



Procedure file

Basic information	
CNS - Consultation procedure Regulation	2008/0063(CNS) Procedure completed
Fishery resources: recovery of cod stocks, long-term plan Repealing Regulation (EC) No 423/2004 2003/0090(CNS) Amended by 2008/0216(CNS) Amended by 2012/0013(COD) Amended by 2012/0236(COD) Repealed by 2016/0238(COD)	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.05 Fish catches, import tariff quotas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		05/05/2008
	Committee for opinion	ALDE BUSK Niels	
	ENVI Environment, Public Health and Food Safety	Rapporteur for opinion	Appointed
		The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2917	18/12/2008
	Agriculture and Fisheries	2904	18/11/2008
	Agriculture and Fisheries	2892	29/09/2008
	Agriculture and Fisheries	2862	14/04/2008
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner BORG Joe	

Key events			
02/04/2008	Legislative proposal published	COM(2008)0162	Summary
14/04/2008	Debate in Council	2862	Summary
08/05/2008	Committee referral announced in Parliament, 1st reading/single reading		
08/09/2008	Vote in committee, 1st reading/single reading		Summary
11/09/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0340/2008	
29/09/2008	Debate in Council	2892	Summary
20/10/2008	Debate in Parliament		
21/10/2008	Results of vote in Parliament		

21/10/2008	Decision by Parliament, 1st reading/single reading	T6-0487/2008	Summary
18/12/2008	Act adopted by Council after consultation of Parliament		
18/12/2008	End of procedure in Parliament		
24/12/2008	Final act published in Official Journal		

Technical information

Procedure reference	2008/0063(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 423/2004 2003/0090(CNS) Amended by 2008/0216(CNS) Amended by 2012/0013(COD) Amended by 2012/0236(COD) Repealed by 2016/0238(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/61315

Documentation gateway

Legislative proposal	COM(2008)0162	02/04/2008	EC	Summary
Document attached to the procedure	SEC(2008)0386	02/04/2008	EC	
Document attached to the procedure	SEC(2008)0389	02/04/2008	EC	
Committee draft report	PE407.728	23/06/2008	EP	
Amendments tabled in committee	PE409.687	22/07/2008	EP	
Committee report tabled for plenary, 1st reading/single reading	A6-0340/2008	11/09/2008	EP	
Text adopted by Parliament, 1st reading/single reading	T6-0487/2008	21/10/2008	EP	Summary
Commission response to text adopted in plenary	SP(2008)6664	12/11/2008	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2008/1342](#)
[OJ L 348 24.12.2008, p. 0020](#) Summary

2008/0063(CNS) - 02/04/2008 Legislative proposal

PURPOSE: to amend the existing cod recovery plan, in order to make it more complete, updated to recent developments, simpler, more efficient and easier to implement, monitor and control.

PROPOSED ACT: Council Regulation.

CONTENT: this proposal aims to amend Council Regulation (EC) No 423/2004, the overall objective of which is to ensure the safe recovery of the cod stocks to the precautionary stock sizes advised by scientists within a time frame of five to ten years. Scientific advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), based on the advice of the International Council for the Exploration of the Sea (ICES) has indicated that the reductions arising from the collective effect of total allowable landings (TACs), technical measures (e.g. mesh size, landing compositions, area closures) and complementary effort management regulations have been far from sufficient to reduce fishing mortalities to levels required to allow the cod stocks to rebuild.

The slow progress towards the achievement of the recovery of cod stocks makes it necessary to revise the terms and conditions of the plan. This amendment is justified by the introduction of the following main new elements:

