


Procedure file

Basic information	
CNS - Consultation procedure Regulation	2007/0001(CNS) Procedure completed
Conservation of Antarctic marine living resources: fishing control Amending Regulation (EC) No 601/2004 2002/0137(CNS)	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		14/02/2007
		PSE MIGUÉLEZ RAMOS Rosa	
	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	Meeting	Date
	Justice and Home Affairs (JHA)	2818	18/09/2007
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	BORG Joe	

Key events			
07/01/2007	Legislative proposal published	COM(2006)0867	Summary
01/02/2007	Committee referral announced in Parliament		
05/06/2007	Vote in committee		Summary
08/06/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0213/2007	
10/07/2007	Results of vote in Parliament		
10/07/2007	Decision by Parliament	T6-0305/2007	Summary
18/09/2007	Act adopted by Council after consultation of Parliament		
18/09/2007	End of procedure in Parliament		
22/09/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0001(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 601/2004 2002/0137(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/44556

Documentation gateway					
Legislative proposal		COM(2006)0867	08/01/2007	EC	Summary
Committee draft report		PE386.492	29/03/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0213/2007	08/06/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0305/2007	10/07/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)4170	29/08/2007	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Regulation 2007/1099 OJ L 248 22.09.2007, p. 0011 Summary

Conservation of Antarctic marine living resources: fishing control

PURPOSE : to amend Council Regulation 601/2004/EC laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations 3943/90/EEC, 66/98/EC and 1721/1999/EC.

PROPOSED ACT : Council Regulation

CONTENT : The Community has been a Contracting Party to the Convention on the conservation of Antarctic marine living resources since 1981. Conservation measures adopted under this Convention are binding upon Contracting Parties. It is therefore necessary to transpose the measures for the conservation and management of fish stocks referred to in the Convention into Community law.

The conservation and management measures adopted by the Commission for the conservation of Antarctic marine living resources (CCAMLR) include a set of rules regarding the monitoring of fishing activities. The arrangements for the control of fishing activities in the Convention area have been transposed into Community legislation by Council Regulation 601/2004/EC. This instrument needs to be updated to bring it into line with the amended rules adopted at the CCMLR annual meetings in 2004 and 2005 and with the Community system of catch and effort reporting. Some of the new measures have already been included, on a provisional basis, in the annual TAC and Quota Regulation for 2006. For those measures it is now necessary to create a more permanent basis in Community legislation.

Most of rules introduced since 2004 are aiming at enhancing the monitoring of the vessels, which are authorised to conduct fishing activities in CCAMLR waters, and to combat illegal, unregulated and unreported (IUU) fishing activities in the regulatory area. CCAMLR adopted many of these measures on the basis of proposals prepared by the Community, in cooperation with a number of other CCAMLR Parties. With the presentation of these proposals the Community continued its traditionally active role in fighting IUU fishing, which has become a serious threat for the vulnerable marine environment around the Antarctic Continent.

Other measures adopted in 2004 and 2005 include a prohibition of discharging various forms of waste in order to protect the environment and avoid incidental catches of seabirds. Furthermore, CCAMLR decided to introduce a tagging programme with a view to improving the knowledge of the situation and the existing inter-linkages between various toothfish stocks in the Southern Ocean, which constitute the main species subject to commercial fishing activities.

Conservation of Antarctic marine living resources: fishing control

In adopting the report by Rosa MIGUELEZ RAMOS (PES, ES), the Committee on Fisheries amended the proposal for a Council regulation amending Council Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999. The amendments adopted introduce, inter alia, changes proposed by the CCAMLR in November 2006, which are of major importance in relation to the fight against IUUF but were not included in the proposal received by Parliament. These are as follows:

- Notifications of intent to participate in a krill fishery: all Contracting Parties intending to fish for krill in the Convention area shall notify the CCAMLR Secretariat of their intent not less than four months in advance of the regular annual meeting of the CCAMLR immediately prior to the season in which they intend to fish.

- Access to new fish: the flag Member State shall notify the Commission not later than four months in advance of the ordinary annual meeting of the CCAMLR of the intention of a Community fishing vessel to develop a new fishery in the Convention area. This notification shall be accompanied by as much of the following information as the Member State is able to provide: (a) the nature of the proposed fishery, including target species, methods of fishing, the proposed fishery region and any minimum level of catches required to develop a viable fishery; (b) biological information from comprehensive research/survey cruises, such as distribution, abundance, population data and information on stock identity; (c) details of dependent and associated species and the likelihood of such species being affected in any way at all by the proposed fishery; (d) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield; (e) if the proposed fish will be taken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities.

