EUROPEAN PARLIAMENT 2009 - 2014

Committee on Fisheries

2011/0206(COD)

8.5.2012

***I
DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock
(COM(2011)0470 – C7-0220/2011 – 2011/0206(COD))

Committee on Fisheries

Rapporteur: Marek Józef Gróbarczyk

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Symbols for procedures

*	Consultation procedure.
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: **[...]**.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a multiannual plan for the Baltic salmon stock and the fisheries exploiting that stock
(COM(2011)0470 – C7-0220/2011 – 2011/0206(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2011)0470),

– having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0220/2011),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the European Economic and Social Committee's opinion of 18 January 2012[1],

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0000/2012),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The Implementation Plan agreed by the World Summit on Sustainable Development at Johannesburg in 2002	(6) The Implementation Plan agreed by the World Summit on Sustainable Development at Johannesburg in 2002

[1] OJ C 68, 6.3.2012, p. 47.

states that all commercial stocks should be restored to levels that can produce maximum sustainable yield by 2015. ***ICES*** deems that for the Baltic salmon river stocks this level corresponds to a smolt production level ***between 60% and 75 %*** of the potential smolt production capacity for the different wild salmon rivers. Such scientific advice should constitute the basis for setting the objectives and targets of the multiannual plan.	states that all commercial stocks should be restored to levels that can produce maximum sustainable yield by 2015. ***Helcom*** deems that for the Baltic salmon river stocks this level corresponds to a smolt production level ***of 80%*** of the potential smolt production capacity for the different wild salmon rivers. Such scientific advice should constitute the basis for setting the objectives and targets of the multiannual plan.

Or. pl

Amendment 2

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) Scientific advice states that stocking procedures may have significant implications on the genetic diversity of the Baltic salmon stock and that there is a risk that the large number of reared fish released to the Baltic Sea every year is affecting the genetic integrity of the wild salmon and should be ***phased out***. Therefore the condition of releases should be established in this multiannual plan.	(12) Scientific advice states that stocking procedures may have significant implications on the genetic diversity of the Baltic salmon stock and that there is a risk that the large number of reared fish released to the Baltic Sea every year is affecting the genetic integrity of the wild salmon and should be ***subject to tighter controls***. Therefore the condition of releases should be established in this multiannual plan.

Or. pl

Amendment 3

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) However, ***since releases of salmon may be at present mandatory in certain Member States and in order to give***	(14) However, releases of salmon other than stocking and direct restocking should ***not continue to be*** allowed ***for more than***

Member States time to adjust to these requirements, releases of salmon other than stocking and direct restocking should ***remain*** allowed ***during a transitional period of seven years following the entry into force of this Regulation***.	***10 years if, by the end of that period, wild smolt production has reached 80% of the potential smolt production capacity in a given river. Releases of salmon may be at present mandatory in certain Member States and the Member States need to be given time to adjust to these requirements***.

Or. pl

Amendment 4

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) ***A substantial part of the coastal vessels fishing for salmon are below 10 m in length. For this reason*** the use of fishing *logbook* as requested by Article 14 and prior notification as requested by Article 17 of Regulation (EC) 1224/2009 should be ***extended to cover all*** vessels.	(16) The use of fishing *logbooks* as requested by Article 14 and prior notification as requested by Article 17 of Regulation (EC) 1224/2009 should be ***mandatory for*** vessels ***over 12 m in length***.

Or. pl

Amendment 5

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) To ensure that salmon catches are not misreported as sea trout and hence escape proper control, ***it is necessary to extend*** the obligation to submit prior notifications in accordance with Article 17 of Regulation (EC) 1224/2009 ***also to all vessels retaining on board sea trout***.	(17) To ensure that salmon catches are not misreported as sea trout and hence escape proper control, ***vessels over 12 m in length retaining on board sea trout should be subject to*** the obligation to submit prior notifications in accordance with Article 17 of Regulation (EC) 1224/2009.

