General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

2009/0129(COD) - 20/10/2011 - Council position

The Council adopted its position at first reading concerning the proposal for a Regulation on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area.

Although an overall agreement on the text existed between the institutions following the two first trilogues, outstanding issues remained in relation to the scope of application of delegated acts and on the duration of delegation. Therefore, work has concentrated on finding an agreement on the outstanding issues in relation to delegated acts, leaving aside issues agreed in the two first trilogues which were subsequently set out in the position of the Parliament of 10 March 2011.

Work thus progressed on the presumption of a tacit acceptance of the Parliament's amendments in its position except for the three issues relating to delegation of powers, and subject to later finalisation by the legal-linguistic services of the two institutions.

Delegated powers: the European Parliament adopted its position in the first reading on 10 March 2011 - a position which with regard to delegated acts could be described as a "half way house" between the Commission and Member States. The European Parliament's move was seen as positive and in the right direction and helped the Hungarian Presidency to engage in new discussions with the various concerned delegations on their views regarding the elements of the transposition they considered to be essential elements. This allowed COREPER to agree on 1 June 2011 to grant the Hungarian Presidency a mandate to negotiate a solution on the outstanding issues at the third informal trilogue on 21 June 2011. An agreement was reached between all three institutions which reads as is set out in Article 26 in the Council's position.

In addition, it was agreed that the power to adopt delegated acts shall be conferred on the Commission for a period of ***three years***from the date of entry into force of this Regulation and that a delegated act shall enter into force if no objections has been expressed either by the European Parliament or the Council within a period of ***two***months of notification of that act to the European Parliament and the Council.

Implementing powers: the Commission specified during the third trilogue in respect of which concrete provisions of the Proposal adoption of implementing acts would be advisable, namely Articles 9 (information - report on fisheries activities) Article 12 (4) and (6) (on closed seasons), Article 14 (data collection), Article 15 (3) on minimum mesh size in the Black Sea), Article 23 (cooperation and information) and Article 24(4) (statistical matrices).

No objections to this list were raised during the third informal trilogue and the draft Council position in first reading has been drawn up taking account of this list.

The text as finalised by the legal-linguistic experts has been aligned to take account of necessary changes due to the entry into force of the Lisbon treaty, standard formulations based on the new Comitology Regulation and on the Common Understanding on Delegated Acts.