Basic information

2012/0013(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers) Amending Regulation (EC) No 1342/2008 2008/0063(CNS) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.05 Fish catches, import tariff quotas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries		

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries		

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety		

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
31/01/2012	Legislative proposal published	COM(2012)0021	Summary

13/03/2012	Committee referral announced in Parliament, 1st reading		
23/04/2013	Vote in committee, 1st reading		
24/04/2013	Committee report tabled for plenary, 1st reading	A7-0141/2013	Summary
11/06/2013	Decision by Parliament, 1st reading	T7-0235/2013	Summary
11/06/2013	Results of vote in Parliament		
19/04/2016	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
21/06/2019	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0013(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1342/2008 2008/0063(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Stage reached in procedure	Procedure lapsed or withdrawn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/7/08867

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE497.772	21/12/2012	
Amendments tabled in committee		PE506.071	25/02/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0141/2013	24/04/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0235/2013	11/06/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0021	31/01/2012	Summary
Commission response to text adopted in plenary	SP(2013)520	16/07/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0021	07/05/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0835/2012	28/03/2012	

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

Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0013(COD) - 31/01/2012 - Legislative proposal

PURPOSE: to bring Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks ('the cod plan') into line with the new rules of the TFEU (Commission's powers of adopting delegated acts and implementing acts.)

PROPOSED ACT: Regulation of the European Parliament and of the Council. BACKGROUND : the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, as laid down in Article 290(1) TFEU **(delegated acts);**
- and on the other hand, powers conferred on the Commission to adopt uniform conditions for implementing legally binding Union acts, as laid down in Article 291(2) TFEU **(implementing acts).**

Article 10(1) of Regulation (EC) No 1342/2008 stipulates that if it appears in the light of scientific advice that the fishing mortality rates and associated spawning stock biomass levels used for the purposes of the plan are no longer appropriate, the Council must revise such parameters so as to ensure that the plan can attain its management objectives. The Regulation currently in force confers the power to amend these non-essential elements of the plan on the Council. Such a decision-making procedure is no longer possible under the TFEU.

The powers conferred on the Commission by Council Regulation (EC) No 1342/2008 must therefore be classified as delegated or implementing measures.

IMPACT ASSESSMENT: there was no need for interested parties to be consulted or for an impact assessment to be carried out.

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

CONTENT: the main thrust of the proposal is to identify the powers conferred on the Commission by Council Regulation (EC) No 1342/2008 and to classify them as delegated or implementing powers.

In order to amend or supplement non-essential elements of the provisions of Regulation (EC) No 1342/2008, the power to adopt acts in accordance with Article 290 of the Treaty is **delegated to the Commission** in respect of the following:

- changes to the established values for the maximum fishing mortality rates and associated spawning stock biomass levels, when the target fishing mortality rate has been reached;

- the rules concerning: (i) the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime; (ii) the method for calculating the fishing capacity and the adjustment of the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers; (iii) the calculation method for adapting the maximum allowable fishing effort; and (iv) changes to the composition of the geographical areas and gear groupings.

Furthermore, **implementing powers are conferred on the Commission** in respect of detailed rules on the procedure and format for transmitting the information required to the Commission, and the format of the special fishing permit and of the list of vessels holding such special permit.

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

Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0013(COD) - 24/04/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Diane DODDS (NI, UK) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks.

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

Amendment of the multiannual plan: Members want it explicitly stated that any amendment to the multi-annual plan, apart from the exceptions specified in the regulation, would have to be adopted via the **ordinary legislative procedure**.

Adoption of delegated acts: before taking a decision to adopt delegated acts to set fishing mortality rates and associated spawning stock biomass, the Commission should be required to use **scientific data** from the Scientific, Technical and Economic Committee for Fisheries (STECF) and consult the relevant Regional Advisory Council.

Members propose to **limit the delegation of power to a period of three years from the date of entry into force of the Regulation** and to oblige the Commission to present a report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0013(COD) - 11/06/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 600 votes to 14, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks.

Parliament adopted its position at first reading according to the ordinary legislative procedure. The amendments adopted amend the Commission's proposal as follows:

Amendment of the multiannual plan: it is explicitly stated that any amendment to the multi-annual plan, apart from the exceptions specified in the regulation, would have to be adopted via the **ordinary legislative procedure**.

Adoption of delegated acts: before taking a decision to adopt delegated acts to set fishing mortality rates and associated spawning stock biomass, the Commission should be required to use **scientific data** from the Scientific, Technical and Economic Committee for Fisheries (STECF) and consult the relevant Regional Advisory Council.

Parliament proposes to **limit the delegation of power to a period of three years** (renewable) from the date of entry into force of the Regulation and to oblige the Commission to present a report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.