Or. pl

Amendment 6

Proposal for a regulation
Article 2 - paragraph 1 - point a

Text proposed by the Commission	*Amendment*
(a) commercial fisheries in the Baltic Sea and in rivers connected with it on the territory of Member States (hereinafter referred to as the Member States concerned);	(a) commercial ***and recreational*** fisheries in the Baltic Sea and in rivers connected with it on the territory of Member States (hereinafter referred to as the Member States concerned);

Or. pl

Amendment 7

Proposal for a regulation
Article 2 - paragraph 1 - point b

Text proposed by the Commission	*Amendment*
(b) recreational fisheries of salmon in the Baltic Sea where such fisheries are conducted by service vessels.	***deleted***

Or. pl

Amendment 8

Proposal for a regulation
Article 3 - paragraph 2 - h a (new)

Text proposed by the Commission	*Amendment*
	(ha) „recreational fisheries" means forms of fishing other than commercial fishing using any type of fishing vessel and gear for commercial and non-commercial purposes;

Or. pl

Amendment 9

Proposal for a regulation
Article 5 - paragraph 1

Text proposed by the Commission	*Amendment*
1. For wild salmon rivers which have reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach ***75%*** of the potential smolt production capacity for each river in five years after the entry into force of this regulation.	1. For wild salmon rivers which have reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach ***80%*** of the potential smolt production capacity for each river in five years after the entry into force of this regulation.

Or. pl

Amendment 10

Proposal for a regulation
Article 5 - paragraph 2

Text proposed by the Commission	*Amendment*
2. For wild salmon rivers which have not reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach 50% of the potential smolt production capacity for each river in five years and ***75%*** in ten years after the entry into force of this regulation.	2. For wild salmon rivers which have not reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, the wild smolt production shall reach 50% of the potential smolt production capacity for each river in five years and ***80%*** in ten years after the entry into force of this regulation.

Or. pl

Amendment 11

Proposal for a regulation
Article 5 - paragraph 3

Text proposed by the Commission	*Amendment*
3. After ten years from the entry into force of this regulation, the wild salmon smolt production shall be maintained at a level of at least ***75%*** of the potential smolt production capacity in each wild salmon river.	3. After ten years from the entry into force of this regulation, the wild salmon smolt production shall be maintained at a level of at least ***80%*** of the potential smolt production capacity in each wild salmon river.

Or. pl

Amendment 12

Proposal for a regulation
Article 6 - paragraph 4

Text proposed by the Commission	*Amendment*
4. The Commission shall assess every ***three years*** the compatibility and effectiveness of measures taken by Member States pursuant to this Article on the basis of the objectives and targets set out in Articles 4 and 5.	4. The Commission shall assess every ***year*** the compatibility and effectiveness of measures taken by Member States pursuant to this Article on the basis of the objectives and targets set out in Articles 4 and 5.

Or. pl

Amendment 13

Proposal for a regulation
Article 8 - heading

Text proposed by the Commission	*Amendment*
Use of the national quota ***by service vessels***	Use of the national quota ***in recreational fisheries***

Or. pl

Amendment 14

Proposal for a regulation
Article 8

Text proposed by the Commission	*Amendment*
Salmon caught at sea ***from service vessels*** shall be counted against the national quota.	Salmon caught at sea ***in recreational fisheries*** shall be counted against the national quota.

Or. pl

Amendment 15

Proposal for a regulation
Article 9 - paragraph 1

Text proposed by the Commission	*Amendment*
1. For wild salmon rivers which have not reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, Member States concerned shall establish not later than ***two years*** after the entry into force of this Regulation national technical conservation measures.	1. For wild salmon rivers which have not reached 50% of the potential smolt production capacity by the time of the entry into force of this Regulation, Member States concerned shall establish not later than ***one year*** after the entry into force of this Regulation national technical conservation measures.

Or. pl

Amendment 16

Proposal for a regulation
Article 11 - paragraph 1

Text proposed by the Commission	*Amendment*
1. The Commission shall assess every ***three years*** the compatibility and effectiveness of measures taken by Member States pursuant to Articles 9 and 10, in particular where wild salmon rivers run through several Member States, on the basis of the targets and objectives set out in	1. The Commission shall assess every ***year*** the compatibility and effectiveness of measures taken by Member States pursuant to Articles 9 and 10, in particular where wild salmon rivers run through several Member States, on the basis of the targets and objectives set out in Articles 4 and 5.

