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A9-0093/ 001-019

AMENDMENTS 001-019

by the Committee on Fisheries

Report

Niclas Herbst

A9-0093/2020

Introduction of capacity limits for Eastern Baltic cod, data collection and control measures in the Baltic Sea and permanent cessation for fleets fishing for Eastern Baltic cod

Proposal for a regulation (COM(2019)0564 – C9-0161/2019 – 2019/0246(COD))

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2016/1139 as
regards ***the introduction of capacity limits
for Eastern Baltic cod, data collection and
control measures*** in the Baltic Sea, and
Regulation (EU) No 508/2014 as regards
permanent cessation for fleets fishing for
Eastern Baltic cod

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2016/1139 as
regards capacity ***reductions*** in the Baltic
Sea, and Regulation (EU) No 508/2014 as
regards permanent cessation for fleets
fishing for Eastern Baltic cod, ***Western
Baltic cod and Western Baltic herring***

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) Article 3(3) of Regulation (EU) No

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2016/1139 of the European Parliament and of the Council³ commits to implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. The plan is to be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council⁴.

³ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

⁴ 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)

2016/1139 of the European Parliament and of the Council³ commits to implement the ecosystem-based approach to fisheries management in order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised. The plan is to be coherent with Union environmental legislation, in particular with the objective of achieving good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council⁴. ***It is essential that the plan contributes to having a healthy stock, which is then linked to sustainable fishing.***

³ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

⁴ 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 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Those high nutrient inputs result inter alia from insufficiently implemented Directives such as Council Directive 91/676/EEC^{1a} and Directive 2000/60/EC of the European Parliament and of the

Council^{1b}.

^{1a} **Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).**

^{1b} **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).**

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The declining condition of **Eastern** Baltic cod (*Gadus morhua*) has been linked to that situation. According to ICES, the **stock suffers** from an unsustainably low biomass due to a combination of declining recruitment, environmental factors and changes in the ecosystem leading to a high natural mortality (about three times the fishing mortality), and an excessive fishing mortality given the status of the **stock**. The biomass of commercial sized cod is presently at the lowest level observed since the 1950s. Moreover, ICES estimates that the spawning stock biomass will remain below the sustainability reference point in the medium-term (2024) even with no fishing at all. ***In its stock advice for 2020 ICES*** therefore advises zero catches.

Amendment

(3) The declining condition of Baltic cod (*Gadus morhua*) has been linked to that situation. According to ICES, the **stocks suffer** from an unsustainably low biomass due to a combination of declining recruitment, environmental factors, **low availability of prey species**, and changes in the ecosystem (***for instance oxygen depletion, increased temperature or pollution***) leading to a high natural mortality (about three times the fishing mortality), and an excessive fishing mortality given the status of the **stocks**. The biomass of commercial sized cod is presently at the lowest level observed since the 1950s. Moreover, ICES estimates that the **Eastern Baltic cod** spawning stock biomass will remain below the sustainability reference point in the medium-term (2024) even with no fishing at all **and** therefore advises zero catches ***in its stock advice for 2020***.

Amendment 5

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Fisheries management in the Baltic Sea also suffers from an imbalance between active fleet segments and available fishing opportunities as set out in the Commission Communication of 7 June 2019 on the State of Play of the Common Fisheries Policy and Consultation on the Fishing Opportunities for 2020.

Amendment 6

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) Based on the stock assessment for Eastern Baltic cod, the Commission adopted Commission Implementing Regulation (EU) 2019/1248⁵, prohibiting until 31 December 2019 to fish for cod in ICES subdivisions 24 to 26.

(5) Based on the stock assessment for Eastern Baltic cod, the Commission adopted Commission Implementing Regulation (EU) 2019/1248⁵, prohibiting until 31 December 2019 to fish for cod in ICES subdivisions 24 to 26. ***That prohibition has had a significant impact on the Eastern Baltic region, especially on the small artisanal fishing sector. The prohibition also has had an impact on the Western Baltic fisheries.***

⁵ Commission Implementing Regulation (EU) 2019/1248 of 22 July 2019 establishing measures to alleviate a serious threat to the conservation of the Eastern Baltic cod (*Gadus morhua*) stock (OJ L 195, 23.7.2019, p. 2)

⁵ Commission Implementing Regulation (EU) 2019/1248 of 22 July 2019 establishing measures to alleviate a serious threat to the conservation of the Eastern Baltic cod (*Gadus morhua*) stock (OJ L 195, 23.7.2019, p. 2)

Amendment 7

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Eastern Baltic cod is also caught by fishermen from third countries, which has an impact on the stock of the species as well.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) On 15 October 2019, the Council adopted a political agreement on fishing opportunities for 2020 in the Baltic Sea. That agreement entails a necessary and unprecedented reduction of 92% of fishing opportunities for 2020 compared to 2019 for Eastern Baltic cod, and limits the use of this TAC to by-catches only. No targeted fishery for this stock is therefore to be allowed. Since in ICES subdivision 24 mostly Eastern Baltic cod is present, the use of the Western Baltic cod TAC in subdivision 24 is also limited to by-catches of Eastern Baltic cod.

