non fish species should be introduced in deep sea fisheries. Such obligation could greatly contribute to fill the existing data gaps in these fisheries and to better understand their impact on the wide range of species caught.

Amendment 10
Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant conservation measures.

Amendment

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant **management**, conservation **and data collection** measures.

Amendment 11

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU to specify measures accompanying annual effort limits if Member States fail to take them or if the measures they adopt are deemed not to be compatible with the objectives of this regulation or insufficient in respect of the aims indicated in this regulation.

Amendment

(19) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU **to modify the conditions under which fishing activities are considered as deep sea fishing , in order to take into account varying exploitation patterns by the Member States and new scientific information on the stock structure and distribution of deep sea species .The same powers should be granted to the Commission to modify the conditions for landing and transshipment allowances for vessels not holding a deep sea fishing authorisation where this is necessary to take into account varying exploitation**

patterns in the Member States and to specify measures accompanying annual effort limits if Member States fail to take them or if the measures they adopt are deemed not to be compatible with the objectives of this regulation or insufficient in respect of the aims indicated in this regulation.

Justification

Reflects the new delegated acts proposed by the rapporteur.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) to ensure the sustainable exploitation of deep-sea *species* while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment

(a) to ensure the sustainable ***management and*** exploitation of deep-sea ***fisheries*** while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment 13

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(aa) to prevent significant adverse impacts on vulnerable marine ecosystems and ensure the long-term conservation of deep sea fish stocks;

Amendment 14

Proposal for a regulation

Article 3 - paragraph 2 - point d

Text proposed by the Commission

(d) “deep-sea species” means the species listed in Annex I;

Amendment

(d) “deep-sea species” means the species listed in Annex I, ***which, provides an indicative and non-exclusive list, and other species recognised as deep-sea species, based on advice by the scientific advisory body;***

Justification

The list in Annex I, including the list of the most vulnerable species identified by an “x” in column three of the table, should be indicative and non-exclusive in order to be able to update it periodically based on robust scientific advice. The definition of “most vulnerable species” should be based on scientific and internationally agreed advice (such as the IUCN Red List and paragraph 14 of the FAO Guidelines).

Amendment 15

for a regulation

Article 3 – paragraph 2 - point e

Text proposed by the Commission

(e) “most vulnerable species” means ***the*** deep sea species ***indicated*** in the third column ‘Most vulnerable (x)’ of the table in Annex I;

Amendment

(e) “most vulnerable species” means deep sea species ***that qualify as vulnerable, endangered or critically endangered under the IUCN Red List criteria , rare species or species which a scientific advisory body has determined as highly susceptible to depletion or for which the scientific advisory body has recommended minimal or zero bycatch. All those species shall be included*** in the third column ‘Most vulnerable (x)’ of the table in Annex I. ***All species of deep-sea sharks shall fall under this category”;***

Amendment 16

Proposal for a regulation

Article 3 - paragraph 2 - points j a (new) and j b (new)

Text proposed by the Commission

Amendment

(ja) “significant adverse impacts” has the same meaning and characteristics as those described in paragraphs 17-20 of the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;

(jb) “vulnerable marine ecosystems” means marine ecosystems, which fit the criteria established in paragraph 42 of the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Justification

cf justification to Am 4.

Amendment 17

Proposal for a regulation

Article 3 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In accordance with the IUCN Red List, the list of species in Annex I ,including those identified as the most vulnerable species pursuant paragraph 2 e) will be revised every two years by the Commission by delegated acts in accordance with Article 20.

Amendment 18

Proposal for a regulation Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Identification and protection of vulnerable marine ecosystems

- 1. Member States shall use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known to occur or are likely to occur. In addition, the scientific advisory body shall undertake an assessment of where vulnerable marine ecosystems are known to occur or likely to occur in areas and depths where fisheries targeting deep-sea species may be authorised to occur.*
- 2. Where, based on the information in paragraph 1, areas where vulnerable marine ecosystems are known or likely to occur have been identified; Member States and the scientific advisory body shall inform the Commission in a timely manner.*
- 3. On the basis of the information in paragraph 2, the Commission shall provisionally close these areas until conservation and management measures are established to prevent significant adverse impacts on vulnerable marine ecosystems.*
- 4. Until such conservation and management measures have been established, such areas shall remain closed to bottom fishing.*
- 5. Member States shall implement these closures without delay and immediately notify the Commission as well as its own vessels of the closures. The closures will be applicable to all Union vessels.*

6. Closures will be reopened to fishing activities if the scientific advisory body provides evidence that vulnerable marine ecosystems are not in the area or the Commission determines that measures have been adopted to ensure that significant adverse impacts on vulnerable marine ecosystems will be prevented.