Articles 4 and 5.

Or. pl

Amendment 17

Proposal for a regulation
Article 14

Text proposed by the Commission	*Amendment*
Releases of salmon other than those made in accordance with Articles 12 and 13 may continue until 7 years after the entry into force of this Regulation.	Releases of salmon other than those made in accordance with Articles 12 and 13 may continue until 7 years after the entry into force of this Regulation. ***Releases of salmon other than those made in accordance with Articles 12 and 13 shall not continue for more than 10 years if, by the end of that period, wild smolt production has reached 80% of the potential smolt production capacity in a given river.***

Or. pl

Amendment 18

Proposal for a regulation
Article 16

Text proposed by the Commission	*Amendment*
By way of derogation from Article 14 of Regulation 1224/2009 masters of European Union fishing vessels ***of all*** length holding a fishing authorisation for salmon shall keep a logbook of their operations in accordance with the rules set in Article 14 of Regulation (EC) No 1224/2009.	By way of derogation from Article 14 of Regulation 1224/2009 masters of European Union fishing ***and service*** vessels ***with an overall*** length ***of more than 12 m*** holding a fishing authorisation for salmon shall keep a logbook of their operations in accordance with the rules set in Article 14 of Regulation (EC) No 1224/2009

Or. pl

Amendment 19

Proposal for a regulation
Article 17

Text proposed by the Commission	*Amendment*
By way of derogation from the introductory sentence of Article 17(1) of Regulation 1224/2009, masters of European Union fishing vessels ***of all*** length retaining salmon and/or sea trout on board shall notify the competent authorities of their flag Member State immediately after the completion of the fishing operation of the information listed in Article 17(1) of Regulation 1224/2009.	By way of derogation from the introductory sentence of Article 17(1) of Regulation 1224/2009, masters of European Union fishing ***and service*** vessels ***with an overall*** length ***of more than 12 m*** retaining salmon and/or sea trout on board shall notify the competent authorities of their flag Member State immediately after the completion of the fishing operation of the information listed in Article 17(1) of Regulation 1224/2009.

Or. pl

Amendment 20

Proposal for a regulation
Article 20

Text proposed by the Commission	*Amendment*
Member States concerned shall verify the accuracy of the information recorded in the catch declarations by landing inspections. Such landing inspections shall cover a minimum of ***10%*** inspection of the total number of landings	Member States concerned shall verify the accuracy of the information recorded in the catch declarations by landing inspections. Such landing inspections shall cover a minimum of ***50%*** inspection of the total number of landings

Or. pl

Amendment 21

Proposal for a regulation
Article 20 a (new)

Text proposed by the Commission	*Amendment*
	Article 20a

Control of recreational fisheries

The arrangements for the control of recreational fisheries for the purposes of this Regulation shall be based in particular on Article 55 of Regulation (EC) No 1224/2009 and Articles 64 and 65 of Regulation (EU) No 404/2011.

Or. pl

Amendment 22

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission	*Amendment*
	Article 22a
	No later than three years after the entry into force of this Regulation, the Commission shall forward to Parliament and the Council the findings of scientific research conducted into the impact of predators, in particular seals and cormorants, on the Baltic salmon stock. On the basis of those research findings the Commission shall draw up a plan for the management of populations of predators that have an impact on the Baltic salmon stock, which shall be brought into force no later than in 2016.

Or. pl

Amendment 23

Proposal for a regulation
Article 23 - paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States concerned shall report to the Commission on the technical	1. Member States concerned shall report to the Commission on the technical

conservation measures adopted in accordance with Chapter V and their fulfilment of the objectives set out in Article 5 ***in the third*** year after the entry into force of this Regulation and then every ***third*** year.	conservation measures adopted in accordance with Chapter V and their fulfilment of the objectives set out in Article 5 ***one*** year after the entry into force of this Regulation and then every year.

