Basic information

2012/0201(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers) Amending Regulation (EC) No 1100/2007 2005/0201(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		
	Shadow rapporteur FERREIRA João (GUE/NGL)	

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries		

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
26/07/2012	Legislative proposal published	COM(2012)0413	Summary
11/09/2012	Committee referral announced in Parliament, 1st reading		

18/06/2013	Vote in committee, 1st reading		
27/06/2013	Committee report tabled for plenary, 1st reading	A7-0242/2013	Summary
10/09/2013	Debate in Parliament		
11/09/2013	Decision by Parliament, 1st reading	T7-0358/2013	Summary
11/09/2013	Results of vote in Parliament		
29/09/2020	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0201(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1100/2007 2005/0201(CNS)
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Stage reached in procedure	Procedure lapsed or withdrawn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/7/10149

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE504.146	04/03/2013	
Amendments tabled in committee		PE510.585	30/04/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0242/2013	27/06/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0358/2013	11/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0413	26/07/2012	Summary
Commission response to text adopted in plenary	SP(2013)774	06/12/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary

Contribution	PT_PARLIAMENT	COM(2012)0413	25/02/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2154/2012	14/11/2012	

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

Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0201(COD) - 26/07/2012 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel with the new rules of the Treaty on the Functioning of the European Union (delegated and implementing acts of the Commission).

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,

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

In this context Regulation (EC) No 1100/2007 needs to be aligned with the new rules of the TFEU. Powers currently conferred upon the Commission by that Regulation should be reclassified into delegated and implementing powers.

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

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

CONTENT: the main legal action is to **identify the powers conferred upon the Commission in Council Regulation (EC) No 1100/2007 and to classify these as delegated or implementing powers**.

- The Commission should therefore be empowered to adopt **delegated acts** to take measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes.
- Likewise the Commission should be empowered to adopt **implementing acts** concerning the approval of Eel Management Plans by the Commission on the basis of technical and scientific data. These competences should be exercised in accordance with Regulation (EU) No. 182/2011 of the European Parliament and of the Council.

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

Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0201(COD) - 27/06/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Isabella LÖVIN (Greens/EFA, SE) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel.

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

Eel management plan: Member States shall identify and define the individual river basins lying within their national territory that constitute natural habitats for the European eel (eel river basins), which may include maritime waters. In the Eel Management Plan, each Member State shall implement as soon as possible appropriate measures to reduce the mortality of eel caused by factors outside the fishery, including hydroelectric turbines and pumps. Further measures shall be taken where necessary to reduce mortality caused by other factors in order to meet the targets of the Plan.

Starting on 1 January 2014, all Eel Management Plans shall be revised and updated every two years, taking into consideration the latest scientific advice.

Restocking: the Commission shall, **not later than 31 October 2013**, report to the European Parliament and the Council and evaluate the measures concerning restocking, taking into account the latest scientific advice on the conditions in which restocking is likely to contribute to an increase of the spawning stock biomass. In such report, the Commission shall review the evolution of market prices.

Amendments stipulate that restocking shall be deemed to be a **conservation measure** provided that:

- it concerns eels caught and managed using methods and equipment that guarantee the lowest possible mortality during catch, storage, transport and breeding;
- it takes place in areas affording a high probability of survival and migration;
- the eels are quarantined in order to prevent the spread of any diseases or parasites.

Reporting and evaluation: Member States shall collect research data in order to quantify the impact of measures taken on the eel stock, find mitigation measures and recommend management targets.

The Commission shall present to the Parliament and the Council, by **31 October 2013**, a report consisting of a statistical and scientific evaluation of the results of the implementation of the eel management plans, along with an opinion from the STECF. Based on the findings of that report, the Commission may submit proposals to broaden the scope of the Regulation to include eel mortality factors other than fishery.

The Commission shall, no later than **31 December 2013**, present an evaluation of Union and international trade in European eels and an estimation of illegal trade in European eels in Member States. Such report shall identify inconsistencies in the different data sets available and suggest measures to improve monitoring of trade, including a modification of the existing custom codes to allow for more effective monitoring.

Taking into consideration the findings in the reports and as well as any new and more comprehensive advice provided by ICES on the status of the European eel stock in 2013, the Commission shall, **no later than 31 March 2014, present a new legislative proposal** to the Parliament and to the Council aimed at achieving, with high probability, the recovery of the stock of European eel.

Delegated acts: Members propose limiting the delegation of powers conferred on the Commission to three years (renewable) from the date of the entry into force of the Regulation and obliges the Commission to report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

Moreover, the report states that it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, especially at expert level, in order to obtain objective, rigorous, complete and up-to-date information.

Fishery resources: recovery of the European eel stock; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0201(COD) - 11/09/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 427 votes to 249, with 25 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel.

The European Parliament's position at first reading, following the ordinary legislative procedure, amends the Commission's proposal as follows:

Eel management plan: in the Eel Management Plan, each Member State shall implement as soon as possible appropriate measures to **reduce the mortality of eel** caused by factors outside the fishery, including hydroelectric turbines and pumps. Further measures shall be taken where necessary to reduce mortality caused by other factors in order to meet the targets of the Plan.

Starting on 1 January 2014, all Eel Management Plans shall be revised and updated every two years, taking into consideration the latest scientific advice.

Restocking: the Commission shall, **not later than 31 October 2013**, report to the European Parliament and the Council and evaluate the measures concerning restocking, taking into account the latest scientific advice on the conditions in which restocking is likely to contribute to an increase of the spawning stock biomass. In such report, the Commission shall review the evolution of market prices.

Amendments stipulate that restocking shall be deemed to be a **conservation measure** provided that:

- it concerns eels caught and managed using methods and equipment that guarantee the lowest possible mortality during catch, storage, transport and breeding;
- it takes place in areas affording a high probability of survival and migration;
- the eels are quarantined in order to prevent the spread of any diseases or parasites.

Reporting and evaluation: Member States shall collect research data in order to quantify the impact of measures taken on the eel stock, find mitigation measures and recommend management targets. They shall report to the Commission initially every third year and shall make the information available to designated scientific bodies. Thereafter, **the frequency of reporting shall increase to once every two years**, after the first tri-annual report has been submitted.

The Commission shall present:

- to the Parliament and the Council, by **31 October 2013**, a report consisting of a **statistical and scientific evaluation** of the results of the implementation of the eel management plans, along with an opinion from the STECF. Based on the findings of that report, the Commission may submit proposals to broaden the scope of the Regulation to include eel mortality factors other than fishery;
- no later than **31 December 2013**, an evaluation of Union and international trade in European eels and an estimation of illegal trade in European eels in Member States. Such report shall identify inconsistencies in the different data sets available and suggest measures to improve monitoring of trade, including a modification of the existing custom codes to allow for more effective monitoring.

Follow-up measures: taking into consideration the findings in the reports and as well as any new and more comprehensive advice provided by ICES on the status of the European eel stock in 2013, the Commission shall, **no later than 31 March 2014, present a new legislative proposal** to the Parliament and to the Council aimed at achieving, with high probability, the recovery of the stock of European eel.

Penalties: Parliament considers it important that the Commission penalise Member States which have not forwarded or analysed all the data available to them in order to enable an exhaustive and scientifically sound inventory of the situation regarding European eel to be drawn up.

Delegated acts: Parliament proposes limiting the delegation of powers conferred on the Commission to **three years** (renewable) from the date of the entry into force of the Regulation and obliges the Commission to report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

Moreover, the Commission should carry out appropriate consultations during its preparatory work, especially at expert level, in order to obtain objective, rigorous, complete and up-to-date information.