Basic information

2013/0007(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Community control system for ensuring compliance with the rules of the Common Fisheries Policy: aligning the Regulation with the TFEU (Commission delegated and implementing powers) Amending Regulation (EC) 1224/2009 2008/0216(CNS) **Subject** 3.15 Fisheries policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries		

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries		

Committee for opinion	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
18/01/2013	Legislative proposal published	COM(2013)0009	Summary
05/02/2013	Committee referral announced in Parliament, 1st reading		
17/12/2013	Vote in committee, 1st reading		

19/12/2013	Committee report tabled for plenary, 1st reading	A7-0468/2013	Summary
04/02/2014	Debate in Parliament		
05/02/2014	Decision by Parliament, 1st reading	T7-0083/2014	Summary
05/02/2014	Results of vote in Parliament		
03/07/2018	Proposal withdrawn by Commission		

Technical information

Procedure reference	2013/0007(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) 1224/2009 2008/0216(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Stage reached in procedure	Procedure lapsed or withdrawn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/7/11696

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE506.171	24/09/2013	
Amendments tabled in committee		PE522.833	04/11/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0468/2013	19/12/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0083/2014	05/02/2014	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0009	18/01/2013	Summary
Commission response to text adopted in plenary	SP(2014)446	20/05/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1637/2013	17/04/2013	

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

Community control system for ensuring compliance with the rules of the Common Fisheries Policy: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2013/0007(COD) - 18/01/2013 - Legislative proposal

PURPOSE: to align Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy with the new rules of the Treaty on the Functioning of the European Union (delegated and implementing powers of the Commission).

PROPOSED ACT: Regulation of the European Parliament and of the Council (amendment of Council Regulation (EC) No 1224/2009).

PARLIAMENT'S ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- 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**), on the one hand,
- and 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**), on the other.

In the context of the alignment of Regulation (EC) No 1224/2009 to the new rules of the TFEU, powers currently conferred to the Commission by that Regulation have been reclassified into measures of delegated nature and measures of implementing nature.

IMPACT ASSESSMENT: there was no need for an impact assessment.

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

CONTENT: the proposed Regulation seeks to:

- identify the delegated powers of the Commission in Council Regulation (EC) No 1224/2009 and to establish the corresponding procedure for adoption of these acts;
- adapt certain provisions to the decision-making procedures of the TFEU.

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

Community control system for ensuring compliance with the rules of the Common Fisheries Policy: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2013/0007(COD) - 19/12/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Isabelle THOMAS (S&D, FR) on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

The committee recommended that the Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal. The key amendments are as follows:

Regional Advisory Councils: Members stressed that the Commission must consult these Councils during its preparatory work.

Implementing acts: in order to ensure uniformity, the report stated that the following should be adopted by means of implementing acts (and not by delegated acts): marking and identification of fishing vessels (Article 8); the requirements of satellite-tracking devices on fishing vessels (article 9); exempting certain categories of fishing vessels from the obligation on prior notification (Article 17); the provisions applicable in the event of technical failure of electronic recording and reporting systems (Article 24).

Delegated acts: the Commission shall be empowered to adopt delegated acts concerning the conditions for the exemption of small vessels from the obligation to hold fishing authorisations.

However, Members considered that it was not appropriate to give the Commission delegated powers regarding the information made available to consumers.

Furthermore, in order to restrict the Commission's powers, the committee proposed empowering the Commission to to adopt delegated acts for a period of **three years from the date of entry into force** of the Regulation.

The Commission shall draw up a report in respect of the delegation of power at the end of the period and evaluate the effectiveness of the acts adopted in the light of the objectives of the Regulation and the Common Fisheries Policy, to ensure, in particular, that the control is carried out fairly, for example by using comparative indicators in Member States.

Review: given that the Regulation aims to align Regulation (EC) No 1224/2009 with the Lisbon Treaty, the report considered it important that the Commission, in its future revision of the that Regulation, examines:

- the European Parliament's demands regarding the distinction between passive and static gear,
- the relevance of tolerance levels of logbooks fixed at 10%,
- the conditions for notification of entry into ports,
- possible derogations to stowage conditions,
- the administrative burden of weighing constraints,
- the conditions for the attribution and transfer of infraction points, and
- the publicising of data linked to infractions.

Lastly, with regard to the biological impact of recreational fisheries, Members reinstated a specific reference to the Scientific, Technical and Economic Committee for Fisheries (STECF).

Community control system for ensuring compliance with the rules of the Common Fisheries Policy: aligning the Regulation with the TFEU (Commission delegated and implementing powers)

2013/0007(COD) - 05/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 561 votes to 87, with 19 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Regional Advisory Councils: Parliament stressed that the Commission must consult these Councils during its preparatory work.

Implementing acts: in order to ensure uniformity, Parliament stated that the following should be adopted by means of implementing acts (and not by delegated acts): implementing measures of Regulation (EC) No 1224/2009: marking and identification of fishing vessels (Article 8); the requirements of satellite-tracking devices on fishing vessels (article 9); exempting certain categories of fishing vessels from the obligation on prior notification (Article 17); the provisions applicable in the event of technical failure of electronic recording and reporting systems (Article 24).

These acts should be adopted in accordance with the examination procedure.

Delegated acts: the Commission should be empowered to adopt delegated acts concerning the conditions for the exemption of small vessels from the obligation to hold fishing authorisations.

On the other hand, Members did not judge it necessary to empower the Commission to adopt delegated acts concerning information on fisheries and aquaculture products available to the consumer.

Furthermore, in order to restrict the Commission's powers, Parliament proposed empowering the Commission to adopt delegated acts for a period of **three 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 at the end of the period and evaluate the effectiveness of the acts adopted in the light of the objectives of the Regulation and the Common Fisheries Policy, to ensure, in particular, that the control is carried out fairly, for example by using comparative indicators in Member States.

Review: given that the Regulation aims to align Regulation (EC) No 1224/2009 with the Lisbon Treaty, Members considered it important that the Commission, in its future revision of the Regulation, examines:

- the European Parliament's demands regarding the distinction between passive and static gear,
- the relevance of tolerance levels of logbooks fixed at 10%,
- the conditions for notification of entry into ports,
- possible derogations to stowage conditions,
- the administrative burden of weighing constraints,
- the conditions for the attribution and transfer of infraction points, and
- the publicising of data linked to infractions.

Lastly, with regard to the biological impact of recreational fisheries, Members reinstated a specific reference to the Scientific, Technical and Economic Committee for Fisheries (STECF).