Basic information

2012/0208(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Conservation of fishery resources through technical measures: alignment of the Regulation with the TFEU (Commission delegated and implementing powers) Amending Regulation (EC) No 850/98 1996/0160(CNS) **Subject** 3.15.01 Fish stocks, conservation of fishery resources	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	MATO Gabriel (PPE)	04/02/2015
	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
02/08/2012	Legislative proposal published	COM(2012)0432	Summary
11/09/2012	Committee referral announced in Parliament, 1st reading		
10/07/2013	Vote in committee, 1st reading		

15/07/2013	Committee report tabled for plenary, 1st reading	A7-0256/2013	Summary
10/09/2013	Decision by Parliament, 1st reading	T7-0336/2013	Summary
10/09/2013	Results of vote in Parliament		
29/09/2020	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0208(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)
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Stage reached in procedure	Procedure lapsed or withdrawn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/7/10207

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE500.442	08/05/2013	
Amendments tabled in committee		PE510.875	06/06/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0256/2013	15/07/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0336/2013	10/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0432	02/08/2012	Summary
Commission response to text adopted in plenary	SP(2013)774	06/12/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2153/2012	14/11/2012	

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

Conservation of fishery resources through technical measures: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0208(COD) - 02/08/2012 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms 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 850/98 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 Regulation (EC) No 850/98 and to classify these as delegated or implementing powers**.

(1) The Commission should be empowered to adopt delegated acts concerning:

- the division of regions into geographical areas;
- the amending of the rules for the use of mesh size combinations;
- the establishment of rules for obtaining the percentage of target species taken by more than one fishing vessel in order to ensure that such catch compositions are respected by all the vessels involved in the fishing operation;
- the drawing up of rules concerning the technical descriptions and method of use of authorised devices that might be attached to the fishing net, and which do not obstruct or diminish the effective mesh opening of the net;
- conditions under which vessels exceeding eight meters length overall shall be permitted to use beam trawls within certain waters of the Union;
- measures designed to address unexpectedly small or large recruitments of juveniles, changes in migration patterns or any other changes in the conservation status of fish stocks, with immediate effect.

(2) Likewise, the Commission should be empowered to adopt implementing acts concerning:

- technical rules for measuring mesh sizes;
- square-meshed netting and twine thickness;
- technical rules related to the construction of netting materials;
- listing of devices that may obstruct or otherwise diminish the effective mesh opening in a fishing net;
- transmission of lists of vessels to which a special fishing permit to use beam trawls has been issued;
- technical rules related to measuring engine power and gear dimensions;
- the obligation of Member States to ensure that levels of fishing effort are not exceeded in certain areas of ICES Division IXa, and
- temporary measures where the conservation of stocks of marine organisms calls for immediate action.

The implementing powers conferred upon the Commission, except those concerning the obligation of Member States to ensure that levels of fishing effort are not exceeded in certain areas of ICES Division IXa, 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.

Conservation of fishery resources through technical measures: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0208(COD) - 15/07/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Rareş-Lucian NICULESCU (EPP, RO) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

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:

Members consider that **more detailed precisions for the delegation of powers are needed**. In order to enable certain provisions of this Regulation to be updated efficiently to reflect technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of certain provisions for gillnets, entangling nets and trammel nets, with a very low level of shark by-catches and of discards.

The power to adopt delegated acts shall be conferred on the Commission for a period of **three years** (renewable) from the entry into force of the Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-year period. Members deem it appropriate to limit the delegation in time and to oblige 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.

Conservation of fishery resources through technical measures: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

2012/0208(COD) - 10/09/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 564 votes to 15, against 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

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

Parliament considers that **more detailed precisions for the delegation of powers are needed**. In order to enable certain provisions of this Regulation to be updated efficiently to reflect technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of acts excluding specific fisheries of a Member State, in ICES sub-areas VIII, IX and X, from the application of certain provisions for gillnets, entangling nets and trammel nets, with a very low level of shark by-catches and of discards.

Moreover, Members:

- **propose to limit the delegation of powers conferred on the Commission to 3 years** (renewable) from the date of entry into force of the Regulation. The Commission shall draw up a report in respect of the delegation of power and have a regular evaluation and questioning of the use of the delegation;
- call on the Commission to carry out appropriate **consultations** during its preparatory work, especially at expert level, in order to obtain objective, rigorous, complete and up-to-date information.