



# Procedure file

| Basic information   |  |   |            |
|---|--|---|------------|
| COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation  |  | Procedure completed   |            |
| Common fisheries policy (CFP): landing obligation<br><br>Amending Regulation (EC) No 850/98 <a href="#">1996/0160(CNS)</a><br>Repealing Regulation (EC) No 1434/98 <a href="#">1997/0353(CNS)</a><br>Amending Regulation (EC) No 254/2002 <a href="#">2001/0279(CNS)</a><br>Amending Regulation (EC) No 2347/2002 <a href="#">2002/0053(CNS)</a><br>Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a><br>Amending Regulation (EC) No 2187/2005 <a href="#">2005/0014(CNS)</a><br>Amending Regulation (EC) No 1098/2007 <a href="#">2006/0134(CNS)</a><br>Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a><br>Amending Regulation (EU) No 1379/2013 <a href="#">2011/0194(COD)</a><br>Amending Regulation (EU) No 1380/2013 <a href="#">2011/0195(COD)</a><br><br>Subject<br>3.15.01 Fish stocks, conservation of fishery resources<br>3.15.05 Fish catches, import tariff quotas |  |   |            |
| Key players   |  |   |            |
| European Parliament   | Committee responsible                                      | Rapporteur  | Appointed  |
|   | <div>PECH</div> Fisheries                                  |   | 22/07/2014 |
|   |  | <div>epp</div> <div><a href="#">CADEC Alain</a></div>       |            |
|   |  | Shadow rapporteur   |            |
|   |  | <div>S&amp;D</div> <div><a href="#">RODUST Ulrike</a></div> |            |
|   |  | <div>ECR</div> <div><a href="#">DUNCAN Ian</a></div>        |            |
|   |  | <div></div> <div><a href="#">NICOLAI Norica</a></div>       |            |
|   |  | <div></div> <div><a href="#">ENGSTRÖM Linnéa</a></div>      |            |
|   |  | <div>EFD</div> <div><a href="#">AFFRONTÉ Marco</a></div>    |            |
|   |  | Former committee responsible                                |            |
|   | <div>PECH</div> Fisheries                                  |   |            |
|   | Committee for opinion                                      | Rapporteur for opinion                                      | Appointed  |
|   | <div>ENVI</div> Environment, Public Health and Food Safety | The committee decided not to give an opinion.               |            |
|   | Former committee for opinion                               |   |            |
|   | <div>ENVI</div> Environment, Public Health and Food Safety |   |            |

|  |  |                      |            |
|--|--|----------------------|------------|
| Council of the European Union          | Council configuration                          | Meeting              | Date       |
|  | <a href="#">Agriculture and Fisheries</a>      | <a href="#">3386</a> | 11/05/2015 |
| European Commission                    | Commission DG                                  | Commissioner         |            |
|  | <a href="#">Maritime Affairs and Fisheries</a> | VELLA Karmenu        |            |
| European Economic and Social Committee |  |                      |            |

| Key events |   |   |         |
|------------|---|---|---------|
| 17/12/2013 | Legislative proposal published  | COM(2013)0889   | Summary |
| 13/01/2014 | Committee referral announced in Parliament, 1st reading                                     |   |         |
| 20/10/2014 | Committee referral announced in Parliament, 1st reading                                     |   |         |
| 03/12/2014 | Vote in committee, 1st reading  |   |         |
| 03/12/2014 | Committee decision to open interinstitutional negotiations with report adopted in committee |   |         |
| 11/12/2014 | Committee report tabled for plenary, 1st reading  | <a href="#">A8-0060/2014</a>  | Summary |
| 09/03/2015 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations     |   |         |
| 27/04/2015 | Debate in Parliament  |  |         |
| 28/04/2015 | Results of vote in Parliament   |  |         |
| 28/04/2015 | Decision by Parliament, 1st reading   | <a href="#">T8-0105/2015</a>  | Summary |
| 11/05/2015 | Act adopted by Council after Parliament's 1st reading                                       |   |         |
| 20/05/2015 | Final act signed  |   |         |
| 20/05/2015 | End of procedure in Parliament  |   |         |
| 29/05/2015 | Final act published in Official Journal   |   |         |