Justification

This amendment incorporates into the regulation the requirements established in paragraph 83 (c) of UNGA Resolution 61/105, and 119(b) of UNGA Resolution 64/72 as well as Article 8 of Council Regulation No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.

Amendment 19

Proposal for a regulation

Article 4 - paragraph 2 - points (c) and (c a) (new)

Text proposed by the Commission

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to 10% of the overall catch weight ***in the*** fishing day ***concerned***.

Amendment

(c) the vessel's master records in the logbook a percentage of deep-sea species equal or superior to 10% of the overall catch weight ***during any*** fishing day, ***or fishing activities which lead to catches and retention on board of more than 10 tonnes of deep-sea species each calendar year***.

(ca) the vessel deploys bottom gear at depths equal to or below 200 metres.

Justification

This amendment ensures that bottom fishing in all areas where both "vulnerable deep-sea species" and "vulnerable deep-sea ecosystems" are likely to occur is covered by the Regulation. The threshold established in amendment 4.2(d) simplifies the monitoring and enforcement of the Regulation - through Vessel Monitoring Systems (VMS) it should be relatively easier to monitor depths at which fishing occurs as opposed to the percentage of deep-sea species in the bycatch. The UN FAO considers deep seas those waters deeper than 200 metres to its maximum depth.

Amendment 20

Proposal for a regulation

Article 4 - paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The conditions under which fishing activities referred to in paragraph 2 are considered as deep sea fishing, can be revised by the Commission by means of delegated acts as referred to in Article 20 in order to take into account varying exploitation patterns by the Member States and new scientific information on the stock structure and distribution of deep sea species.

Amendment 21

Proposal for a regulation

Article 4 - paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall be empowered to modify the conditions for landing and transshipment allowances for vessels not holding a deep sea fishing authorisation by means of delegated acts in accordance with Article 20 where this is necessary to take into account varying exploitation patterns in the Member States.

Amendment 22

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall conduct annual capacity assessments of their fleet targeting deep sea species and transmit the results to the Commission by 30 May of each year. Capacity assessments shall

include an analysis of the total fleet capacity and its impact on stocks and the wider marine ecosystem. They shall also include an analysis of the long-term profitability of the fleet. To ensure a common approach to such assessments across all Member States, assessments shall be carried out in accordance with the Commission's guidelines for an improved analysis of the balance between fleet capacity and fishing opportunities. The assessments shall be made publicly available.

Amendment 23
Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type of gears, the depth range at which the activities will be deployed, and of the individual species targeted.

Amendment

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, ***including its boundaries***, the type ***and quantity*** of gears, the depth range at which the activities will be deployed, and of the individual species targeted.

Amendment 24
Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

From 1 January 2015 no fishing authorisation shall be issued for deep sea species in an area which has not been subject to a prior impact assessment in accordance with the criteria laid down in Annex IIa to this Regulation. The impact assessments should be made publicly

available and reviewed by a scientific advisory body.

Amendment 25
Proposal for a regulation

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Prior to granting an application Member States shall verify through the VMS record of such vessels that the information submitted following paragraph (b) is accurate. If the information provided under paragraph (b) does not match that in the VMS record the application shall not be granted.

Amendment 26

Proposal for a regulation
Article 7 - paragraph 2 - 2 e (new)

Text proposed by the Commission

Amendment

2. Any fishing authorization issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorized to the area in which the intended fishing activity as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

2. Any fishing authorization issued ***during the first two years after the entry into force of this Regulation*** on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorized to the area in which the intended fishing activity as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice that such extension would not have significant adverse impacts on vulnerable marine ecosystems.

