Basic information

2012/0232(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Fishery resources: technical and control measures in the Skagerrak **Subject** 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.05 Fish catches, import tariff quotas 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	KUHN Werner (PPE)	06/09/2012
	Shadow rapporteur CHRISTENSEN Ole (S&D) GALLAGHER Pat the Cope (ALDE) TORVALDS Nils (ALDE) LÖVIN Isabella (Verts/ALE) GRÓBARCZYK Marek Józef (ECR) FERREIRA João (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	3216	2013-01-28

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	DAMANAKI Maria

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
29/08/2012	Legislative proposal published	COM(2012)0471	Summary
11/09/2012	Committee referral announced in Parliament, 1st reading		
28/01/2013	Debate in Council		Summary
18/02/2013	Vote in committee, 1st reading		
27/02/2013	Committee report tabled for plenary, 1st reading	A7-0051/2013	Summary
16/04/2013	Decision by Parliament, 1st reading	T7-0117/2013	Summary
16/04/2013	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0232(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/10282

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE500.527	26/11/2012	
Amendments tabled in committee		PE502.195	09/01/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0051/2013	27/02/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0117/2013	16/04/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0471	29/08/2012	Summary

Commission response to text adopted in plenary	SP(2013)338	15/05/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2156/2012	14/11/2012	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Fishery resources: technical and control measures in the Skagerrak

2012/0232(COD) - 29/08/2012 - Legislative proposal

PURPOSE: to establish new technical and control measures in the Skagerrak.

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

CONTEXT: during the fisheries consultations in 2010 between EU and Norway it was agreed to set up a Working Group to improve the control and enforcement measures in the fisheries in the Skagerrak, and to recommend ways to harmonise EU and Norwegian technical and control measures regulations in the area outside 4 nautical miles from the baselines. This Working Group on Technical Measures and Control in Skagerrak met during 2011 and reported in October 2011. In April 2012 the recommendations were included in the agreed record signed by EU and Norway.

Against this background and in order to follow the objective of the CFP to ensure sustainable use of living aquatic resources and to eradicate discarding as unsustainable practice it is desirable to enact the recommendations listed in the Agreed Records in Union legislation. The provisions laid down in the present proposal are specific to the Skagerrak and the fisheries therein and hence do not form any precedent for the debate on the reform of the CFP.

IMPACT ASSESSMENT: the rules to be adopted will be applicable only in the Skagerrak, and are in the context of an EU-Norway international agreement.

The EU-Norway agreement was based on the recommendations made by the technical Working Group, with stakeholder participation, that examined in detail the various options available in order to allow the continuation of the traditional fisheries in the Skagerrak following the expiry of the Skagerrak neighbourhood agreement. This Working Group is deemed to represent a sufficient alternative to the impact assessment.

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

CONTENTS: the provisions of the proposal relate to **changes to the technical measures in place in the Skagerrak in order to reduce the level of unwanted catches and discards** where they negatively affect the sustainable exploitation of marine biological resources.

The proposed changes aim, in particular:

- to establish an obligation to land all catches of stocks subject to catch limits;
- to introduce the obligation to land progressively;
- to ensure that the handling of juvenile fish is limited to fish meal, pet food or other non-human consumption products, or for charitable purposes;
- to improve the selectivity of the fishing gears by increasing the general minimum mesh size requirement for demersal fisheries but with derogations;
- to restrict the use of fishing gears in the Skagerrak;
- to establish certain measures to govern issues when on a given fishing trip fishing vessels combine their fishing activities in the Skagerrak with fishing in areas where the new technical measures adopted for the Skagerrak are not to be applied;

- to adopt specific control measures in addition to those provided for in Council Regulation (EC) No 1224/2009;
- to extend the use of prior notification as requested by Regulation (EC) 1224/2009 to cover all vessels with an overall length of 10 m or more and the prior notifications should be submitted two hours in advance to adapt to the fisheries;
- to operate a Remote Electronic Monitoring (REM) system on vessels operating in the Skagerrak;
- to oblige Member States concerned to define a control and inspection measures for the Skagerrak and to incorporate these measures into their respective national control action programmes;
- to provide rules for vessels transiting the Skagerrak in order to ensure that the new technical measures are respected.

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

DELEGATED ACTS: the proposal contains provisions allowing the Commission the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Fishery resources: technical and control measures in the Skagerrak

2012/0232(COD) - 28/01/2013

The Council held an **orientation debate** on the proposal for a regulation on certain technical and control measures in the Skagerrak.

Most Member States **welcomed the proposal** and considered it as a regional experiment on the actual implementation of a discard ban, where regionalisation and discard ban constitute two pillars of the proposed CFP reform. However, a certain number of issues were raised:

- many delegations highlighted that these provisions should not set a precedent for the reform of the CFP. They considered that the content of arrangements for the landing of all catches should be tailored to specific regional circumstances;
- a number of Member States questioned the obligation to have fully documented fisheries and closed circuit TV (CCTV) cameras installed on board vessels to monitor fisheries, in particular because this was not an obligation for Norwegian vessels when fishing in EU waters.
- lastly, several delegations mentioned other provisions to explore as alternatives to CCTV, such as selectivity, monitoring at ports or observers on board.

Fishery resources: technical and control measures in the Skagerrak

2012/0232(COD) - 27/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Werner KUHN (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on certain technical and control measures in the Skagerrak and amending Regulation (EC) No 850/98 and Regulation (EC) No 1342/2008.

The parliamentary committee recommends that the European Parliament’s position adopted at first reading according to the ordinary legislative procedure should be to amend the Commission’s proposal as follows:

Entry into force: the Commission proposed that the landing obligation should take effect on the 1 January 2013. As it is so closely linked to the rules on quotas, it should reasonably take effect in the beginning of a quota year. As it would not be possible to have the rules in place before the end of this year, they should **take effect on the 1 January 2014**.