Or. pl

Amendment 24

Proposal for a regulation
Article 23 - paragraph 2 – phrase introductive

Text proposed by the Commission	*Amendment*
2. Member States concerned shall report to the Commission on the implementation of this Regulation and on the fulfilment of the objectives set out in Article 5 in the ***sixth*** year after the entry into force of this Regulation and then every ***sixth*** year. The Member State report shall in particular provide the following information:	2. Member States concerned shall report to the Commission on the implementation of this Regulation and on the fulfilment of the objectives set out in Article 5 in the ***third*** year after the entry into force of this Regulation and then every ***third*** year. The Member State report shall in particular provide the following information:

Or. pl

Amendment 25

Proposal for a regulation
Article 24

Text proposed by the Commission	*Amendment*
The Commission shall, on the basis of the reporting by Member States as referred to in Article 23 of this Regulation and on the basis of scientific advice, evaluate the impact of the management measures on the Baltic salmon stock and on the fisheries exploiting that stock in the year following that in which it receives the Member States reports.	The Commission shall, on the basis of the reporting by Member States as referred to in Article 23 of this Regulation and on the basis of scientific advice, evaluate the impact of the management measures on the Baltic salmon stock and on the fisheries exploiting that stock in the year following that in which it receives the Member States reports. ***The Commission shall review the ban on the use of driftnets for salmon fishing in the light of their impact on the***

Baltic salmon stock.

Or. pl

Amendment 26

Proposal for a regulation
Article 27

Text proposed by the Commission	*Amendment*
Where a Member States concerned have not established or published, by the set deadline, the measures set out in Articles 6 or 11, *or or* where such measures are deemed inadequate and/or ineffective following the assessment carried out in accordance with Article 6.4 or 11.1, the empowerment of the Member State concerned referred to in Articles 6 or 11 shall be revoked by the Commission. ***A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein***.	Where a Member States concerned have not established or published, by the set deadline, the measures set out in Articles 6 or 11, *or* where such measures are deemed inadequate and/or ineffective following the assessment carried out in accordance with Article 6.4 or 11.1, the empowerment of the Member State concerned referred to in Articles 6 or 11 shall be revoked by the Commission. ***The procedure laid down in Article 258 of the Treaty on the Functioning of the European Union shall be used to revoke the empowerment***.

Or. pl

EXPLANATORY STATEMENT

The multiannual plan for conserving Baltic salmon is a vital part of the management of marine resources in the context of the CFP reform. As part of the assessment of the impact on salmon stock levels in the Baltic Sea, wide-ranging consultations have been held with stakeholders, including fishermen, non-governmental organisations, anglers, advisory bodies, such as the Baltic Sea Regional Advisory Council (BS RAC) and the International Council for the Exploration of the Sea (ICES), government and local authority representatives from the various countries involved, the Committee of the Regions, etc. Many detailed questions have been put to the Commission on issues of controversy among interested parties, on subjects such as recreational fishing or the allocation of fishing quotas among the individual countries. The information obtained through this process highlights the lack of much essential data, which made this report more difficult to compile.

Recreational fishing

Recreational fishing has an important impact on the level of the Baltic salmon stock, but that impact is not properly assessed owing to the lack of adequate controls and the fact that Member States do not carry out their obligation to provide the relevant information. This has led to the uncontrolled development of recreational fishing which, by introducing specific names for the vessels involved, such as 'service vessel', is not covered by controls, leading to an increase in unreported catches of Baltic salmon. In some cases advanced fishing gear, such as towed nets, is used for recreational fishing, while in rivers salmon are prevented from swimming freely by fixed nets up to 100 metres long. This is entirely contrary to the idea of recreational fishing, which essentially should help to promote the culture of sustainable fishery, thereby make those regions which are dependent on this sector more attractive. Small-scale fishing has a particularly important role to play in promoting all forms of sustainable and responsible fishery, by promoting, among other things, recreational salmon fishing based on clear and transparent control rules.