2a. For all authorizations to fish not

covered under Article 7 (2), each application for a fishing authorization shall only be issued for an area which has been subject to a prior impact assessment in accordance with the criteria established in Annex III. The impact assessment shall be made publicly available. The impact assessment shall be reviewed by a scientific advisory body. The Commission can make, or require Member States to make, adjustments or improvements to the assessment based on any recommendations of the scientific advisory body. The Commission shall also review all assessments to take into account individual, collective and cumulative impacts, and make or require adjustments or improvements to the individual impact assessments.

2b. The competent authorities shall apply precautionary criteria in the conduct of the assessment referred to in paragraph 3. In case of doubt as to whether the adverse impacts are significant or not, they shall consider that the likely adverse impacts resulting from the scientific advice provided are significant.

2c. Beginning the third year after the entry into force of the Regulation, any authorization to fish for areas covered under paragraph 2 shall also require prior impact assessments pursuant to paragraph 3 as a condition for the authorization to fish.

2d. In the areas where no proper scientific assessment as referred to in paragraph 3 has been carried out and made available, the use of bottom gears shall be prohibited.

2e. Bottom fishing activities shall be permitted under the conditions laid down in this Regulation where the impact assessment shows that vulnerable marine ecosystems will not be at risk.

Justification

Retains the requirement in the COM proposal for an impact assessment for new fishing areas (i.e. outside the fisheries footprint) but establishes a two-year period to phase-in a requirement to conduct impact assessments in existing bottom fishing areas. It incorporates the relevant paragraphs of UNGA resolutions 61/105 and 64/72; as well as the internationally agreed criteria, in amendment (new) Annex III, for the conduct of impact assessments for deep-sea fisheries established in the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

Amendment 27

Proposal for a regulation

Article 9

Text proposed by the Commission

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest **two years** after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Amendment

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest **one year** after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed.

Amendment 28

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that **is consistent with** maximum sustainable yield.

Amendment

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that **ensures that populations of deep sea species are maintained or restored above levels which can produce** maximum sustainable yield.

Amendment 29

Proposal for a regulation Article 10 - paragraph 2

Text proposed by the Commission

2. Where, based on best scientific information available, it is not possible to identify exploitation rates **consistent with** maximum sustainable yield, the fishing opportunities shall be fixed as follows:

(a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period **may** not be fixed higher than those rates;

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities **may** be allocated for the fisheries concerned.

Amendment

2. Where, based on best scientific information available, it is not possible to identify exploitation rates **that ensure populations of deep sea species are maintained or restored above levels which can produce the** maximum sustainable yield **by 2015**, the fishing opportunities shall be fixed as follows:

(a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period **shall** not be fixed higher than those rates;

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities **shall** be allocated for the fisheries concerned.

(c) management measures, including fishing opportunities for target species in mixed species fisheries, shall be designed and established to prevent by-catches of the most vulnerable species and ensure the long-term sustainability of all other species taken in the fishery; and

(d) conditions for effective discard prevention shall be adopted. Those conditions shall aim at landing all fish and non-fish species taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy.

Justification

In accordance with the latest knowledge and advice from ICES on certain deep-sea fisheries, which are mixed fisheries, and where a high number of non-targeted species are caught, some of which are known to be highly vulnerable to the impact of fishing and, in the case of several species of deep-sea sharks recognized as endangered or critically endangered in the Northeast Atlantic by the IUCN Shark Specialist Group. This amendment also ensures consistency with Article 12(1) c) of the COM proposal, and refers to the need to protect and manage other non-fish species, such as corals and sponges.

Amendment 30 **Proposal for a regulation**

Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

ba) There shall be no fishing opportunities allocated for targeted fishing or by-catch of those deep-sea species identified in accordance with Article 3 (e) as being most vulnerable.

Amendment 31 **Proposal for a regulation**

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fishing opportunities set for deep sea species shall take into account the probable composition of the catch in these fisheries and shall ensure the long term sustainability of all harvested species.

Amendment 32

Proposal for a regulation **Article 10 a (new)**

Text proposed by the Commission

Amendment

Article 10a

Obligation to land all deep sea catches

All catches of fish and non fish species made by a fishing vessel holding an authorisation to catch deep sea species shall be brought and retained on board the fishing vessels, recorded in the logbook and landed.

