

Long-term plan for cod stocks and the fisheries exploiting those stocks: management

2012/0236(COD) - 12/09/2012 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks in the light of the evaluation of the plan carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTEXT: the scientific evaluation of the effectiveness of Council Regulation (EC) No 1342/2008, carried out in 2011, stated that the cod plan has not achieved its objectives and that they are unlikely to be achieved by 2015. Furthermore, the report revealed that there are flaws in the design of the Regulation and problems with its implementation.

The Commission is proposing an amendment to the Regulation in the light of this advice and of the opinions received from Regional Advisory Councils (RACs) and the Member States. The proposal for the amendment of the Regulation does not cover all the problems identified since this amendment is intended as an interim solution pending the development and implementation of a mixed-fishery plan for North Sea fisheries as anticipated in the reform.

IMPACT ASSESSMENT: the proposal was drawn up on the basis of consultations with the Member States and stakeholders.

LEGAL BASE: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENTS: the main legal action is as far as possible to improve and **clarify the provisions of the Regulation (EC) No 1342/2008 that were identified in the evaluation as problematic**, in particular:

- the changes to Article 4 (**Calculation of fishing effort**) aim at closing the unintended possibility for Member States to deploy higher levels of effort than the plan was meant to allow simply by changing the methods used for the calculation of effort when establishing the baselines and when calculating usage;
- Article 9 (**Special procedure for setting TACs**) defines a procedure for TAC setting in the absence of the necessary information to apply Article 7 or 8. Instead of automatic reductions of 25% it is proposed to take a case-by-case, and therefore a more flexible, approach though remaining firmly based on available scientific advice;
- instead of exempting groups of vessels specified by each Member State, **exemptions** are now based on criteria that would be generally applicable for any vessels that meet them, regardless of the Member State to which they belong. The amended Article also avoids the need for constant adjustments of the baseline by Council;
- **transitional measures** will ensure that vessels groups already excluded will be subject to the criteria in force at the time of exclusion;

- **vessels involved in the fully documented fishery trials**, where all catches are counted against quota, are exempted from fishing effort regime;
- a new proposal foresees the possibility for the Council to decide **not to apply further fishing effort reductions**, once the fishing-effort ceiling has been reduced for four consecutive years;
- it is now made clear that the condition that **cod catch** are less than 5 % of the total refers to the catch composition over the management period, not per trip;
- in Article 14, the Member State obligation to address the **discard issue** is strengthened since it is not the case under the current ruling, and level of control and monitoring is specified according to risk-based management;
- the **Committee procedure** is brought into line with the rules of the Treaty on the Functioning of the European Union and Regulation (EU) No 182/2011.

BUDGETARY IMPLICATION: the proposal has no implications for the EU budget.