

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

2012/0216(COD) - 04/03/2014 - Council position

The communication from the Commission concerns the Council's position at first reading on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries.

The Commission agrees with the Council position, as the compromise political agreement between the European Parliament and the Council maintains the reclassification of the powers as it figures in the Commission's proposal.

Specifically, the Commission accepts the compromise aiming to :

- define the scope of the delegated act concerning acoustic deterrent devices in more specific terms to improve clarity, and to limit the duration of the delegation of powers to four years with a tacit-renewal clause ;
- add an obligation for the Commission to review the provisions of the Regulation by the end of 2015 and, if appropriate to submit a new legislative proposal. This addition protects the Commission's right of initiative and also provides a reference to the development of measures under regionalisation, which is a key objective of the Common Fisheries Policy However, with regard to the obligation to review this regulation and submit an overarching legislative proposal if appropriate, **the Commission sees the need to make a statement to clarify its position.**

In its statement, the Commission states that it will consider coming forward with a proposal for a new technical measures framework including mitigating measures to minimise incidental catches of cetaceans and other sensitive species, and allow the development of specific measures tailored to the specificities of fisheries at a regional level if appropriate. Once this is achieved, the regulation will be repealed.