

Conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound: aligning the Regulation with the TFEU; Commission delegated and implementing powers

2012/0285(COD) - 17/10/2012 - Legislative proposal

PURPOSE: to identify the powers conferred upon the Commission by Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound, and to classify these as delegated or implementing powers.

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

BACKGROUND: Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound confers powers upon the Commission in order to implement some of the provisions of that Regulation. 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 as laid down in Article 290 (1) of the TFEU (**delegated acts**), and
- 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**).

IMPACT ASSESSMENT: there was no need for consultation of interested parties or for an impact assessment.

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

CONTENT: in the context of the alignment of Regulation (EC) No 2187/2005 to the new rules of the TFEU, powers currently conferred on the Commission by that Regulation have been reclassified into **delegated measures** and **implementing measures**.

Delegated acts: the Commission will be empowered to adopt delegated acts to amend the technical specifications of two parts of the fishing gears improving selectivity: namely the Bacoma type exit window and the netting in the cod-end and extension piece being turned 90° (T90 trawl).

Implementing acts: implementing powers will be conferred on the Commission in order to ensure uniform conditions for the implementation of Regulation (EC) No 2187/2005 as regards measures taken by Member States which apply only to fishing vessels flying their flag.

Lastly, powers to adopt detailed rules for the implementation of Regulation (EC) No 2187/2005 are no longer required. The provision conferring those powers should therefore be deleted.

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