

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Conservation of fishery resources: anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Long-term plan	
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 PECH Fisheries	Rapporteur ALDE BILBAO BARANDICA Izaskun Shadow rapporteur S&D ARSENIS Kriton	Appointed 01/09/2009
	Committee for opinion ENVI Environment, Public Health and Food Safety	Rapporteur for opinion The committee decided not to give an opinion.	Appointed
Council of the European Union European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner DAMANAKI Maria	

Key events			
29/07/2009	Legislative proposal published	COM(2009)0399	Summary
17/09/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
26/10/2010	Vote in committee, 1st reading		Summary
29/10/2010	Committee report tabled for plenary, 1st reading	A7-0299/2010	
22/11/2010	Debate in Parliament		
23/11/2010	Results of vote in Parliament		
23/11/2010	Decision by Parliament, 1st reading	T7-0420/2010	Summary

Technical information	
Procedure reference	2009/0112(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/00527

Documentation gateway					
Document attached to the procedure		SEC(2009)1077	22/07/2009	EC	
Legislative proposal		COM(2009)0399	29/07/2009	EC	Summary
Document attached to the procedure		SEC(2009)1076	29/07/2009	EC	
Committee draft report		PE429.575	13/10/2009	EP	
Amendments tabled in committee		PE430.589	06/11/2009	EP	
Economic and Social Committee: opinion, report		CES0457/2010	17/03/2010	ESC	
Committee report tabled for plenary, 1st reading/single reading		A7-0299/2010	29/10/2010	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0420/2010	23/11/2010	EP	Summary
Commission response to text adopted in plenary		SP(2011)610	26/01/2011	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Conservation of fishery resources: anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Long-term plan

PURPOSE: to establish a long-term plan for the conservation and management of the stock of anchovy in the Bay of Biscay and the fisheries exploiting that stock.

PROPOSED ACT: Council Regulation.

BACKGROUND: in view of the Implementation Plan adopted at the UN World Summit on Sustainable Development adopted at Johannesburg in 2002, the European Community is committed inter alia to maintain or restore fisheries stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015.

The anchovy fishery in Bay of Biscay has been closed since 2005 due to the poor state of that stock. In order to improve the stock of anchovy in the Bay of Biscay, at a level that allows its sustainable exploitation in accordance with maximum sustainable yield, it is necessary to provide for measures for long-term management of the stock ensuring the exploitation of that stock at high yields consistent with maximum sustainable yield and guaranteeing, as far as possible, the stability of the fishery while maintaining a low risk of stock collapse.

It stems from the advice provided by the Scientific, Technical and Economic Committee for Fisheries (STECF) that harvesting a constant proportion of the spawning stock biomass would provide for sustainable stock management. The STECF also advises that the minimum spawning biomass level at which the stock could start to be harvested should be set at 24 000 tonnes and the precautionary biomass levels at

33 000 tonnes. Furthermore, the appropriate harvest rate should be 30% of the spawning stock biomass each year, subject to appropriate restrictions. This rate would minimize the risk of the stock falling below the minimum spawning biomass level, as well as the probability of a fishery closure, while keeping high yields.

IMPACT ASSESSMENT: the Commission considered two main options, including three sub options:

Option 1: no policy change;

Option 2: long-term plan with 3 alternative sub-options

- Rule A: a strategy with relatively higher TAC levels but higher collapse risks;
- Rule B: a strategy with relatively lower TAC levels and lower collapse risks;
- Rule C: a strategy being a compromise between options A and B.

Analysis indicated that a system based on a TAC set mid-year according to the June scientific advice, with a harvest rule establishing the annual TAC level automatically would be the preferred management option for the stock. The system would also include provisions on a closure when biomass is below a certain threshold.

CONTENT: the objective of the plan shall be to maintain the biomass of the stock of anchovy in the Bay of Biscay at a level that allows its sustainable exploitation in accordance with maximum sustainable yield, on the basis of scientific advice, and while ensuring as much stability and profitability for the fishing sector as is practicable.

The main elements of the new plan are as follows:

The need to set a long-term management plan instead of annual ad hoc measures to set fishing possibilities: the anchovy fishery in the Bay of Biscay is currently closed. In order to re-open the fishery, the Commission agrees with scientific advice and the views expressed by the stakeholders that this should only be done on the basis of a long-term strategy articulated around an appropriate harvesting rule.

