Basic information

2012/0077(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 8.50.01 Implementation of EU law **Geographical area** Baltic Sea area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	WAŁĘSA Jarosław (PPE)	24/04/2012
	Shadow rapporteur CHRISTENSEN Ole (S&D) TORVALDS Nils (ALDE) LÖVIN Isabella (Verts/ALE)	

Committee for opinion	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

02/04/2012	Legislative proposal published	COM(2012)0155	Summary
18/04/2012	Committee referral announced in Parliament, 1st reading		
28/11/2012	Vote in committee, 1st reading		
04/12/2012	Committee report tabled for plenary, 1st reading	A7-0395/2012	Summary
16/01/2013	Decision by Parliament, 1st reading	T7-0014/2013	Summary
16/01/2013	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0077(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/09276

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE496.385	18/09/2012	
Amendments tabled in committee		PE497.931	16/10/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0395/2012	04/12/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0014/2013	16/01/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0155	02/04/2012	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(2012)0155	25/06/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1597/2012	11/07/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

2012/0077(COD) - 02/04/2012 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) No 1098/2007 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks (alignment of new provisions of the TFEU regarding the Commission's delegated and implementing powers).

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

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: this proposal aims to amend Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks. This act was adopted prior to the entry into force of the Treaty on the Functioning of the European Union (TFEU).

Powers conferred on the Commission: the main legal action is to identify the powers conferred upon the Commission in Council Regulation (EC) No 1098/2007 and to classify these as delegated or implementing powers.

The core objective of the plan is to ensure that Baltic cod stocks can be exploited under sustainable economic, environmental and social conditions. Science may evolve and improve, and the plan needs to contain the necessary provisions to ensure it is kept up to date with the best science available.

Article 27 of the Regulation stipulates that if scientific advice indicates that that the fishing mortality rates are disaccording with the objectives of the plan, the Council must by qualified majority revise mortality rates as to ensure that the plan can attain its management objectives. The current text therefore confers the power to amend these non-essential elements of the plan on the Council. Such decision-making procedure is no longer possible under the TFEU. Similarly, Article 26 provides for modification by the Council of certain non-essential elements of the plan to ensure that the objectives are met.

Article 290 of the TFEU provides that a legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act. By way of consequence, the decision-making procedure in Article 26 and 27 of the Regulation should be converted into a **system of delegated powers** to be exercised by the Commission under the conditions set out in the plan itself. The plan should therefore be amended accordingly.

Evaluation: the plan requires evaluation of the impact of the management measures on the stocks concerned and on the fisheries concerned. The timeline set in the Regulation in force is neither feasible nor efficient. This requirement means considerable difficulties due to the limited availability of relevant data to carry out appropriate assessment. Consequently, the timeline for evaluation of the plan should be modified.

Furthermore, implementing powers should be given to the Commission to confirm whether the conditions established in Article 29 of the Regulation are fulfilled and, consequently whether relevant provisions apply in the subdivisions concerned.

Maximum sustainable yield: the Commission and Member States signed up to the aim of achieving a maximum sustainable yield (MSY) for depleted stocks by 2015 at the latest, but it is not indicated as objective of the plan. To avoid any ambiguities in the plan the reference to the maximum sustainable yield should be included in the plan.

The Regulation is amended accordingly to clarify that the procedure at issue is that provided for by the Treaty.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

2012/0077(COD) - 04/12/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Jarosław Leszek WAŁĘSA (EPP, PL) on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks.

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

Objective and targets: according to Members, the management plan to ensure the sustainable exploitation of the cod stocks should indicate a **maximum fishing mortality**, not a minimum fishing mortality as proposed by the Commission. The plan shall maintain the fishing mortality rates at levels no lower than 0.25 on ages 3 to 6 years for the cod stock in Area A (according to the advice from the International Council for the Exploration of the Sea (ICES)).

New target rate: Members propose replacing the word "minimum" with "target" throughout the text to better define the fishing mortality values.

Procedure for determining the periods during which it is permitted to fish with certain types of gear: an amendment stipulates that, by way of derogation, fishing vessels with an overall length of less than 12 metres shall be permitted to fish with static gear in the area up to 10 nautical miles measured from the baselines. The immersion time of the said static gears shall not exceed 48 hours.

Members consider that this amendment will allow small-scale fisheries to fish cod during closed season, particularly during summer months with no negative effect on pre-spawning and spawning concentrations, which take place on the Baltic Deeps, away from coastal areas.

Evaluation of the plan: for the purpose of this evaluation, the Commission shall seek the advice of STECF and of the Baltic Sea Regional Advisory Council. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the multi-annual plan.

Revision of minimum fishing mortality rates: where the Commission finds that the minimum fishing mortality rates are no longer appropriate to achieve the objectives of the management plan, the Commission shall, on the basis of advice from STECF and after consulting the Baltic Sea Regional Advisory Council and relevant stakeholders, make a proposal, for adoption in accordance with the ordinary legislative procedure, for the revision of the target fishing mortality rates.

Delegated acts: the Commission shall be empowered to adopt delegated acts with regard to setting periods when fishing with certain types of gear is allowed in respect of certain geographical areas. The power to adopt delegated acts shall be conferred on the Commission for a period of three years from the date of entry into force of this Regulation.

It is of particular importance that the Commission carry out appropriate consultations with the Baltic Sea Regional Advisory Council and relevant stakeholders during its preparatory work, including at expert level.

The Commission shall no longer be empowered to adopt implementing acts under the Regulation.

Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

2012/0077(COD) - 16/01/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 661 votes to 7, with 20 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks.

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

Objective and targets: Parliament considers that the management plan to ensure the sustainable exploitation of the cod stocks should indicate a maximum fishing mortality, not a minimum fishing mortality as proposed by the Commission. The plan shall maintain the fishing mortality rates at levels no lower than 0.25 on ages 3 to 6 years for the cod stock in Area A.

New target rate: throughout the text, Members propose replacing the word “minimum” with “target” to better define the fishing mortality values.

Procedure for determining the periods during which it is permitted to fish with certain types of gear: an amendment stipulates that, by way of derogation, fishing vessels with an overall length of less than 12 metres shall be permitted to fish with static gear in the area up to 10 nautical miles measured from the baselines. The immersion time of the said static gears shall not exceed 48 hours.

Evaluation of the plan: for the purpose of this evaluation, the Commission shall seek the advice of STECF and of the Baltic Sea Regional Advisory Council. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the multi-annual plan.

Revision of minimum fishing mortality rates: where the Commission finds that the minimum fishing mortality rates are no longer appropriate to achieve the objectives of the management plan, the Commission shall, on the basis of advice from STECF and after consulting the Baltic Sea Regional Advisory Council and relevant stakeholders, make a proposal, for adoption in accordance with the ordinary legislative procedure, for the revision of the target fishing mortality rates.

Delegated acts: the Commission shall no longer be empowered to adopt implementing acts under the Regulation. It will have the power to adopt delegated acts with regard to setting periods when fishing with certain types of gear is allowed in respect of certain geographical areas. The power to adopt delegated acts shall be conferred on the Commission for a period of three years from the date of entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

The Commission should carry out appropriate consultations with the Baltic Sea Regional Advisory Council and relevant stakeholders during its preparatory work, including at expert level.