| Technical information  |   |
|------------------------|---|
| Procedure reference    | 2013/0436(COD)  |
| Procedure type         | COD - Ordinary legislative procedure (ex-codecision procedure)  |
| Procedure subtype      | Legislation   |
| Legislative instrument | Regulation  |
|                        | Amending Regulation (EC) No 850/98 <a href="#">1996/0160(CNS)</a><br>Repealing Regulation (EC) No 1434/98 <a href="#">1997/0353(CNS)</a><br>Amending Regulation (EC) No 254/2002 <a href="#">2001/0279(CNS)</a><br>Amending Regulation (EC) No 2347/2002 <a href="#">2002/0053(CNS)</a><br>Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a><br>Amending Regulation (EC) No 2187/2005 <a href="#">2005/0014(CNS)</a><br>Amending Regulation (EC) No 1098/2007 <a href="#">2006/0134(CNS)</a><br>Amending Regulation (EC) No 1224/2009 <a href="#">2008/0216(CNS)</a> |

|  |  |
|--|--|
|  | Amending Regulation (EU) No 1379/2013 <a href="#">2011/0194(COD)</a><br>Amending Regulation (EU) No 1380/2013 <a href="#">2011/0195(COD)</a> |
| Legal basis                                  | Treaty on the Functioning of the EU TFEU 043-p2  |
| Mandatory consultation of other institutions | <a href="#">European Economic and Social Committee</a>   |
| Stage reached in procedure                   | Procedure completed  |
| Committee dossier                            | PECH/8/00295   |

| Documentation gateway   |  |                                |            |     |         |
|---|--|--------------------------------|------------|-----|---------|
| Legislative proposal  |  | COM(2013)0889                  | 17/12/2013 | EC  | Summary |
| Economic and Social Committee: opinion, report                  |  | <a href="#">CES0877/2014</a>   | 29/04/2014 | ESC |         |
| Committee draft report  |  | <a href="#">PE537.183</a>      | 29/09/2014 | EP  |         |
| Amendments tabled in committee                                  |  | <a href="#">PE541.294</a>      | 04/11/2014 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading |  | <a href="#">A8-0060/2014</a>   | 11/12/2014 | EP  | Summary |
| Commission response to text adopted in plenary                  |  | <a href="#">SP(2015)362</a>    | 14/04/2015 | EC  |         |
| Text adopted by Parliament, 1st reading/single reading          |  | <a href="#">T8-0105/2015</a>   | 28/04/2015 | EP  | Summary |
| Draft final act   |  | <a href="#">00011/2015/LEX</a> | 20/05/2015 | CSL |         |

| Additional information |                          |
|------------------------|--------------------------|
| Research document      | <a href="#">Briefing</a> |
| European Commission    | <a href="#">EUR-Lex</a>  |

| Final act   |
|---|
| <a href="#">Regulation 2015/812</a><br><a href="#">OJ L 133 29.05.2015, p. 0001</a> Summary<br><a href="#">Corrigendum to final act 32015R0812R(02)</a><br><a href="#">OJ L 319 04.12.2015, p. 0021</a><br>Final legislative act with provisions for delegated acts |

## Common fisheries policy (CFP): landing obligation

**PURPOSE:** to facilitate the implementation of the landing obligation envisaged under the Common Fisheries Policy reform (CFP).

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the central objective of the [future Regulation seeking to amend the Common Fisheries Policy](#) is to progressively eliminate discards in all EU fisheries through the introduction of a landing obligation for catches of species subject to catch limits and species covered by minimum sizes in the Mediterranean.

The European Parliament in its plenary vote in February 2013 agreed the gradual introduction of the landing obligation with a starting date of 2014 for pelagic fisheries, highly migratory species and salmon in the Baltic and extending to all fisheries in the Union in the following years.

Subsequently, political agreement has been reached by the European Parliament and Council on the Basic Regulation with a new start date for implementation of the landing obligation of 1 January 2015.

In the framework of the reform, it is the intention of the Commission that a new technical measures framework will be developed as part of the reform which, over time, should facilitate the full implementation of the landing obligation as envisaged. However, this new framework will

almost certainly not be in place in time for the first group of fisheries to be covered under the landing obligation. Therefore legislation is required to remove any legal and practical impediments to implementation on a transitional basis while this new framework is being developed.

**IMPACT ASSESSMENT:** no specific Impact Assessment has been carried out as the impacts of introducing a landing obligation have already been assessed under the impact assessment supporting the reform of the CFP. High levels of discards are identified as an important driver of the lack of environmental sustainability of the CFP in the impact assessment.