Amendment 33

**Proposal for a regulation
Chapter 3 – section 2 – title**

Text proposed by the Commission

Management by fishing effort limits

Amendment

Fishing effort limits **and accompanying measures**

Amendment 34

**Proposal for a regulation
Article 11 – title**

Text proposed by the Commission

Fishing opportunities by means of fishing effort limits **only**

Amendment

Fishing effort limits

Amendment 35

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

1. The Council, acting in accordance with the Treaty, may decide to **switch from the fixing of** annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits **to the fixing of only fishing effort limits for specific fisheries.**

Amendment

1. The Council, acting in accordance with the Treaty, may decide to **fix** annual fishing opportunities for deep-sea species in terms of both fishing effort limits and catch limits.

Amendment 36

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any *adjustments* required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the *catches made by the relevant deep-sea métiers during the previous two calendar years*.

Amendment

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any *adjustments* required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the *rates of exploitation established in accordance with article 10*.

Amendment 37

Proposal for a regulation Article 11 – paragraph 3 – point a

Text proposed by the Commission

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the species targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; and

Amendment

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the *type and amount of gear allowed, the species and specific stocks* targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; and

Amendment 38

Proposal for a regulation Article 11 – paragraph 3 – point b

Text proposed by the Commission

(b) the fishing effort unit to be used for management.

Amendment

(b) the fishing effort unit *or combination of units* to be used for management.

Amendment 39

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

Text proposed by the Commission

Amendment

(ba) methods and protocols for the monitoring and reporting of effort levels during a management period.

Amendment 40

Proposal for a regulation Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where annual fishing effort limits have replaced catch limits in accordance with Article 11(1), Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

1. Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

Amendment 41

Proposal for a regulation Article 12 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) measures to avoid an increase of the overall catching capacity of the vessels concerned by the effort limits.

(a) measures to avoid an increase of the overall catching capacity of the vessels concerned by the effort limits ***established following article 11.***

Amendment 42

Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) measures to ***avoid an increase in by-catches*** of most vulnerable species; and

Amendment

(b) measures to ***prevent by-catches in deep sea fisheries***, of most vulnerable species ***in particular***; and

Amendment 43

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption.

Amendment

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption, ***as well as annually thereof***.

Amendment 44

Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, as appropriate, catch or effort limits on the species whose targeting is allowed; ***or***

Amendment

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, as appropriate, catch or effort limits on the species whose targeting is allowed;

ba) failure to implement accompanying measures in accordance with Article 12; or

Amendment 45

Proposal for a regulation
Article 18 – paragraph 1 – point b

Text proposed by the Commission

b) failure to take on board a scientific observer or to allow sampling of catches for scientific purposes as specified in Article 19 of this Regulation.

Amendment

b) failure to ***comply with the data collection requirements, including the obligation to*** take on board a scientific observer or to allow sampling of catches for scientific purposes as specified in Article 19 of this Regulation.

Amendment 46

Proposal for a regulation
Article 20 - paragraphs 2 - 5

Text proposed by the Commission

2. The power to adopt delegated acts as referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Amendment

2. The power to adopt delegated acts as referred to in ***Article 3, paragraph 2a , Article 4, paragraph 2a and 5a and*** Article 13 shall be conferred on the Commission for an indeterminate period of time.

3. The delegation of power referred to in ***Article 3, paragraph 2a, Article 4, paragraph 2a and 5a and*** Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. A delegated act adopted pursuant to ***Article 3, paragraph 2a, Article 4, paragraph 2a and 5a and*** Article 13 shall enter into force only if no objection has

a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Justification

Reflects the delegated acts proposed by the rapporteur.

Amendment 47

Proposal for a regulation Chapter 5 a (new)

Text proposed by the Commission

Amendment

CHAPTER V - COMPLIANCE

Article 20 – Sanctions in case of non-compliance of Member States

1. Failure of Member States to comply with their obligations under this regulation shall result:

- in the immediate withdrawal of fishing authorisations referred to in Article 4 for all vessels of that Member State; and

- in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy.

2. The sanctions referred to in paragraph 1 shall remain in effect until the Commission deems that the Member State concerned has fulfilled its obligations.