Geographical scope: the Regulation can only apply to the areas of the Skagerrak that falls within the jurisdiction of Denmark and Sweden. It would be applicable to all vessels fishing in those areas, including vessels from Norway. Reciprocally, EU vessels would be subject to Norwegian rules when fishing in the part of the Skagerrak that is under the jurisdiction of Norway.

Obligation to minimise catches of unwanted species and juveniles: Members introduced new provisions stipulating that anyone carrying out fishing activities in the Skagerrak shall avoid catches of unwanted species and catches below the minimum conservation reference size, inter alia, by selecting fishing gear and where and when the fishing effort takes place. The Member States concerned shall take all necessary measures to this end by making available **more selective gear**.

Members also introduced **an obligation to register and report all catches**.

The obligation to land all catches: the proposal sets out an obligation to land fish of in total 25 species named in Annex 1 to the Regulation. Members specify that notwithstanding the obligation to register all catches, the obligation to land all catches shall not apply to a species in a specific fishery where **it has been established that it has a high survival rate, provided that it can be separated from the main catch**. The Commission should also be empowered to adopt **delegated acts** to support the decision of the fishermen to release or not their catch.

Quota management: Member States shall ensure that fishing vessels flying their flag retaining on board fish for which the Member State has no quota **shall cease fishing immediately** and return to port.

Fishing gear specifications: Members wish to clarify that **trawls** having a mesh size equal to or less than 32 mm may only be used in fisheries for pelagic and industrial species. They propose raising to **80%** the threshold applicable to catches of pelagic and industrial species.

Remote electronic monitoring (REM): the amendments provide that a fishing vessel of 12 metres overall length or more fishing in the part of the Skagerrak that is in Union waters must have on board a fully functioning system comprising closed circuit television (CCTV), a global positioning system GPS, and sensors and transmitting devices before it is allowed to leave port.

This measure should apply according to the following timeline: (a) from **1 January 2015** for Union fishing vessels of 15 metres' length overall or more; (b) from **1 July 2016** for Union fishing vessels of 12 metres' length overall or more.

Data recorded by the CCTV cameras shall be **automated** using image recognition software and shall be treated in conformity with the applicable **data protection** rules and principles.

Fishery resources: technical and control measures in the Skagerrak

2012/0232(COD) - 16/04/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 647 votes to13 with 45 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on certain technical and control measures in the Skagerrak and amending Regulation (EC) No 850/98 and Regulation (EC) No 1342/2008.

Parliament adopted its position in first reading following the ordinary legislative procedure. It amended the Commission proposal as follows:

Entry into force: the Commission proposed that the landing obligation should take effect on the 1 January 2013. Parliament considers that it would place too great a burden on the fisheries sector if any changes to the current rules were applied during an existing quota year. Such changes should therefore be applied from the beginning of the next complete quota year. The rules introduced by the Regulation should consequently apply **from 1 January 2014**.

Geographical scope: it is clarified that the Regulation establishes new technical and control measures in those areas of the Skagerrak that **fall within the jurisdiction of a Member State**. The latter shall apply to all fishing vessels operating in those areas of the Skagerrak that fall within the jurisdiction of a Member State.

Obligation to minimise catches of unwanted species and juveniles: Parliament introduced new provisions stipulating that anyone carrying out fishing activities in the Skagerrak shall avoid catches of unwanted species and catches below the minimum conservation reference size, inter alia, by selecting fishing gear and where and when the fishing effort takes place. The Member States concerned shall take all necessary measures to this end by making available **more selective gear**.

Members also introduced **an obligation to register and report all catches**. All catches registered shall be reported to the Commission or to the authorities of the flag Member State.

The obligation to land all catches: the proposal sets out an obligation to land fish of in total 25 species named in Annex 1 to the Regulation. Members specify that notwithstanding the obligation to register all catches, the obligation to land all catches shall not apply to a species in a specific fishery **where it has been established that it has a high survival rate, provided that it can be separated from the main catch**. The Commission should also be empowered to adopt delegated acts to support the decision of the fishermen to release or not their catch.

Quota management: Member States shall ensure that fishing vessels flying their flag retaining on board fish for which the Member State has no quota **shall cease fishing immediately and return to port.**

Juvenile fish: Parliament considers that where a minimum conservation reference size is set, such stock may not be sold **for charitable purposes**. In addition, the Commission shall be empowered to adopt delegated acts amending Annex II on the basis of advances of scientific information in order to ensure, after consultations with all parties involved in fisheries in the Skagerrak, that minimum conservation reference sizes are in line with the size at maturity of the species concerned, and review mesh sizes accordingly. When adopting such delegated acts, the Commission shall strive to establish joint minimum conservation reference sizes with Norway in order to create a level-playing field.

Fishing gear specifications: Parliament wishes to clarify that **trawls** having a mesh size equal to or less than 32 mm may only be used in fisheries for pelagic and industrial species. It proposes raising to **80%** the threshold applicable to catches of pelagic and industrial species.

Remote electronic monitoring (REM): the amendments provide that a fishing vessel of 12 metres overall length or more fishing in the part of the Skagerrak that is in Union waters must have on board a fully functioning system comprising closed circuit television (CCTV), a global positioning system GPS, and sensors and transmitting devices before it is allowed to leave port.

This measure should apply according to the following timeline: (a) **from 1 January 2015** for Union fishing vessels of 15 metres' length overall or more; (b) **from 1 July 2016** for Union fishing vessels of 12 metres' length overall or more.

Data recorded by the CCTV cameras shall be **automated** using image recognition software and shall be treated in conformity with the applicable **data protection** rules and principles.