**CONTENT:** the main action of the proposed Regulation is to facilitate the implementation of the landing obligation envisaged under the Common Fisheries Policy reform by removing all existing provisions from EU technical measures and control regulations that run contrary to the landing obligation.

On the technical measures regulations several provisions contained in the current regulations contradict the landing obligation and oblige fishermen to discard. These are minimum landing sizes (MLS), catch composition rules and bycatch provisions.

In particular, in order to ensure the implementation of the landing obligation Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms should be amended by:

- requiring all unintended catches of marine organisms subject to the landing obligation caught in excess of catch composition rules should be landed and counted against quotas;
- replacing minimum landing sizes for marine organisms subject to the landing obligation with minimum conservation reference sizes;
- requiring all unintended catches of marine organisms caught in excess of bycatch provisions in specific areas, at specific times and for specified gear types to be landed and counted against quotas.

In addition, in order to ensure legal certainty, provisions relating to an area closure for the protection of juvenile haddock in ICES division VIIb should be amended.

With the same purpose, the Commission seeks to amend:

- Council Regulation (EC) No 2187/2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound;
- Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea;
- Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks;
- Council Regulation (EC) No 254/2002 establishing measures to be applicable in 2002 for the recovery of the stocks of cod in the Irish Sea (ICES division VIIa);
- Council Regulation (EC) No 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks.

Council Regulation (EC) 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy also needs to be aligned with the landing obligation. The modifications required concern changes to:

- fishing authorisations;
- recording of data on all catches particularly when below minimum conservation reference sizes;
- a higher margin of tolerance for catch estimates below 50 kg in logbooks and transshipment declarations;
- establishment of rules for remote electronic monitoring (REM) for the recording of data for monitoring the landing obligation at sea;
- separate stowage of catches and control of marketing of catches below minimum conservation reference sizes;
- establishing the conditions for the use of control observers for monitoring purposes;
- the definition of the violation of the landing obligation as a serious infringement.

## Common fisheries policy (CFP): landing obligation

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The Committee on Fisheries adopted the report by Alain CADEC (EPP, FR) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation (draft omnibus regulation).

It should be recalled that the reform of the common fisheries policy adopted in 2013 saw fundamental changes being made to the rules applicable to fisheries. More specifically, the basic common fisheries policy regulation ([Regulation \(EC\) No 1380/2013](#)) imposes a landing obligation for all catches. That obligation will enter into effect in a stepwise manner over the period 2015 to 2019.

Since this landing obligation conflicts with several EU regulations currently in force, the Commission has brought forward an Omnibus regulation which seeks to amend seven regulations in parallel so as to bring them into line with the basic common fisheries policy regulation.

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Landing obligation: Members considered that the changes made by the omnibus regulation should be strictly limited to implementation of the landing obligation, and only to the fisheries concerned as from 1 January 2015, which is to say:

- small pelagic fisheries (i.e. fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat);
- large pelagic fisheries (i.e. fisheries for bluefin tuna, swordfish, albacore tuna, bigeye tuna, blue and white marlin);
- fisheries for industrial purposes (i.e. fisheries for capelin, sandeel and Norway pout);
- fisheries for Baltic Sea salmon;
- the species which define fisheries activities in the Baltic Sea other than those already listed above.

Given that the landing obligation constitutes a radical change for fisheries, the report noted that 2015 will be a test year in terms of implementing that change. Lessons should be drawn from this when implementing the obligation in the fisheries concerned after 2015. It also stated that a two-year adaptation period should be granted, during which infringements of the landing obligation are not considered to be serious infringements.

Technical measures: Members also proposed to amend the basic regulation on CFP in order to clarify the current wording concerning the possibility of incorporating technical measures strictly linked to the landing obligation into the discard plans to allow for increased selectivity and for unintended catches of marine organisms to be reduced as far as possible.

Parallel market: lastly, considering that the Commission proposal does not allow certain undesirable effects of the landing obligation to be prevented, Members introduced amendments aiming to prevent the possible emergence of a parallel market in juvenile organisms.

## Common fisheries policy (CFP): landing obligation

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The European Parliament adopted by 573 votes to 96, with 21 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation.

It should be recalled that the reform of the common fisheries policy adopted in 2013 saw fundamental changes being made to the rules applicable to fisheries. More specifically, the basic common fisheries policy regulation ([Regulation \(EC\) No 1380/2013](#)) imposes a landing obligation for all catches. That obligation will enter into effect in a stepwise manner over the period 2015 to 2019.

