

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

2012/0216(COD) - 16/04/2014 - Final act

PURPOSE: to align Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries with the new rules of the Treaty on the Functioning of the European Union (TFEU) (the Commission powers of delegation and implementation).

LEGISLATIVE ACT: Regulation (EU) No 597/2014 of the European Parliament and of the Council amending Council Regulation (EC) No 812/2004 laying down measures concerning incidental catches of cetaceans in fisheries.

CONTENT: following the entry into force of the Treaty of Lisbon, this Regulation aligns Regulation (EC) No 812/2004 with the provisions of the TFEU which establishes a distinction between:

- the powers delegated to the Commission to adopt non-legislative acts of general scope which supplement or amend certain non-essential elements of a legislative act, as provided in Article 290, paragraph 1, TFEU (delegated acts),
- powers conferred to the Commission to adopt uniform rules of legally binding acts of the Union, as provided for in Article 291, paragraph 2, TFEU (implementing acts).

Under the terms of the Regulation, the Commission may adopt **delegated acts** in respect of the conditions of use and the technical specifications of the use of acoustic deterrent devices (including the signal characteristics and those of implementation) and **implementing acts** with regard to the procedure and format of the reports that the Member States are required to establish.

The power to adopt delegated acts shall be conferred on the Commission for a period of **four years (with tacit extension) from 2 July 2014**. The European Parliament or the Council may object to a delegated act within a period of **two months** from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.

By 31 December 2015, the Commission should **review the effectiveness of the measures** provided by the Regulation, and, if appropriate, submit to the European Parliament and to the Council an overarching legislative proposal for ensuring the effective protection of cetaceans.

ENTRY INTO FORCE: 02.07.2014.