Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0201(COD) - 26/07/2012 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel with the new rules of the Treaty on the Functioning of the European Union (delegated and implementing acts of the Commission).

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

BACKGROUND: the Treaty on the Functioning of the European Union (TFEU) makes a distinction between,

- firstly, the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act as laid down in **Article 290(1) of the TFEU (delegated acts)** and, secondly,
- the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in **Article 291(2) of the TFEU (implementing acts)**.

In this context Regulation (EC) No 1100/2007 needs to be aligned with the new rules of the TFEU. Powers currently conferred upon the Commission by that Regulation should be reclassified into delegated and implementing powers.

IMPACT ASSESSMENT: it was not necessary to carry out an impact assessment.

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

CONTENT: the main legal action is to **identify the powers conferred upon the Commission in Council Regulation (EC) No 1100/2007 and to classify these as delegated or implementing powers**.

- The Commission should therefore be empowered to adopt **delegated acts** to take measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes.
- Likewise the Commission should be empowered to adopt **implementing acts** concerning the approval of Eel Management Plans by the Commission on the basis of technical and scientific data. These competences should be exercised in accordance with Regulation (EU) No. 182/2011 of the European Parliament and of the Council.

BUDGETARY IMPACT: this measure does not involve any additional Union expenditure.