- Tagging: *Dissostichus* spp. individuals shall be tagged and released at a rate of one individual per tonne of green weight catch throughout the season in accordance with the CCAMLR Tagging Protocol. Vessels shall only discontinue tagging after they have tagged 500 individuals, or leave the fishery having tagged *Dissostichus* spp at the specified rate. In regions where both *Dissostichus* spp species occur, the tagging rate shall, to the extent possible, be in proportion to the species and size of *Dissostichus* spp present in the catches. All tags shall be clearly imprinted with a unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual; unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual; from 1 September 2007 all tags for use in explanatory fishery shall be sourced from the CCAMLR Secretariat. All recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), an electronic time-stamped photograph taken of the fish, the otoliths recovered and the tag removed. *Dissostichus* spp individuals that are tagged and released shall not be counted against the catch limits.

- Reporting of vessel sightings: a new article has been inserted stating that if the master of a licensed fishing vessel sights a fishing vessel within the Convention area, the master shall, where possible, document as much information as possible on the vessel sighted, including: (a) the name and description of the vessel; (b) the vessel call sign; (c) the registration number and the Lloyds/IMO number of the vessel; (d) the flag State of the vessel; (e) photographs of the vessel to support the report; (f) any other relevant information regarding the observed activities of the sighted vessel. The master shall forward a report containing the information to his flag State as soon as possible. The flag State shall submit that report to the CCAMLR Secretariat if the sighted vessel is engaged in illegal, undeclared or unregulated (IUU) fishing activities according to CCAMLR standards. Vessels appearing in the IUU list shall be denied access to ports unless for the purpose of enforcement action or for reasons of force majeure or for rendering assistance to vessels or persons on those vessels in danger or distress. Vessels allowed entry to port shall be inspected.

1) Where port access is granted to such vessels:

- documentation and other information, including *Dissostichus* spp Catch Documents where relevant, are examined, with a view to verifying the area in which the catch was taken; and where the origin

cannot be adequately verified, the catch is detained or any landing or transshipment of the catch is refused, and

2) where possible, if catch is found to be taken in contravention of CCAMLR conservation measures, catch is confiscated.

- all support to such vessels, including nonemergency refuelling, resupplying and repairs shall be prohibited;

- concerning the scheme to promote compliance by nationals with CCAMLR conservation measures, without prejudice to the primacy of the responsibility of the flag State, Member States shall take appropriate measures, subject to and in accordance with their applicable legislation: (a) to verify if any natural or legal persons subject to their jurisdiction are engaged in the IUU activities as described in article 28 of Council Regulation (EC) No 601/2004 of 22 March 2004; (b) to enable them to take appropriate action in response to any verified activities; (c) to enable them to cooperate for the purpose of implementing the measures and actions. To this end, relevant agencies of Member States shall cooperate to implement CCAMLR conservation measures and shall seek cooperation by industries within their jurisdiction.

To assist with the implementation of this conservation measure, Member States shall submit to the CCAMLR Secretariat and the Contracting Parties and non-Contracting Parties cooperating with CCAMLR, for the purpose of implementing the Catch Documentation Scheme for *Dissostichus* spp., a report on the actions and measures taken, in a timely fashion, with a copy to the Commission.

Conservation of Antarctic marine living resources: fishing control

The European Parliament adopted the report by Rosa MIGUELEZ RAMOS (PES, ES) on the Council regulation amending Council Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999. It

endorsed the following amendments:

- notifications of intent to participate in a krill fishery: all Contracting Parties intending to fish for krill in the Convention area shall notify the CCAMLR Secretariat of their intent not less than four months in advance of the regular annual meeting of the CCAMLR immediately prior to the season in which they intend to fish;

