Conservation of fishery resources: multi-annual plan for the stock of herring in the west of Scotland

2011/0345(COD) - 22/11/2011 - Legislative proposal

PURPOSE: to identify the powers to be delegated to the Commission in Council Regulation (EC) No 1300 /2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock, and establish the corresponding procedure for adoption of these acts and adapt certain provisions to the decision-making procedures of the Lisbon Treaty.

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

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: The objective of this proposal is to amend Council Regulation (EC) No 1300/2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock. This act was adopted prior to the entry into force of the Treaty on the Functioning of the European Union (TFEU).

The Plan has as its core objective to ensure the exploitation of the herring stock in the area west of Scotland on the basis of maximum sustainable yield. Science may evolve and improve, and the Plan needs to contain the necessary provisions to ensure it is kept up to date with the best science available.

- Thus, Article 7 of the Regulation stipulates that if it appears that the fishing mortality rates and associated spawning stock biomass levels used for the purposes of the Plan are no longer appropriate in light of scientific advice, the Council must revise such parameters so as to ensure that the plan can attain its management objectives. The current text therefore confers the power to amend these non-essential elements of the Plan on the Council. Such decision-making procedure is no longer possible under the TFEU.
- Similarly, Article 8 provides for modification by the Council of certain elements of the plan (including the biological reference levels) and for adoption by the Council of measures alternative or additional to the plan.

By way of consequence, **the decision-making procedure foreseen in Article 7 and 8 of the Regulation should be converted into a system of delegated powers to be exercised by the Commission** under the conditions set out in the Plan itself and where the analysis has shown that the currently envisaged procedures may be qualified as delegated powers in accordance with Article 290 of the TFEU. The Plan should therefore be amended accordingly.

BUDGETARY IMPACT: the proposal has no impact on the EU’s budget.