3. Fishing opportunities which had been allocated to a non-compliant Member State shall not be reallocated to other Member States, nor shall they be

reclaimed in subsequent years.

Amendment 48

Proposal for a regulation Annex II a (new)

Text proposed by the Commission

Amendment

Annex IIa

The impact assessments referred to in Article 7(1) shall address, inter alia:

- a) type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan);*
- b) best available scientific and technical information on the current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared;*
- c) identification, description and mapping of VMEs known or likely to occur in the fishing area;*
- d) data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;*
- e) identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs and low-productivity fishery resources in the fishing area;*
- f) risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts, particularly impacts on VMEs and low-productivity fishery resources;*

and the proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs and ensure long-term conservation and sustainable utilization of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.

Justification

Ensures the Union's compliance with its commitment to implement the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, with the language in Annex III identical to the wording of paragraph 47. The Guidelines were adopted in 2008 and subsequently approved and incorporated into the deep-sea fisheries management provisions of UNGA resolutions 64/72 (2009) and 66/68 (2011). This is the internationally negotiated and agreed standard for conducting impact assessments for deep-sea bottom fisheries.

PROCEDURE

Title	Specific conditions to fishing for deep-sea stocks in the North-East Atlantic, provisions for fishing in international waters of the North-East Atlantic and repeal of Regulation (EC) No 2347/2002
References	COM(2012)0371 – C7-0196/2012 – 2012/0179(COD)
Committee responsible Date announced in plenary	PECH 11.9.2012
Opinion by Date announced in plenary	ENVI 22.11.2012
Rapporteur Date appointed	Anna Rosbach 11.10.2012
Discussed in committee	19.2.2013
Date adopted	20.3.2013
Result of final vote	+: 58 -: 0 0: 1
Members present for the final vote	Martina Anderson, Elena Oana Antonescu, Kriton Arsenis, Sophie Auconie, Pilar Ayuso, Paolo Bartolozzi, Sergio Berlato, Lajos Bokros, Milan Cabrnoc, Yves Cochet, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Jill Evans, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Karin Kadenbach, Christa Kläß, Eija-Riitta Korhola, Jo Leinen, Corinne Lepage, Peter Liese, Zofija Mazej Kukovič, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Miroslav Ouzký, Vladko Todorov Panayotov, Andrés Perelló Rodríguez, Mario Pirillo, Pavel Poc, Anna Rosbach, Oreste Rossi, Horst Schnellhardt, Richard Seeber, Bogusław Sonik, Salvatore Tatarella, Thomas Ulmer, Glenis Willmott, Sabine Wils
Substitute(s) present for the final vote	Margrete Auken, Minodora Cliveti, Gaston Franco, Julie Girling, Philippe Juvin, Jiří Maštálka, James Nicholson, Britta Reimers, Michèle Rivasi, Rebecca Taylor, Vladimir Urutchev, Kathleen Van Brempt
Substitute(s) under Rule 187(2) present for the final vote	Ioan Enciu

PROCEDURE

Title	Specific conditions to fishing for deep-sea stocks in the North-East Atlantic, provisions for fishing in international waters of the North-East Atlantic and repeal of Regulation (EC) No 2347/2002			
References	COM(2012)0371 – C7-0196/2012 – 2012/0179(COD)			
Date submitted to Parliament	12.7.2012			
Committee responsible Date announced in plenary	PECH 11.9.2012			
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 22.11.2012			
Rapporteur(s) Date appointed	Kriton Arsenis 13.9.2012			
Discussed in committee	8.10.2012	21.3.2013	29.5.2013	18.6.2013
	18.9.2013			
Date adopted	4.11.2013			
Result of final vote	+: -: 0:	19 0 4		
Members present for the final vote	John Stuart Agnew, Kriton Arsenis, Alain Cadec, Chris Davies, Carmen Fraga Estévez, Pat the Cope Gallagher, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Raül Romeva i Rueda, Isabelle Thomas, Nils Torvalds, Jarosław Leszek Wałęsa			
Substitute(s) present for the final vote	Diane Dodds, Jens Nilsson, Anna Rosbach, Antolín Sánchez Presedo			
Substitute(s) under Rule 187(2) present for the final vote	Jill Evans, Younous Omarjee			
Date tabled	18.11.2013			