- the need to revise the objectives: the current evidence on the effect of global warming makes it necessary to revise long term objectives of recovery plans. Rather than targeting specific biomass levels that may no longer be achievable under changing oceanic conditions, the plan must concentrate on achieving the optimum exploitation rate that will guarantee the highest sustainable yield that the new conditions can provide;
- the simplification of the effort management system: a new system, based on effort ceilings to be managed domestically by Member States, is necessary to provide greater simplification of the regulation, more flexibility for Member States, and more efficient implementation;
- the adaptation of the plan to different levels of recovery: the plan needs to recognise that when stocks are getting better, more gradual approaches can be applied. For this reason, the amended plan introduces a modular approach, where the adjustment of fishing mortality is a function of the level of recovery achieved;
- the provision for harvest rules in data-poor situations: it is necessary to provide clear rules to apply when and where scientists cannot provide precise estimates of stock status;
- the need to reduce cod discards: new mechanisms must be introduced, to encourage fishermen to engage in cod-avoidance programmes;
- the incorporation of the Celtic Sea cod stock: recent evaluations confirm that this stock is in a similar status of overexploitation as the other cod stocks in Community waters. Thus the need to include it in the recovery plan.

In this context, the control provisions must also be adapted to the new structure and provisions.

2008/0063(CNS) - 14/04/2008 Debate in Council

The Council held an exchange of views on the proposed regulation aimed at strengthening a recovery plan for cod stocks. It requested the permanent representatives committee to oversee detailed examination of the text.

The recovery plan, established in 2004 under regulation (EC) No 423/2004, is aimed at ensuring the reconstitution of cod stocks within a ten-year period to precautionary levels advised by scientists.

The proposal, approved by the Commission on 2 April, is intended to improve several aspects of the plan, given that cod stocks remain under severe pressure.

The main proposed changes are as follows:

- revision of the plan's long-term objectives, so as to take account of the effects of global warming on ocean conditions;
- inclusion of an objective on fishing mortality;
- simplified and more efficient implementation of a management system to regulate fishing effort;
- a modulated approach for the adjustment of fishing opportunities where recovery is already achieved for a given stock;
- measures to reduce cod discards and to encourage fishermen to engage in cod-avoidance programmes;
- inclusion of the Celtic Sea in the recovery plan.

2008/0063(CNS) - 08/09/2008 Vote in committee, 1st reading/single reading

The Committee on Fisheries adopted a report drafted by Niels BUSK (ALDE, DK) and amended the proposal on the proposal for a Council regulation amending Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93.

The main amendments ? made in the framework of the consultation procedure ? are as follows:

RACs: effective fisheries management mechanisms should be developed in co-operation with the fishing industry. To this end, evaluation and decision-making should involve the relevant Regional Advisory Councils and Member States. The Commission must seek the views of the relevant Regional Advisory Councils and Member States as to the effective management of cod stocks.

Cod avoidance programmes: any cod-avoidance programmes are more likely to succeed if they are developed in co-operation with the fishing industry; accordingly, cod-avoidance programmes developed within Member States should be considered an effective means of promoting sustainability, and the development of such programmes should be encouraged alongside the operation of the relevant Community legislation.

A new clause states that when cod stocks have substantially improved, the Commission should review the system of regulating the fishing effort.

TAC calculation: factors in TAC calculation should include scientific analysis evaluating the amount of cod being killed by seals, together with

an assessment of the impact of climate change on cod recovery.

The Chapter on fishing effort limitation is amended to fishing effort determination.

Reference years: to ensure that the data used are of high quality and reliability, 2004-2006 should be used as the reference years (rather than 2005-2007.)

KW days-scheme: Member States must have the flexibility themselves to define which criteria to use to distribute the number of kW-days allocated to vessels.

2007 fleet restructuring: the committee deleted the provision stating that for each effort group, the total capacity expressed both in GT and kW of the vessels having special fishing permits shall not be greater than the capacity of the vessels that have been active in 2007 using the gear and fishing in the geographical area concerned. It felt that the provision impedes restructuring of the fleet in relation to 2007. For example, it would not be possible to replace beam trawl vessels with gill net vessels, which consume less fuel compared with the fleet structure in 2007.