(6) On 15 October 2019, the Council adopted a political agreement on fishing opportunities for 2020 in the Baltic Sea. That agreement entails a necessary and unprecedented reduction of 92% of fishing opportunities for 2020 compared to 2019 for Eastern Baltic cod, and limits the use of this TAC to by-catches only. No targeted fishery for this stock is therefore to be allowed. ***Fishing operations conducted for the purpose of scientific investigations is always to be possible to follow the trends in stock biomass.*** Since in ICES subdivision 24 mostly Eastern Baltic cod is present, the use of the Western Baltic cod TAC in subdivision 24 is also limited to by-catches of Eastern Baltic cod.

Amendment 9

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) The fishing fleets so far dependent on Eastern Baltic cod do not have the possibility to fish for other stocks as an alternative. It is estimated that offsetting the economic losses caused by the Eastern Baltic cod closure would require additional catches of around 20,000 tonnes in

(7) The fishing fleets so far dependent on Eastern Baltic cod do not have the possibility to fish for other stocks as an alternative. It is estimated that offsetting the economic losses caused by the Eastern Baltic cod closure would require additional catches of around 20,000 tonnes in

alternative species. However, the Council also agreed severe reductions for other stocks, and notably a reduction of 65% for Western Baltic herring, 60% for Western Baltic cod, 32% for plaice, 27% for herring in the Gulf of Bothnia and 22% for sprat.

alternative species. However, the Council also agreed severe reductions for other stocks, and notably a reduction of 65% for Western Baltic herring, 60% for Western Baltic cod, 32% for plaice, 27% for herring in the Gulf of Bothnia and 22% for sprat.

The Western Baltic herring TAC was significantly reduced for the third consecutive year. The TAC for Western Baltic cod was also significantly reduced. Western Baltic cod and Western Baltic herring are therefore subject to reductions that are similar in impact to those which apply to Eastern Baltic cod.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) **Commission analysis** shows that the fleet segments with the highest dependency on Eastern Baltic cod encompass more than 300 vessels, mainly trawlers and netters in Lithuania, Latvia and Poland, and to a lesser extent, Denmark. These fleet segments are of significant socioeconomic importance, representing between roughly 20% and 50% of the respective national fleet in Lithuania, Latvia and Poland, expressed in full-time equivalents. Only a minority seem resilient enough to survive a short-term – but not a medium or long-term – closure. The rest either suffer already from a poor situation that will be worsened by the closure or will see their profitability completely erode. Indeed, the quota uptake for Eastern Baltic cod has been below 60% for many years already, dropping further to 40% in 2018 and even lower in 2019 until the start of the Commission emergency measures in mid-July (19%), reflecting the biological problem with this fishery. Given that **Eastern** Baltic cod **is** not expected to recover to healthy levels even in the

Amendment

(8) **Analysis** shows that the fleet segments with the highest dependency on Eastern Baltic cod encompass more than 300 vessels, mainly trawlers and netters in Lithuania, Latvia and Poland, and to a lesser extent, Denmark **and Germany**. These fleet segments are of significant socioeconomic importance, representing between roughly 20% and 50% of the respective national fleet in Lithuania, Latvia and Poland, expressed in full-time equivalents. Only a minority seem resilient enough to survive a short-term – but not a medium or long-term – closure. The rest either suffer already from a poor situation that will be worsened by the closure or will see their profitability completely erode. Indeed, the quota uptake for Eastern Baltic cod has been below 60% for many years already, dropping further to 40% in 2018 and even lower in 2019 until the start of the Commission emergency measures in mid-July (19%), reflecting the biological problem with this fishery. Given that Baltic cod **stocks are** not expected to recover to healthy levels even in the medium term,

medium term, there will be a persistent structural imbalance for these fleet segments, thus justifying the restructuring of the fleet.

there will be a persistent structural imbalance for these fleet segments, thus justifying the restructuring of the fleet.

Amendment 11

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) *According to ICES advice published on 29 May 2019, approximately 70% of the cod landings in subdivisions 24-28 were taken by trawlers with a BACOMA with a 120 mm escape window or T90, and 15% of the cod landings were taken by gillnetters with mesh sizes between 110 mm and 156 mm. These métiers are generally considered to target cod and the minimum mesh sizes for them are set out in Regulation (EU) 2019/1241 of the European Parliament and of the Council.⁷ The other métiers in the top 15 in terms of the amount of cod landings each contributed less than 5% to the total cod landings.* It is important to ensure that the capacity levels of fleets fishing for **Eastern** Baltic cod do not increase and permanent cessation with public funds delivers an effective reduction of fleet capacity. The Member State capacity level of **these two** fleet segments should be **capped at** levels of active vessels in **the most recent** years **before** the application of emergency measures, i.e. **2017 and** 2018, and should be reduced when vessels are withdrawn with public aid, with the aim of rebuilding the **stock** of **Eastern** Baltic cod.

