Basic information

2011/0218(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Sustainable exploitation of fishery resources in the Mediterranean Sea: alignment of the Regulation with the TFEU (Commission delegated powers) Amending Regulation (EC) No 1967/2006 2003/0229(CNS) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity **Geographical area** Mediterranean Sea area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	TOMAŠIĆ Ruža (ECR)	04/02/2015

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries		

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	DAMANAKI Maria

European Economic and Social Committee

Key events

Date	Event	Reference	Summary

09/08/2011	Legislative proposal published	COM(2011)0479	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
31/05/2012	Vote in committee, 1st reading		
04/06/2012	Committee report tabled for plenary, 1st reading	A7-0180/2012	Summary
16/01/2013	Decision by Parliament, 1st reading	T7-0009/2013	Summary
16/01/2013	Results of vote in Parliament		
29/09/2020	Proposal withdrawn by Commission		

Technical information

Procedure reference	2011/0218(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1967/2006 2003/0229(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/06706

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE483.657	29/03/2012	
Amendments tabled in committee		PE489.340	07/05/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0180/2012	04/06/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0009/2013	16/01/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0479	09/08/2011	Summary
Commission response to text adopted in plenary	SP(2013)176	05/03/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0479	02/03/2012	

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

Sustainable exploitation of fishery resources in the Mediterranean Sea: alignment of the Regulation with the TFEU (Commission delegated powers)

2011/0218(COD) - 16/01/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 647 votes to 15, with 31 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

General alignment of Council Regulation (EC) No 1967/2006 with the Treaty on the Functioning of the European Union (TFEU): the proposed amendments foresee the full alignment of Regulation (EC) No 1967/2006 to the new system of delegated and implementing acts introduced by the Treaty of Lisbon. This applies mainly to the provisions giving the Council the power to take decisions which should, since the entry into force of the Treaty of Lisbon, be adopted according to the ordinary legislative procedure.

Parliament suggests the following approach:

- Where Member States have to adopt national measures which are later scrutinised by the Commission, Parliament proposes that the Commission be empowered to adopt **delegated acts** if the Member State's measures are not deemed satisfactory, thereby supplementing the basic act.
- Concerning the adoption of national measures (designation of fishing protected areas and adoption of management plans) that might affect vessels of other Member States, the resolution also suggests using **delegated acts**, while keeping most of the elements of the procedure which is currently applicable.
- As to the **designation of additional fishing protected areas** occurring essentially beyond the territorial seas of Member States (Article 6 (2)) and the designation of management plans in areas totally or partially beyond such territorial waters (Article 18), the resolution supports the use of the **ordinary legislative procedure**.

Adoption of amendments to the Annexes: Parliament does not agree with the Commission's proposal. It considers that the Annexes constitute in fact an essential part of Regulation (EC) No 1967/2006 and should be amended only by the European Parliament and the Council together according to the **ordinary legislative procedure**. This also applies to the special provisions in the Annexes currently giving power to the Commission to adopt further technical specifications or to grant authorisations (Annex I section B points 3, 4 and 5 and Annex II point 7). Such specifications and authorisations should, if necessary, be decided upon by the co-legislators.

Delegation of powers: the Members consider that the delegated powers conferred upon the Commission should be limited to a period of **three years** after the entry into force of the Regulation in order to have a regular evaluation and questioning of the use of the delegation.

Sustainable exploitation of fishery resources in the Mediterranean Sea: alignment of the Regulation with the TFEU (Commission delegated powers)

2011/0218(COD) - 09/08/2011 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean sea, in order to ensure that it is aligned with the provisions of the Lisbon Treaty. .

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

BACKGROUND: Regulation (EC) No 1967/2006 confers powers upon the Commission in order to implement some of its provisions. Following the entry into force of the Lisbon Treaty, it is necessary to align with Article 290 of the Treaty on the Functioning of the European Union (delegated acts) the provisions of Regulation (EC) No 1967/2006 conferring the powers of the Commission.

IMPACT ASSESSMENT: it was not necessary to undertake an impact assessment.

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

CONTENT: this proposal seeks to **identify the delegated powers of the Commission** in Council Regulation (EC) No 1967/2006 and establish the corresponding procedure for adoption of these acts.

In order to apply certain provisions of Regulation (EC) No 1967/2006, it is proposed to delegate to the Commission the powers permitting it to adopt acts in accordance with Article 290 of the Treaty in respect of:

- to grant derogations when such possibility is explicitly foreseen by the Regulation in question;
- the adoption of the criteria to be applied for the establishment and allocation of fish aggregating devices (FAD) course lines for dolphinfish fishery in the 25-mile management zone around Malta;
- the adoption of detailed rules for further technical specifications on the characteristics of fishing gears which will supplement existing characteristics of gears;
- the amendments to the Annexes of Regulation (EC) 1967/2006.

BUDGETARY IMPACT: the proposal has no impact on the Union’s budget.

Sustainable exploitation of fishery resources in the Mediterranean Sea: alignment of the Regulation with the TFEU (Commission delegated powers)

2011/0218(COD) - 04/06/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Anna ROSBACH (ECR, DK) on the proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should amend the Commission proposal.

The proposed amendments foresee the **full alignment of Regulation (EC) No 1967/2006 to the new system of delegated and implementing acts introduced by the Treaty of Lisbon.** This applies mainly to the provisions giving the Council the power to take decisions which should, since the entry into force of the Treaty of Lisbon, be adopted according to the ordinary legislative procedure. The Members consider that leaving these references to the old consultation procedure intact would endanger the institutional achievements of the Treaty of Lisbon in the fisheries sector and create legal uncertainty, casting doubt on Parliament's qualities as a legislator.

Delegated and implementing acts: in most of these cases, the Members suggest using delegated acts, in some cases legislative acts. The proposed amendments suggest the following approach:

- Where Member States have to adopt national measures which are later scrutinised by the Commission, the report suggests that the Commission be empowered to adopt delegated acts if the Member State’s measures are not deemed satisfactory, thereby supplementing the basic act.

- Concerning the adoption of national measures (designation of fishing protected areas and adoption of management plans) that might affect vessels of other Member States, the report also suggests using delegated acts, while keeping most of the elements of the procedure which is currently applicable.

- As to the designation of additional fishing protected areas occurring essentially beyond the territorial seas of Member States (Article 6 (2)) and the designation of management plans in areas totally or partially beyond such territorial waters (Article 18), the report supports the use of the ordinary legislative procedure.

Adoption of amendments to the Annexes: the report does not agree with the Commission's proposal. The Members consider that the Annexes constitute in fact an essential part of Regulation (EC) No 1967/2006 and should be **amended only by the European Parliament and the Council together according to the ordinary legislative procedure**. This also applies to the special provisions in the Annexes currently giving power to the Commission to adopt further technical specifications or to grant authorisations (Annex I section B points 3, 4 and 5 and Annex II point 7). Such specifications and authorisations should, if necessary, be decided upon by the co-legislators.

Delegation of powers: the Members consider that the delegated powers conferred upon the Commission should be **limited to a period of three years after the entry into force of the Regulation** in order to have a regular evaluation and questioning of the use of the delegation.