With regard to the exchange of maximum allowable fishing effort across effort groups, Members stated that where a transfer is from one donor gear grouping to another donor gear grouping with a higher catch per unit effort (cpue), the effort transferred shall be subject to a reduction in the form of a more specifically defined correction factor. They noted that it is essential to have sufficient flexibility to be able to respond to external circumstances. For example, rising fuel prices may encourage fishermen to switch to less fuel-consuming gill net fishing but if such gill net fisheries have a higher cpue than beam trawl fisheries, for example, there can be no transfer of fishing effort under the Commission's text.

Decision-making procedure: the committee deleted the Article stating that where this Regulation provides for decisions to be taken by the Council, the Council shall act by qualified majority on the basis of a proposal from the Commission. It noted that no special decision-making procedure should be introduced which excludes Parliament from the decision-making process, unless there is an entirely exceptional justification for it.

2008/0063(CNS) - 29/09/2008 Debate in Council

The Council held a policy debate on the proposal for a Regulation concerning the revision of the cod stocks recovery plan. The Council said that work should continue at COREPER level with a view to an agreement in November 2008.

The discussion centred on key features of the proposal:

Geographical scope of the revised plan: the proposed geographical distribution includes the Kattegat, the Skagerrak, the North Sea, the eastern Channel, the west of Scotland, the Irish Sea and the Celtic Sea.

Fishing mortality reduction rates: TACs are currently set by the Council each year at levels corresponding to a 25% reduction in the fishing mortality rate for stocks below the minimum level, a 15% reduction for stocks below the precautionary level and a 10% reduction for stocks above the precautionary level.

Limiting of fishing effort (reference period, definition of effort groups, conditions for excluding gear not fishing for cod): fishing effort is limited by ceilings expressed in kW-days, by effort groups (i.e. by gear groupings) and by Member State. The reference period used for the first year of application of the revised plan is the average effort in kW-days over 2005, 2006 and 2007. The effort ceilings are set by the Council each year on the basis of fishing mortality reduction rates identical to those applied for calculating the TACs, for effort groups which contribute to 80% of cod catches.

Discards and selectivity: the Member States are encouraged to reduce discards and promote selectivity.

In 2004, the Council adopted a Regulation aimed at restoring cod stocks ? by 2014 at the latest ? to the precautionary levels recommended by the experts. The present measures for attaining this objective should be reviewed in the light of the most recent scientific data.

On 2 and 3 October the Community will begin consultations with Norway on the joint management of North Sea stock. The Commission has promised to take the Council's contributions into account in the course of these consultations.

2008/0063(CNS) - 21/10/2008 Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 636 votes to 31 with 11 abstentions, a legislative resolution amending the Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93.

The report had been tabled for consideration in plenary by Niels BUSK (ALDE, DK), on behalf of the Committee on Fisheries.

The main amendments ?adopted in the framework of the consultation procedure ? are as follows:

RACs: effective fisheries management mechanisms should be developed in co-operation with the fishing industry. To this end, evaluation and decision-making should involve the relevant Regional Advisory Councils and Member States. The Commission must seek the views of the relevant Regional Advisory Councils and Member States as to the effective management of cod stocks.

Cod avoidance programmes: any cod-avoidance programmes are more likely to succeed if they are developed in co-operation with the fishing industry; accordingly, cod-avoidance programmes developed within Member States should be considered an effective means of promoting sustainability, and the development of such programmes should be encouraged alongside the operation of the relevant Community legislation.

A new clause states that when cod stocks have substantially improved, the Commission should review the system of regulating the fishing effort.

TAC calculation: factors in TAC calculation should include scientific analysis evaluating the amount of cod being killed by seals, together with an assessment of the impact of climate change on cod recovery. The Chapter on fishing effort limitation is amended to fishing effort determination.

Reference years: to ensure that the data used are of high quality and reliability, 2004-2006 should be used as the reference years (rather than 2005-2007.)

KW days-scheme: Member States must have the flexibility themselves to define which criteria to use to distribute the number of kW-days allocated to vessels. Parliament's text gives examples of criteria that Member States could use in deciding on a method for allocating the maximum allowable fishing effort to individual vessels. The Commission's text had made these criteria obligatory.

