

Incidental catches of cetaceans in fisheries; alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0216(COD) - 08/08/2012 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries, in order to identify the powers conferred upon the Commission and to classify these as delegated or implementing powers.

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:

- 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 (delegated acts under Article 290(1)), and
- the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts as laid down in Article of the TFEU (implementing acts under Article 291(2)).

As a consequence of the entry into force of the Lisbon Treaty, the Commission powers conferred for the implementation of Regulation (EC) No 812/2004 need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: the main points of the proposal are as follows:

- the Commission will be empowered to adopt **delegated acts in respect of technical specifications and conditions of use of acoustic deterrent devices**. The delegation of power shall be conferred for an indeterminate period of time and may be revoked at any time by the European Parliament or by the Council. A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within 2 months. That period shall be extended by 2 months at the initiative of the European Parliament or the Council;
- implementing powers will be conferred on the Commission concerning **rules on the procedure and format for reporting obligations for Member States**.

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