We are faced today with a general lack of data, and consequently of scientific knowledge, on the scale of recreational fishing, and its and impact on the Baltic salmon stock, in the individual countries. This report aims to lay down clear rules to unify the principles applying to the management and control of recreational fishing. The rapporteur believes that recreational fishing exercised in the proper manner will make a significant contribution to the development of alternative forms of fishery, leading to sustainable growth in regions dependent on fisheries.

Opinion of the Baltic Sea Regional Advisory Council (BS RAC)

In accordance with current practice, the Commission is required to take into account the opinion of regional advisory councils in planning the management of fish stocks in EU waters. It is worth pointing out that the opinion by the BS RAC on the management of the Baltic salmon stock differs substantially in several essential points from the management plan presented by the Commission. The main differences concern the target levels for stocks of wild river salmon, the fishing mortality rate for salmon stocks at sea, the gradual elimination of stocking, which is not part of the proposed regulation, and the requirements concerning fishing logbooks and prior notification. These issues form the basis of the Baltic salmon stock management plan. In that context, the rapporteur would stress that the different positions

taken by the BS RAC on these issues could lead to conflicts, or to a lack of public acceptance of the Commission's proposal. This confirms the need to carry out wide-ranging consultation among interested parties in drawing up management plans for fish stocks in the European Union, with a view to identifying compromise solutions which can help to protect the environment and achieve sustainable fisheries development.

Impact of predators on the Baltic salmon stock

During the preparation of this report a considerable effort was made to assess the impact of predators, particularly seals and cormorants, on the Baltic salmon stock. An analysis of published material on this subject reveals a lack of reliable and factual research. Many sources indicate that predators have a significant impact on the level of salmon reproduction, particularly in terms of the number of smolts in rivers. The rapporteur believes that detailed scientific research is needed to assess the number and type of individual predator species and their impact on the Baltic salmon stock.

Main points of the report

Reproduction

The rapporteur believes that the level of smolt production should be set at 80% of the potential smolt production capacity for the different wild salmon rivers, in accordance with the Helcom recommendation. Achieving this level will establish a basis for natural reproduction, which in turn will lead to an increase in the Baltic salmon stock. The proposal to limit stocking not covered by Articles 12 and 13 of the regulation when there is a lack of adequate data on the subject and the salmon population is shrinking could have negative repercussions and lead to a further reduction in stocks.

Scope of the regulation

The rapporteur believes that the scope of the regulation should be expanded to include all forms of recreational fishing.

Controls

The rapporteur is in favour of stricter controls on catches and in that regard proposes that at least 50% of landings in each Member State should be subject to inspection. One of the key elements of the report is the establishment of full controls on all types of recreational fishing and the introduction of a reporting requirement for this type of fishing. An analysis of the control reports of the European Fisheries Control Agency for the Baltic countries highlights the inadequate level of controls, which can give rise to unreported catches on a substantial scale. The rapporteur agrees with the opinion of the BS RAC that fishing vessels not exceeding 12 metres need not be subject to the obligation to have fishing logbooks and submit prior notifications. In view of the foregoing, greater attention should be devoted to the use of catch declarations and to increasing the number of inspections in ports as a means of control contributing to the re-establishment of salmon stocks.

Revocation of the delegation of powers granted to the Member States by the Commission

In its proposal for a regulation on the Baltic salmon stock the Commission delegates to the

Member States powers to regulate certain areas which are regarded as falling within the exclusive competence of the Union (conservation of marine resources). In so doing the Commission gives its support for regionalisation and decentralisation of management in the area of EU fisheries policy. It retains, nevertheless, the right to intervene should a Member State not comply with the requirements laid down in the regulation, which are designed to lead to the re-establishment of the Baltic salmon stock. Delegated acts should be considered a positive element in the unification of the CFP, which, in the context of this regulation, enables the Commission to improve controls and delegate powers to the relevant Member States more effectively.

The rapporteur believes, nevertheless, that the revocation of powers delegated to the relevant Member States by the Commission should be carried out in accordance with the procedure laid down in Article 258 of the Treaty on the Functioning of the European Union.