

Basic information	
2010/0255(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012	
Amending Regulation (EC) No 850/98 1996/0160(CNS) Amending Regulation (EC) No 1288/2009 2008/0112(CNS)	
Subject 3.15.01 Fish stocks, conservation of fishery resources	

Key players			
European Parliament	Committee responsible PECH Fisheries	Rapporteur GRELIER Estelle (S&D)	Appointed 29/09/2010
Council of the European Union	Council configuration Agriculture and Fisheries	Meetings 3087	Date 2011-05-17
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner DAMANAKI Maria	

Key events			
Date	Event	Reference	Summary
23/09/2010	Legislative proposal published	COM(2010)0488 	Summary
07/10/2010	Committee referral announced in Parliament, 1st reading		
01/02/2011	Vote in committee, 1st reading		Summary
23/02/2011	Committee report tabled for plenary, 1st reading	A7-0024/2011	
05/04/2011	Debate in Parliament		
06/04/2011	Decision by Parliament, 1st reading	T7-0139/2011	Summary
06/04/2011	Results of vote in Parliament		
17/05/2011	Act adopted by Council after Parliament's 1st reading		
08/06/2011	Final act signed		

08/06/2011	End of procedure in Parliament		
24/06/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/0255(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 850/98 1996/0160(CNS) Amending Regulation (EC) No 1288/2009 2008/0112(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/03903

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE452.609	09/11/2010	
Amendments tabled in committee		PE454.682	15/12/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0024/2011	23/02/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0139/2011	06/04/2011	Summary
Council of the EU				
Document type	Reference		Date	Summary
Draft final act	00009/2011/LEX		08/06/2011	
European Commission				
Document type	Reference		Date	Summary
Legislative proposal	COM(2010)0488 		23/09/2010	Summary
Commission response to text adopted in plenary	SP(2011)4619		25/05/2011	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0069/2011	19/01/2011	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2011/0579 OJ L 165 24.06.2011, p. 0001

[Summary](#)

Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

2010/0255(COD) - 08/06/2011 - Final act

PURPOSE: to extend the application of technical measures in Regulation (EC) No 1288/2009 until 31 December 2012 in order to maintain the proper conservation and management of marine resources.

LEGISLATIVE ACT: Regulation (EU) No 579/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288 /2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

CONTENT: following an agreement at first reading with the European Parliament, the Council amended Regulation (EC) n° 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011. The United Kingdom and Portugal voted against.

This text provides for an extension of the implementation period of the regulation for the conservation of fisheries resources through technical measures. Given that Regulation (EC) No1288/2009 will expire on 30 June 2011, and that there is no current legal act that could provide for permanent technical measures, the text ensures legal certainty for these specific measures aiming at the conservation of marine resources by extending the validity of Regulation (EC) No 1288/2009 for another 18 months, until 1 January 2013. However, basic principles concerning technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy.

In addition, fishing quotas for Boarfish (Caproidae) were established for the first time under Council Regulation (EU) No 57/2011. The new Regulation therefore clarifies that boarfish may be targeted using towed nets with a mesh size range of 32 to 54 millimetres. Consequently, Annexes I and II to Council Regulation (EC) No 850/98 are amended accordingly.

ENTRY INTO FORCE : 01/07/2011.

Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

2010/0255(COD) - 06/04/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 622 votes to 40, with 21 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

It adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the proposal as follows:

- the compromise text stipulates that in view of the forthcoming reform of the Common Fisheries Policy (CFP) and its relevance for the content and scope of new permanent technical measures, it is appropriate to **delay the adoption** of such measures until a new legislative framework is in place;
- in order to maintain the proper conservation and management of marine resources, and given that it can reasonably be expected that a new legislative framework will apply as from 1 January 2013, the technical measures currently in force should continue to apply until that date. Consequently, since the temporary technical measures laid down in Regulation (EC) No 1288/2009 will cease to apply from 1 July 2011, that Regulation should be amended to **extend their validity until 31 December 2012**;

- lastly, given that **fishing quotas for Boarfish** (Caproidae) were established for the first time under Council Regulation (EU) No 57/2011, the amended text states that it is therefore appropriate to clarify that boarfish may be targeted using towed nets with a mesh size range of 32 to 54 millimetres. Consequently, Annexes I and II to Council Regulation (EC) No 850/98 should be amended accordingly.

Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

2010/0255(COD) - 23/09/2010 - Legislative proposal

PURPOSE: to extend the application of Regulation (EC) No 1288/2009 until 1 January 2013.

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

IMPACT ASSESSMENT: no impact assessment was carried out.

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

CONTENT: in June 2008, the Commission made a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. The proposal was intended to replace Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and certain transitional technical measures as laid down in Annex III to Council Regulation (EC) No 43/2009 establishing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks.

The proposed Council Regulation was not adopted before the date on which the measures provided for in Annex III to Regulation (EC) No 43/2009 ceased to apply. For reasons of legal certainty and in order to maintain the proper conservation and management of marine resources, [Council Regulation \(EC\) No 1288/2009](#) establishing transitional technical measures from 1 January 2010 to 30 June 2011 was adopted, providing for the continuation of temporary technical measures catered for in Annex III to Regulation (EC) No 43/2009 for a transitional period of 18 months.

In view of the new requirements of the Lisbon Treaty, the Commission withdrew in 2010 the proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. Basic principles on technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy, for which a proposal is envisaged during the third quarter of 2011.

Regulation (EC) No 1288/2009 will expire on 30 June 2011. Given the fact that there is no current legal act that could provide for permanent technical measures, and in order to ensure legal certainty and the conservation of marine resources, **it is appropriate to extend the validity of the regulation for another 18 months, until 1 January 2013.**

FINANCIAL IMPLICATIONS: the proposal has no financial implications for the budget of the European Union.