Sustainable exploitation of fishery resources in the Mediterranean Sea: alignment of the Regulation with the TFEU (Commission delegated powers)

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The Committee on Fisheries adopted the report by Anna ROSBACH (ECR, DK) on the proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should amend the Commission proposal.

The proposed amendments foresee the **full alignment of Regulation (EC) No 1967/2006 to the new system of delegated and implementing acts introduced by the Treaty of Lisbon.** This applies mainly to the provisions giving the Council the power to take decisions which should, since the entry into force of the Treaty of Lisbon, be adopted according to the ordinary legislative procedure. The Members consider that leaving these references to the old consultation procedure intact would endanger the institutional achievements of the Treaty of Lisbon in the fisheries sector and create legal uncertainty, casting doubt on Parliament's qualities as a legislator.

Delegated and implementing acts: in most of these cases, the Members suggest using delegated acts, in some cases legislative acts. The proposed amendments suggest the following approach:

- Where Member States have to adopt national measures which are later scrutinised by the Commission, the report suggests that the Commission be empowered to adopt delegated acts if the Member State’s measures are not deemed satisfactory, thereby supplementing the basic act.

- Concerning the adoption of national measures (designation of fishing protected areas and adoption of management plans) that might affect vessels of other Member States, the report also suggests using delegated acts, while keeping most of the elements of the procedure which is currently applicable.

- As to the designation of additional fishing protected areas occurring essentially beyond the territorial seas of Member States (Article 6 (2)) and the designation of management plans in areas totally or partially beyond such territorial waters (Article 18), the report supports the use of the ordinary legislative procedure.

Adoption of amendments to the Annexes: the report does not agree with the Commission's proposal. The Members consider that the Annexes constitute in fact an essential part of Regulation (EC) No 1967 /2006 and should be **amended only by the European Parliament and the Council together according to the ordinary legislative procedure**. This also applies to the special provisions in the Annexes currently giving power to the Commission to adopt further technical specifications or to grant authorisations (Annex I section B points 3, 4 and 5 and Annex II point 7). Such specifications and authorisations should, if necessary, be decided upon by the co-legislators.

Delegation of powers: the Members consider that the delegated powers conferred upon the Commission should be **limited to a period of three years after the entry into force of the Regulation** in order to have a regular evaluation and questioning of the use of the delegation.