Since this landing obligation conflicts with several EU regulations currently in force, the Commission has brought forward an Omnibus regulation which seeks to amend seven regulations in parallel so as to bring them into line with the basic common fisheries policy regulation.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary amended the Commission proposal as follows:

- in order to ensure monitoring and enforcement of the landing obligation, Council Regulation (EC) No 1224/2009 (10) should be amended by requiring data on catches below the minimum conservation reference size to be recorded separately;
- given that the landing obligation represents a fundamental change for operators, it is appropriate to postpone for two years the application of the rules on serious infringements as regards infringements of that type;
- according to the Parliament the development of parallel activities specifically devoted to catching marine organisms that are below the minimum conservation reference size for uses other than human consumption should be prevented;
- minimum marketing sizes should correspond to the minimum conservation reference sizes for the species in question;
- the master of each Union fishing vessel of 10 meters length overall or more shall keep a fishing logbook of operations, indicating specifically, for each fishing trip, all quantities of each species caught and kept on board above 50 kg of live-weight equivalent. The 50 kg threshold shall apply as soon as catches of a species exceed 50 kg.

By 31 May 2016, and by 31 May of each subsequent year up to and including 2020, the Commission shall submit an annual report on the implementation of the landing obligation, based on information transmitted by the Member States, the Advisory Councils and other relevant sources to the Commission. Annual reports shall include:

- steps taken by Member States and producer organisations to comply with the landing obligation;
- steps taken by Member States regarding control of compliance with the landing obligation;
- information on the socio-economic impact of the landing obligation;
- information on the effect of the landing obligation on safety on board fishing vessels;
- information on the use and outlets of catches below the minimum conservation reference size of a species subject to the landing obligation;
- information on port infrastructures and of vessels fitting with regard to the landing obligation;
- for each fishery concerned, information on the difficulties encountered in the implementation of the landing obligation and recommendations to address them.

## Common fisheries policy (CFP): landing obligation

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PURPOSE: to implement the landing obligation envisaged under the Common Fisheries Policy reform (Omnibus Regulation).

LEGISLATIVE ACT: Regulation (EU) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

CONTENT: one of the objectives of the reform of the Common Fisheries Policy (CFP) is the gradual elimination of discards through the introduction of a landing obligation for all catches.

Since this landing obligation conflicts with several EU regulations currently in force, this Omnibus regulation amends seven regulations in parallel so as to bring them into line with the basic [Common Fisheries Policy regulation](#). It contains several measures that aim to simplify the rules and reduce the administrative burden for fishermen and monitoring organisations.

The Regulation provides for, inter alia:

- separate recording of data on catches below the minimum conservation reference size;
- a pragmatic solution for the storage of fish on board fishing vessels;
- postponing for 2 years the application of the rules on serious infringements as regards infringements of landing obligations;
- a mechanism for preventing the development of parallel markets for undersized fish (catching marine organisms that are below the

- minimum conservation reference size for uses other than human consumption);
- alignment of the minimum marketing sizes to the minimum conservation reference sizes;
- not applying the landing obligation to catches of fish which have been damaged by predators, which should be immediately disposed of at sea;
- ensuring that the master of each Union fishing vessel of 10 metres' length overall or more shall keep a fishing logbook of operations, indicating specifically, for each fishing trip, all quantities of each species caught and kept on board above 50 kg of live-weight equivalent.

Annual report: by 31 May 2016, and by 31 May of each subsequent year up to and including 2020, the Commission shall submit an annual report on the implementation of the landing obligation, based on information transmitted by the Member States, the Advisory Councils and other relevant sources.

Annual reports shall contain, inter alia: (i) steps taken by Member States and producer organisations to comply with the landing obligation; (ii) steps taken by Member States regarding control of compliance with the landing obligation; (iii) information on the socioeconomic impact of the landing obligation.

ENTRY INTO FORCE: 1.6.2015. The Regulation is applicable from 1.1.2017.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts that consist of technical measures. The power to adopt delegated acts shall be conferred on the Commission for a period of 5 years from 1 June 2015. The European Parliament or the Council may raise objections to a delegated act within two months of the date of notification (this may be extended by two months.) If Parliament or Council raise objections, the delegated act will not come into force.