

Scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries

2009/0051(COD) - 29/09/2010

The Committee on Fisheries adopted the report drafted by Carmen FRAGA ESTÉVEZ (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council laying down a Scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries (NEAFC Convention).

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

Recording of catches: the report specifies that the masters of EU fishing vessels shall record either in a bound paginated fishing logbook or by electronic means the following: (a) the date and time of transmission (UTC) of a report, unless this is recorded by electronic means - in case of radio transmission, name of radio station through which the report is transmitted; (b) the fishing depth (where appropriate).

Reporting of catches of regulated resources: the masters of EU fishing vessels engaged in fishing activities conducted on regulated resources shall draw up a report on the quantities on-loaded and off-loaded for each transshipment of fish during the vessel's stay in the Regulatory Area. Donor vessels shall make this report at least 24 hours in advance, and concerning receiving vessels this report shall be made no later than one hour after transshipment. The report shall include date, time, geographical position of the planned transshipment and total round weight by species to be offloaded or which have been on-loaded in kilograms and the call signs of vessels transhipped to or from respectively. The receiving vessel shall report total catch on board, total weight to be landed, name of the port and date and time of landing at least 24 hours in advance of any landing.

The reports on catches referred to in this Article shall be given in kilograms (rounded to the nearest 100 Kg) total round weight by species using the FAO codes.

Global reporting of catches and fishing effort: without prejudice to Article 33(2) of Regulation (EC) No 1224/2009, Member States shall also inform the Commission, by computer transmission before the fifteenth day of each month, of the quantities of regulated resources taken in areas under the national fisheries jurisdiction of third countries and in EU waters of the Convention Area by vessels flying their flag, which have been landed or transhipped during the preceding month.

Inspection and surveillance: a joint deployment plan shall, inter alia, determine the number of inspections to be carried out. Member States shall ensure that inspections carried out by their inspectors shall be carried out in a non-discriminatory manner and in accordance with the Scheme. Inspectors shall avoid the use of force except in cases of legitimate self-defence.

Confidentiality: Member States shall ensure confidential treatment of electronic reports and messages transmitted to and received from the NEAFC Secretariat.

Delegation of powers: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union:

§ in respect of detailed rules on lists of fishery resources to be notified, notification and cancellation procedures for prior notice of entry into port as well as authorisation to land or tranship;

§ in order to transpose into EU law amendments to the existing provisions of the Scheme which become obligatory for the Union, the Commission may amend the provisions of this Regulation concerning: (i) the participation of Contracting parties in the fishery in the Regulatory area; (ii) the removal and disposal of fixed gear and the retrieval of lost gear; (iii) the use of VMS; (iv) cooperation and communication of information to the NEAFC Secretary; (v) the requirements for separate stowage and labelling of frozen fishery resources; (vi) the assignment of NEAFC inspectors; (vii) measures to promote compliance by non-Contracting Party fishing vessels set out in Chapter VI; (viii) the list of regulated resources set out in the Annex.

When adopting such delegated acts, the Commission shall act in accordance with the provisions of this Regulation.

Implementing measures: the amended text highlights that the measures necessary for the implementation of this Regulation should be adopted by means of implementing acts in accordance with Article 291 of the Treaty. According to that Article, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure.