Basic information

2014/0213(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures Amending Regulation (EU) No 1343/2011 2009/0129(COD) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds **Geographical area** Mediterranean Sea area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	MATO Gabriel (PPE)	17/09/2014
	Shadow rapporteur AGUILERA Clara (S&D) TOMAŠIĆ Ruža (ECR) BILBAO BARANDICA Izaskun (ALDE) HAZEKAMP Anja (GUE/NGL) AFFRONTE Marco (EFDD)	

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries	MATO Gabriel (PPE)	17/09/2014

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3390	2015-05-19
Agriculture and Fisheries	3402	2015-07-13

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

European Economic and Social Committee	

Key events

Date	Event	Reference	Summary
11/07/2014	Legislative proposal published	COM(2014)0457	Summary
17/07/2014	Committee referral announced in Parliament, 1st reading		
03/12/2014	Vote in committee, 1st reading		
08/12/2014	Committee report tabled for plenary, 1st reading	A8-0057/2014	Summary
13/01/2015	Decision by Parliament, 1st reading	T8-0005/2015	Summary
13/01/2015	Results of vote in Parliament		
21/01/2015	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
06/05/2015	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
14/07/2015	Council position published	08806/1/2015	Summary
10/09/2015	Committee referral announced in Parliament, 2nd reading		
13/10/2015	Vote in committee, 2nd reading		
14/10/2015	Committee recommendation tabled for plenary, 2nd reading	A8-0295/2015	Summary
28/10/2015	Decision by Parliament, 2nd reading	T8-0378/2015	Summary
28/10/2015	Results of vote in Parliament		
28/10/2015	Final act signed		
28/10/2015	End of procedure in Parliament		
25/11/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0213(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU) No 1343/2011 2009/0129(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/03213

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE539.617	14/10/2014	
Amendments tabled in committee		PE541.602	11/11/2014	
Committee report tabled for plenary, 1st reading/single reading		A8-0057/2014	08/12/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0005/2015	13/01/2015	Summary
Committee draft report		PE565.194	03/09/2015	
Committee recommendation tabled for plenary, 2nd reading		A8-0295/2015	14/10/2015	Summary
Text adopted by Parliament, 2nd reading		T8-0378/2015	28/10/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10406/2015	03/07/2015	
Council position	08806/1/2015	14/07/2015	Summary
Draft final act	00060/2015/LEX	28/10/2015	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0457	11/07/2014	Summary
Commission response to text adopted in plenary	SP(2015)66	17/02/2015	
Commission communication on Council's position	COM(2015)0354	14/07/2015	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5181/2014	15/10/2014	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2015/2102
OJ L 308 25.11.2015, p. 0001

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 13/01/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 583 votes to 91, with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area.

The proposal intends to amend Regulation (EU) No 1343/2011 of the European Parliament and of the Council in order to include the measures contained in the GFCM recommendations. It contains technical measures for the sustainable exploitation of red coral, the mitigation of incidental captures of seabirds, sea turtles and cetaceans and the conservation of monk seals, sharks and rays in the GFCM Agreement area.

Parliament adopted its position at first reading following the ordinary legislative procedure amending the Commission proposal as follows:

- certain measures are already in place at national level in line with the GFCM recommendations. Member States having already transposed these recommendations, which were adopted in 2011, 2012 and 2013, should not be constraint to submit today to the Commission requests for derogations foreseen by the GFCM;
- the harvesting of **red coral** shall be prohibited at depth less than 50m until scientific studies, as validated by the GFCM's Scientific Advisory Committee (SAC), indicate otherwise;
- the use of Remotely Operated underwater Vehicles (ROVs) for the exploitation of red coral shall be prohibited. Unless scientific advice states otherwise, that prohibition shall cover, as from 1 January 2016, the use of **Remotely Operated under-water Vehicles** which may have been authorised by Member States in zones under national jurisdiction exclusively for **observation and prospection** of red coral on the basis of recommendation GFCM/35/2011/2;
- use of **Remotely Operated under-water Vehicles** should be authorised in Member States which have not yet authorised the use of ROVs for **prospection** and may wish to do so. Such authorisation shall be granted only on the basis of scientific results obtained in the context of national management frameworks and showing no negative impact on the sustainable exploitation of red coral. The use of ROVs may be during a limited period **not extending beyond 2015**, carried out under the supervision of national research institutions;
- fishing vessels **shall not bring seabirds ashore** except within the framework of national plans for the conservation of seabirds or to secure assistance for the recovery of harmed individual seabirds, and provided that the competent national authorities have been duly and officially informed, prior to the vessel concerned returning to port, of the intention to bring such seabirds ashore;
- specimens of **sea turtles** incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible. The possibility to land sea turtles under national conservation plans or in case it is needed in order to rescue a harmed animal;
- to the extent practicable, vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall avoid encircling sea turtles;
- specimens of **monk seals** incidentally taken in fishing gears shall be released unharmed and alive. Should such a monk seal be already dead, the carcass shall be landed and the national authorities notified at the latest upon arrival in port;
- specimens of **cetaceans** incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible;
- **sharks and rays** that are caught alive are not always unharmed. However, injured ones should also be released, so that they nevertheless have some chance of survival;
- regarding **reporting obligation**s, it should not apply to vessels that are not obliged to carry a logbook;
- the deadline for the **communication of the data** from the Member States to the Commission is delayed from 15 November of each year to the 15 December.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 14/10/2015 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Fisheries adopted the recommendation for second reading contained in the report by Gabriel MATO (EPP, ES) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343 /2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area.

The committee recommended the European Parliament to **approve the Council position at first reading**.

The European Parliament and the Council agreed on the transposition into the Union Law of several Recommendations made by the General Fisheries Commission for the Mediterranean (the GFCM Agreement) which provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse.

The main problem encountered by the co-legislators was the choice of legal mechanisms to be used in requests to Member States to grant derogations, in particular concerning the use of trawl nets and gill-nets fisheries in the Black Sea and the minimum basal diameter of colonies, gear and devices and the harvesting of red coral.

Derogations to ban coastal trawling in the Black Sea: Parliament accepted that these should be managed at Member States' level with the Commission scrutiny right. It is question of authorising a limited number of vessels to exceptionally use trawl nets within the Black Sea coastal zone. Also, Member States concerned are not obliged to introduce management plans but only a monitoring system as a condition for granting derogations.

However, Parliament made a **declaration** – annexed to the draft legislative resolution - pointing out that it accepts the arrangement authorising the Member States concerned to grant the derogations at stake but stresses that this **arrangement is not to be taken or used as a precedent** in any future legal act.

Derogations on the harvesting and the minimum basal diameter of colonies of red coral: the Parliament succeeded in proposing a compromise that was accepted by all Institutions: Member States will submit, within a period of 3 years, joint recommendations on the basis of the Article 18 of the CFP basic Regulation (regionalisation), accompanied by detailed information on the national management framework.

In the meantime, Member States that have already national frameworks in place can maintain them and those who wish to set up national frameworks they can do it provisionally, provided that an appropriate national management framework is in place. Where the Commission considers, on the basis of the notifications provided by the Member States, that a national management framework does not comply with the conditions set out in the present Regulation, it may, subject to providing relevant reasons and after consultation with the Members States concerned, request it to amend the framework.

The gear and devices to be used for the harvesting of the red coral: the colegislators agreed that the use of the ROVs (Remotely Operated under-water Vehicles) for the purpose of observation and prospection of the red coral shall continue to be permitted in zones under the jurisdiction of the Members State provided that the ROV is not equipped with manipulator arms or any other allowing the cutting and harvesting of red coral.

Such authorisations shall expire or be withdrawn no later than 31 December 2015, unless the Member State concerned has obtained scientific results showing that the use of the ROVs beyond 31 December 2015 would have no negative impact on the sustainable exploitation of red coral.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 08/12/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Gabriel MATO (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area.

Regulation (EU) No 1343/2011 of the European Parliament and of the Council lays down certain provisions for fishing in the GFCM Agreement area. It is proposed to amend this Regulation to include the measures contained in the GFCM recommendations. The proposal contains technical measures for the sustainable exploitation of red coral, the mitigation of incidental captures of seabirds, sea turtles and cetaceans and the conservation of monk seals, sharks and rays in the GFCM Agreement area.

Such measures go beyond the protection already ensured to these species at EU level by the Habitats Directive and other Union acts and include specific recording and reporting obligations for both operators and Member States.

The committee recommended that the European Parliament’s position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

- according to Members, **the Commission proposal ignores measures that are already in place at national level in line with the GFCM recommendations**. Member States having already transposed these recommendations, which were adopted in 2011, 2012 and 2013, should not be constraint to submit today to the Commission requests for derogations foreseen by the GFCM, taking also into consideration the fact that the EC has failed to transpose them up to date;
- the **harvesting of red coral** shall be prohibited at depth less than 50 m until scientific studies, as validated by the GFCM's Scientific Advisory Committee (SAC), indicate otherwise;
- the use of **Remotely Operated underwater Vehicles (ROVs)** for the exploitation of red coral shall be prohibited. Unless scientific advice states otherwise, that prohibition shall cover, **as from 1 January 2016**,
- the use of **Remotely Operated under-water Vehicles** which may have been authorised by Member States in zones under national jurisdiction exclusively for observation and prospection of red coral on the basis of recommendation GFCM/35/2011/2;
- the use of **ROVs** may be authorised in zones under national jurisdiction only and within a framework allowing for scientific experimental campaigns both for observation and harvesting during a limited period **not extending beyond 2015**, carried out under the supervision of national research institutions and/or in collaboration with national or international bodies;
- the retention on board **seabirds** should be authorised in only in very justified cases;
- specimens of **sea turtles** incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible. The possibility to land sea turtles under national conservation plans or in case it is needed in order to rescue a harmed animal;
- to the extent practicable, vessels using purse seines for small pelagic species or surrounding nets without purse line for pelagic species shall avoid encircling sea turtles;

- specimens of **monk seals** incidentally taken in fishing gears shall be released unharmed and alive. Should such a monk seal be already dead, the carcass shall be landed and the national authorities notified at the latest upon arrival in port;
- specimens of **cetaceans** incidentally taken in fishing gears shall be safely handled and released unharmed and alive, to the extent that this is possible;
- **sharks and rays** that are caught alive are not always unharmed. However, injured ones should also be released, so that they nevertheless have some chance of survival;
- regarding **reporting obligation**s, it should not apply to vessels that are not obliged to carry a logbook;
- the deadline for the **communication of the data** from the Member States to the Commission is delayed from 15 November of each year to the 15 December.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 11/07/2014 - Legislative proposal

PURPOSE: to transpose in Union law a number of measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) at its annual sessions of 2011, 2012 and 2013.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the GFCM Agreement provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse. The European Union, as well as Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Romania and Slovenia are contracting parties to the GFCM Agreement.

At its Annual Sessions in 2011 and 2012, the GFCM adopted measures for the sustainable exploitation of red coral in its area of competence to be implemented in Union law.

The GFCM adopted other recommendations laying down:

- measures for the mitigation of incidental catches of seabirds, sea turtles, monk seals and cetaceans in fishing activities in the GFCM Agreement area to be implemented in Union law;
- measures aiming to ensure in its area of competence a high level of protection from fishing activities to sharks and rays, and in particular to the shark and ray species listed as endangered or threatened under Annex II of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean to the Barcelona Convention;
- measures for fisheries exploiting small pelagic stocks in the Adriatic Sea which should be implemented in Union law.

Regulation (EU) No 1343/2011 of the European Parliament and of the Council lays down certain provisions for fishing in the GFCM Agreement area. It is proposed to amend this Regulation to include the measures contained in the GFCM recommendations.

CONTENT: the proposal contains technical measures for the sustainable exploitation of red coral, the mitigation of incidental captures of seabirds, sea turtles and cetaceans and the conservation of monk seals, sharks and rays in the GFCM Agreement area.

Such measures go beyond the protection already ensured to these species at EU level by the Habitats Directive and other Union acts and include specific recording and reporting obligations for both operators and Member States.

The proposal also implements in Union law certain measures for fisheries for small pelagic stocks in the Adriatic Sea.

DELEAGTED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the treaty on the Functioning of the European Union.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 14/07/2015 - Council position

The Council adopted its position at first reading in view of the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area.

The proposal aims at updating the Regulation (EU) No 1343/2011, by incorporating into Union law obligations resulting from conservation and control measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) between 2011 and 2014.

The Council has introduced amendments to the proposal that aim to:

- implement conservation measures as close as possible to the internationally agreed recommendations;
- simplify and modernise the delegated decision-making.

The European Parliament voted 25 amendments that addressed similar concerns. The Council moved its position in order to meet a number of Parliament's amendments on the substance, and reformulated procedural provisions on delegated decision-making in order to find compromises.

Rules for the Black Sea and the Adriatic Sea: the Council amended the ban on coastal trawling in the Black Sea in order to **allow specific derogations** justified by particular circumstances that are listed in the relevant GFCM Recommendation. The Commission scrutinises the Member States' derogations.

As regards the protection measures for small pelagic species in the Adriatic Sea, the Council and the Parliament coincided in a technical amendment to the scope of the measure.

Exploitation of red coral: the Council met the Parliament's concern in listing the various transitional provisions for the **phasing out of remotely operated under-water vehicles**.

As regards the application of derogations, the amended proposal foresees a **delegated act developed through a regionalisation process**, a concept introduced by the reform of the Common Fisheries Policy.

In addition, the Parliament's concern of **safeguarding national measures** was reflected through a transitional mechanism.

Protection of non-targeted marine species: the Council's amendments largely coincided with those of the Parliament. They add a few practical elements to the **avoidance of protected species** and to their specific treatment if accidentally caught.

Recording and Reporting: the Council's amendments make a distinction between minimum information to be recorded by the fishermen, and aggregated statistical information that the Member States will provide to the GFCM.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 28/10/2015 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area.

In line with the recommendation for second reading by the Committee on Fisheries, Parliament approved the Council position at first reading without amendment.

As regards **granting derogations for the use of trawl nets and gill-nets fisheries in the Black Sea**, Parliament approved the statement - annexed to this resolution – stating that it accepts the arrangement authorising the Member States concerned to grant the derogations in question. It stresses, however, that those provisions are not to be taken or used as a precedent in any future legal act.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 14/07/2015 - Commission communication on Council's position

The Commission gave its opinion on the position of the Council on the adoption of a Regulation amending Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area.

The position of the Council reflects the political agreement reached by the European Parliament and the Council on 26 March 2015. The Commission **supports the Council in its position** which introduced a new derogation in Article 15a, which concerns the use of trawl nets in coastal waters of the Black Sea and takes account of the prevailing situation in that region.

The European Parliament made 25 amendments at first reading. With the exception of amendment 19 (on fishing vessels equipped with trawl nets and purse seines in Geographical Sub-areas 17 or 18, which the European Parliament agreed to withdraw), **all the other amendments have been integrated in the Council position**.

The Commission has made **two statements** with a view to clarifying some issues linked to derogations on red coral and more precisely to the adoption of national measures during a transitional period and to the final date for the use of Remotely Operated underwater Vehicles (ROVs) for observation and prospection of red coral.

Fishing in the General Fisheries Commission for the Mediterranean (GFCM) Agreement area: technical measures

2014/0213(COD) - 28/10/2015 - Final act

PURPOSE: to transpose in Union law a number of measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) at its annual sessions between 2011 and 2014.

LEGISLATIVE ACT: Regulation (EU) 2015/2102 of the European Parliament and of the Council amending Regulation (EU) No 1343/2011 on certain provisions for fishing in the GFCM.

CONTEN: to recall, the Agreement for the establishment of **the General Fisheries Commission for the Mediterranean** ('the GFCM Agreement') provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels which are considered sustainable and at low risk of collapse. The Union, as well as Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Romania and Slovenia are contracting parties to the GFCM Agreement.

Regulation (EU) No 1343/2011 of the European Parliament and of the Council lays down certain provisions for fishing in the GFCM Agreement area. It is the appropriate legislative act for the implementation of those GFCM recommendations the content of which is not yet covered by Union law.

Main amendments introduced: the Regulation seeks to update Regulation (EU) No 1343/2011 by transposing in Union law a number of measures adopted by the General Fisheries Commission for the Mediterranean (GFCM) at its annual sessions between 2011 and 2014. These measures concern:

- the sustainable exploitation of red coral in its area of competence, which need to be implemented in Union law. One of those measures concerns the use of Remotely Operated underwater Vehicles (ROVs). The GFCM decided that the further use of ROVs which had already been authorised to engage in observation and prospection operations in respect of red coral, is to be allowed only under certain conditions and for a limited period of time, unless scientific advice states otherwise. Consequently, such use of ROVs in Union waters should no longer be allowed after 31 December 2015, unless justified by scientific advice;
- the mitigation of **incidental catches** of seabirds, sea turtles, monk seals and cetaceans in fishing activities as well as the shark and ray species listed as endangered or threatened under Annex II to the Protocol concerning specially protected areas and biological diversity in the Mediterranean;
- the management of fisheries exploiting **small pelagic stocks** in the Adriatic Sea.

Use of trawl nets and gill-nets fisheries in the Black Sea: the new Regulation amended the ban on coastal trawling in the Black Sea in order to allow specific derogations justified by particular circumstances that are listed in the relevant GFCM Recommendation. The Commission scrutinises the Member States' derogations and may request a modification to these derogations if it considers that they do not comply with the conditions set out in the Regulation.

Recording and reporting obligations: the Regulation stipulated that fishing vessels authorised to harvest red coral shall have on board a logbook in which the daily catches of red coral and fishing activity by area and depths are recorded, including the number of fishing days and dives.

In order to improve data gathering with a view to scientific monitoring of certain marine species that are incidentally caught in fishing gears, masters of fishing vessels should be obliged to **record incidental catches** of the marine species concerned.

ENTRY INTO FORCE: 28.11.2015.

DELEGATED ACTS: the power to adopt acts should be delegated to the Commission in respect of authorisations to derogate from the prohibition on the harvesting of red coral at depths of less than 50 metres and to depart from the minimum basal diameter of red coral colonies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.