Amendment

(11) It is important to ensure that the capacity levels of fleets fishing for Baltic cod do not increase and permanent cessation with public funds delivers an effective reduction of fleet capacity. The Member State capacity level of **the** fleet segments **concerned** should be **reduced to below the** levels of active vessels in **two of the five** years **immediately preceding** the application of emergency measures, i.e. **the years 2014 - 2018**, and should be reduced when vessels are withdrawn with public aid, with the aim of rebuilding the **stocks** of Baltic cod.

⁷ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of

marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

Amendment 12

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to mitigate the ***adverse economic effects*** caused by the ***exceptional and*** persistent environmental situation in the Baltic Sea and the resulting severe reductions in fishing opportunities and in view of the specific measures provided for in the Multiannual plan for the Baltic Sea, public support for the permanent cessation of fishing activities through the scrapping of fishing vessels should be available to allow Member States to meet the objectives of their action plans under Article 22 of Regulation (EU) No 1380/2013 and reduce any identified structural imbalance in the fishing segments covered by the Baltic multiannual plan. Regulation (EU) No 508/2014 should therefore be amended accordingly to reintroduce support for permanent cessation for the vessels that have significant dependence on ***Eastern*** Baltic cod.

Amendment

(16) In order to mitigate the ***seriously harmful*** socio-economic ***consequences for coastal communities and businesses engaged in fishing*** caused by the persistent ***and negative*** environmental situation in the Baltic Sea and the resulting severe reductions in fishing opportunities and in view of the specific measures provided for in the Multiannual plan for the Baltic Sea, public support for the permanent cessation of fishing activities through the scrapping of fishing vessels should be available to allow Member States to meet the objectives of their action plans under Article 22 of Regulation (EU) No 1380/2013 and reduce any identified structural imbalance in the fishing segments covered by the Baltic multiannual plan. Regulation (EU) No 508/2014 should therefore be amended accordingly to reintroduce support for permanent cessation for the vessels that have significant dependence on Baltic cod.

Amendment 13

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) In order to ensure the consistency of fleet structural adaptation in the Baltic Sea with the conservation objectives laid down in the Multiannual plan, support for the permanent cessation of fishing activities through the scrapping of fishing vessels that have significant dependence on Eastern Baltic cod should be strictly conditional and linked to the achievement of the adjustment targets and tools defined in the action plans for imbalanced segments.

Amendment

(17) In order to ensure the consistency of fleet structural adaptation in the Baltic Sea with the conservation objectives laid down in the Multiannual plan, support for the permanent cessation of fishing activities through the scrapping of fishing vessels that have significant dependence on Eastern **and Western** Baltic cod should be strictly conditional and linked to the achievement of the adjustment targets and tools defined in the action plans for imbalanced segments.

Amendment 14

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Article 30 of Regulation (EU) No 508/2014 states that the EMFF may support investments that contribute to the diversification of the income of fishermen through the development of complementary activities.

Amendment 15

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In view of the bad economic situation of Union fishing vessels with a significant dependence on Eastern Baltic cod and the need to ensure the availability of support under the EMFF for permanent cessation

Amendment

(21) In view of the bad economic situation of Union fishing vessels with a significant dependence on Eastern Baltic cod and the need to ensure the availability of support under the EMFF for permanent cessation

of fishing activities of those vessels, it was considered appropriate to *provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community,*

of fishing activities of those vessels, it was considered appropriate to *act as swiftly as possible while respecting the full democratic rights of all Union institutions.*

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/1139

Article 8a – title

Text proposed by the Commission

Capacity reduction for Eastern Baltic cod

Amendment

Capacity reduction for Eastern Baltic cod, *Western Baltic cod and Western Baltic herring*

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 2016/1139

Article 8a – paragraph 2

Text proposed by the Commission

Amendment

2. Paragraph 1 shall apply to vessels equipped with the following gear categories:

deleted

(a) towed gear with a mesh size of at least 120 mm constructed from T90 or at least 105 mm fitted with a Bacoma exit window of 120 mm;

(b) static nets with a mesh size of at least 110 mm and not more than 156 mm.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Regulation (EU) No 508/2014

Article 34 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In Article 34(2), the following subparagraph is added:

"In the case of Eastern Baltic cod the reference in points (a) and (b) of the first subparagraph to the two last calendar years shall be understood as referring to the years 2017 and 2018."

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) No 508/2014

Article 34 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) the multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, established by Regulation (EU) 2016/1139 of the European Parliament and of the Council*, with regard to **the** vessels **under the overall capacity limit for** Eastern Baltic cod as set out in **paragraph 2 of** Article 8a of Regulation (EU) No 2016/1139.

(b) the multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, established by Regulation (EU) 2016/1139 of the European Parliament and of the Council*, with regard to vessels **that have targeted** Eastern Baltic cod, **Western Baltic cod or Western Baltic herring** as set out in Article 8a of Regulation (EU) No 2016/1139.

* Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p.1)

* Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p.1)