2007 fleet restructuring: Parliament deleted the provision stating that for each effort group, the total capacity expressed both in GT and kW of the vessels having special fishing permits shall not be greater than the capacity of the vessels that have been active in 2007 using the gear and fishing in the geographical area concerned. The provision impedes restructuring of the fleet in relation to 2007. For example, it would not be possible to replace beam trawl vessels with gill net vessels, which consume less fuel compared with the fleet structure in 2007.

With regard to the exchange of maximum allowable fishing effort across effort groups, Members stated that where a transfer is from one donor gear grouping to another donor gear grouping with a higher catch per unit effort (cpue), the effort transferred shall be subject to a reduction in the form of a more specifically defined correction factor. They noted that it is essential to have sufficient flexibility to be able to respond to external circumstances. For example, rising fuel prices may encourage fishermen to switch to less fuel-consuming gill net fishing but if such gill net fisheries have a higher cpue than beam trawl fisheries, for example, there can be no transfer of fishing effort under the Commission's text.

Decision-making procedure: Parliament deleted the Article stating that where this Regulation provides for decisions to be taken by the Council, the Council shall act by qualified majority on the basis of a proposal from the Commission.

2008/0063(CNS) - 18/12/2008 Final act

PURPOSE: to establish a recovery plan for four particular cod stocks.

LEGISLATIVE ACT: Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004.

CONTENT: the Council adopted this Regulation revising the long-term plan for cod (*Gadhus morua*) stocks established in 2004. This Regulation establishes a plan for four cod stocks corresponding to the following geographical areas:

- a) the Kattegat;
- b) the North Sea, the Skagerrak and the eastern Channel;
- c) the west of Scotland;
- d) the Irish Sea.

The Regulation updates some measures on the basis of the most recent advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), particularly:

Setting the fishing mortality per fishery at 0.4 for all the stocks concerned, but subject to a review clause;

The Total Allowable Catches (TAC) for the Kattegat, the west of Scotland and the Irish Sea are set by the Council each year on the basis of the limit values set out in the text. These concern the levels in tonnes of the minimum spawning biomass and the level in tonnes of the precautionary spawning biomass:

- if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the minimum spawning biomass level established in the text, the fishing mortality rate shall be reduced by 25% in the year of application of the TAC as compared with the fishing mortality rate in the previous year;
- if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the precautionary spawning biomass level set out in the text and above or equal to the minimum spawning biomass level, the fishing mortality rate will be reduced by 15 % in the year of application of the TAC as compared with the fishing mortality rate in the previous year; and
- if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be above or equal to the precautionary spawning biomass level set out in the text, the fishing mortality rate will be reduced by 10% in the year of application of the TAC as compared with the fishing mortality rate in the previous year.

Initially, the TAC for the North Sea, Skagerrak and Eastern Channel will not exceed a level corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75% for the TACs in 2009, 65% for the TACs in 2010, and applying successive decrements of 10% for the following years. Subsequently, if the size of the stock on 1 January of the year prior to the year of application of the TACs is:

- above the precautionary spawning biomass level, the TAC will correspond to a fishing mortality rate of 0.4 on appropriate age groups;
- between the minimum spawning biomass level and the precautionary spawning biomass level, the TACs will not exceed a level corresponding to a fishing mortality rate on appropriate age groups equal to the following formula: $(a) 0.4 \times (0.2 \times (\text{Precautionary spawning biomass level} \div \text{spawning biomass}) / (\text{Precautionary spawning biomass level} \div \text{minimum spawning biomass level}))$; (b) at or below the limit spawning biomass level, the TAC will not exceed a level corresponding to a fishing mortality rate of 0.2 on appropriate age groups.

In addition:

- the annual variation in the TAC will not exceed 20% of the TAC for the previous year;
- the fishing effort limitation will be expressed in ceilings in kW -days by effort group, that is to say by types of fishing gear. The ceilings are to be set by the Council each year.

The Commission will, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the management measures on the cod stocks concerned and the fisheries on those stocks, at the latest in the third year of application of the Regulation and then each third successive year and, where appropriate, propose relevant measures to amend it.