Proposal for an appropriate harvest control rule in order to guarantee the stability of the fishery: this long-term plan follows a harvest control rule that should ensure the exploitation of the anchovy at high yields, guarantee the stability of the fishery and have a low risk of stock collapse. Various options regarding possible rules assessed. On the basis of the results of the assessment, the proposal establishes an appropriate rule, according to which annual TACs (Total Allowable Catch) will be calculated.

Strengthening control and enforcement: control provisions must also be incorporated into the long term plan. They should form the basis for a reinforced control regime and thus represent additional requirements to those laid down in the general control system of the Common Fisheries Policy, currently under review. Once the new Control Regulation is adopted, it should overrule the corresponding chapter in this Regulation.

The proposal includes a provision providing for an evaluation of the plan each three years from the date of entry into force of the Regulation.

The proposed plan sets a minimum spawning biomass level based on scientific advice from STECF and ICES, below which the fishery should remain closed.

An evaluation clause is included in the proposal to ensure that this value can be amended, if appropriate in the light of new scientific information and advice.

BUDGETARY IMPLICATIONS: the proposal has no implication for the Community budget.

Conservation of fishery resources: anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Long-term plan

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis - Treaty/EC/Art.37 ? became Art. 43 (2) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an ordinary legislative procedure (COD).

Conservation of fishery resources: anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Long-term plan

The Committee on Fisheries adopted the report drafted by Izaskun BILBAO BARANDICA (ADLE, ES) on the proposal for a regulation of the European Parliament and of the Council establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission's proposal as follows:

New legal basis: the report notes that according to Article 43(3) TFEU, it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities. In view of the specificities of the anchovy fishery in the Bay of Biscay, it is appropriate that the Council establishes those measures in a way that allows the TACs and quotas to apply per fishing season.

Definitions: the definition of "current biomass" has been amended: it shall mean the median size of the biomass of the anchovy stock by reference to the May-June period immediately preceding the start of the fishing season for which the TAC is to be set.

The report stipulates that the "monitoring system for the anchovy stock" shall mean the procedures for the direct assessment of the anchovy stock that will enable the STECF to establish the level of current biomass. Those procedures currently consist of the acoustic surveys in May and June and the daily egg production method.

Objective of the plan: one of the objectives of the plan is to guarantee, as far as possible, the long-term stability of the fishery, which is a prerequisite for ensuring the economic and ecological sustainability of the fisheries sector, while maintaining a low risk of stock collapse.

TAC and allocation between Member States: where necessary, the Commission shall announce an indicative TAC by 1 July, pending the setting of a definitive TAC within 15 days following the start of the season.

Delegated acts: the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty in respect of modifications to the precautionary biomass level or the TAC levels indicated in Annex I as corresponding to the respective biomass levels.

Monitoring, inspection and surveillance: the control measures provided for in this chapter shall apply in addition to those prescribed in Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, and its implementing rules.

Notification prior to landing: by way of derogation from Regulation (EC) No 1224/2009, the time limit for prior notification to the competent authorities of the flag Member State shall be set at one hour before the estimated time of arrival at port. Members add that the discharge of catch retained on board shall not commence until authorized by those authorities. However, the landings should not in any event be postponed or delayed beyond the time at which the fish quality or sale value is reduced. Moreover, they stress the need to support the competent regional administrations in their monitoring, inspection and surveillance work.

Margin of tolerance in the estimation of quantities reported in the logbook: by way of derogation from Article 14(3) of Regulation No 1224/2009, the permitted margin of tolerance, in the estimation of quantities, in kg retained on board, shall be 10% of the logbook figure (as opposed to 5% proposed by the Commission).

National control action programmes: the Commission shall provide information to the South Western Waters Regional Advisory Council (SWWRAC) on the implementation of national control action programmes and the results obtained.

Specific control and inspection programme: the Commission may decide on a Specific Control and Inspection programme in accordance with Article 95 of Regulation (EC) 1224/2009.

Conservation of fishery resources: anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Long-term plan

The European Parliament adopted by 612 votes to 33, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). It amends the Commission's proposal as follows:

New legal basis: the resolution notes that according to Article 43(3) TFEU, it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities. In view of the specificities of the anchovy fishery in the Bay of Biscay, it is appropriate that the Council establishes those measures in a way that allows the TACs and quotas to apply per fishing season.

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