- access to new fish: the flag Member State shall notify the Commission not later than four months in advance of the ordinary annual meeting of the CCAMLR of the intention of a Community fishing vessel to develop a new fishery in the Convention area. This notification shall be accompanied by as much of the following information as the Member State is able to provide: (a) the nature of the proposed fishery, including target species, methods of fishing, the proposed fishery region and any minimum level of catches required to develop a viable fishery; (b) biological information from comprehensive research/survey cruises, such as distribution, abundance, population data and information on stock identity; (c) details of dependent and associated species and the likelihood of such species being affected in any way at all by the proposed fishery; (d) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield; (e) if the proposed fish will be taken using bottom trawl gear, information on the known and anticipated impacts of this gear on vulnerable marine ecosystems, including benthos and benthic communities;

- tagging: in regions where both *Dissostichus* spp species occur, the tagging rate shall, to the extent possible, be in proportion to the species and size of *Dissostichus* spp present in the catches. All tags shall be clearly imprinted with a unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual; unique serial number and a return address so that the origin of tags can be retraced in the case of recapture of the tagged individual; from 1 September 2007 all tags for use in explanatory fishery shall be sourced from the CCAMLR Secretariat. All recaptured tagged individuals shall be biologically sampled (length, weight, sex, gonad stage), an electronic time-stamped photograph taken of the fish, the otoliths recovered and the tag removed. *Dissostichus* spp individuals that are tagged and released shall not be counted against the catch limits;

- reporting of vessel sightings: if the master of a licensed fishing vessel sights a fishing vessel within the Convention area, the master shall, where possible, document as much information as possible on the vessel sighted, including: (a) the name and description of the vessel; (b) the vessel call sign; (c) the registration number and the Lloyds/IMO number of the vessel; (d) the flag State of the vessel; (e) photographs of the vessel to support the report; (f) any other relevant information regarding the observed activities of the sighted vessel. The master shall forward a report containing the information to his flag State as soon as possible. The flag State shall submit that report to the CCAMLR Secretariat if the sighted vessel is engaged in illegal, undeclared or unregulated (IUU) fishing activities according to CCAMLR standards.

Vessels appearing in the IUU list are denied access to ports except for the purpose of enforcement action or for reasons of force majeure or for rendering assistance to vessels or persons on those vessels in danger or distress. Vessels allowed entry to port are to be inspected.

1) Where port access is granted to such vessels:

- documentation and other information, including *Dissostichus* spp Catch Documents where relevant, are examined, with a view to verifying the area in which the catch was taken; and where the origin

cannot be adequately verified, the catch is detained or any landing or transshipment of the catch is refused, and

2) where possible, if catch is found to be taken in contravention of CCAMLR conservation measures, catch is confiscated.

- all support to such vessels, including nonemergency refuelling, resupplying and repairs shall be prohibited;

- concerning the scheme to promote compliance by nationals with CCAMLR conservation measures: without prejudice to the primacy of the responsibility of the flag State, Member States shall take appropriate measures, subject to and in accordance with their applicable legislation: (a) to verify if any natural or legal persons subject to their jurisdiction are engaged in the IUU activities as described in article 28 of Council Regulation (EC) No 601/2004 of 22 March 2004; (b) to enable them to take appropriate action in response to any verified activities; (c) to enable them to cooperate for the purpose of implementing the measures and actions. To this end, relevant agencies of Member States shall cooperate to implement CCAMLR conservation measures and shall seek cooperation by industries within their jurisdiction. To assist with the implementation of this conservation measure, Member States shall submit to the CCAMLR Secretariat and the Contracting Parties and non-Contracting Parties cooperating with CCAMLR, for the purpose of implementing the Catch Documentation Scheme for *Dissostichus* spp., a report on the actions and measures taken, in a timely fashion, with a copy to the Commission.

Conservation of Antarctic marine living resources: fishing control

PURPOSE: to apply, in Community law, new provisions adopted by the ?Commission For the Conservation of Arctic Marine Living Resources? CCAMLR.

LEGISLATIVE ACT: Council Regulation (EC) No 1099/2007 amending Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources.

CONTENT: the Council adopted a Regulation amending Regulation (EC) No 601/2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources (CCAMLR). Regulation (EC) No 601/2004, which implements certain conservation measures adopted by the CCAMLR, is amended to bring it into line with a number of amendments to the conservation measures adopted at the CCAMLR during its 2004, 2005 and 2006 annual meetings.

The main elements of the new provisions relate to, inter alia.:

- improved licensing requirements,
- enhanced environmental protection,
- enhanced scientific research for *Dissostichus* spp.; and
- measures to combat illegal fishing activities.

ENTRY INTO FORCE: 29 September 2007.