

Procedure file

Basic information		
NLE - Non-legislative enactments Regulation	2007/0222(NLE)	Procedure lapsed or withdrawn
Fisheries partnership agreements concluded between the European Community and third countries: authorisation of the Commission to approve modifications to protocols		
Subject 3.15.15 Fisheries agreements and cooperation		

Key players		
European Parliament		
Council of the European Union		
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner DAMANAKI Maria

Key events			
14/10/2007	Legislative proposal published	COM(2007)0595	Summary
29/11/2007	Committee referral announced in Parliament		
02/12/2009	Additional information		Summary
18/09/2010	Proposal withdrawn by Commission		Summary

Technical information	
Procedure reference	2007/0222(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 218-p7; Treaty on the Functioning of the EU TFEU 043
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/00085

Documentation gateway					
Legislative proposal		COM(2007)0595	15/10/2007	EC	Summary
Committee draft report		PE396.650	23/10/2007	EP	

Fisheries partnership agreements concluded between the European Community and third countries: authorisation of the Commission to approve modifications to protocols

PURPOSE: to allow the Commission to implement possible adjustments of fishing opportunities set out in the protocols to Fisheries Partnership Agreements.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Commission has been replacing the previous bi-lateral Fisheries Agreements with Fisheries Partnership Agreements that are accompanied by financial contributions. The Protocols to the fisheries partnership agreements fix the fishing opportunities for Community vessels in third country waters as well as the corresponding financial contribution. At the same time, each of these Agreements provide for adjusting the fishing opportunities in order to take account of revised scientific data or the utilisation rate of the fishing opportunities. The effect of these adjustments will, however, have a corresponding effect on the Community's financial contribution.

CONTENT: the purpose of this proposal is to speed up implementation of the adjustments to the Protocols by authorising the Commission to approve them. The Commission would also be authorised to adapt the fishing opportunities allocated among the Member States in accordance with the existing allocation keys. Implementation measures will be adopted in accordance with Council Decision 1999/468/EEC laying down the procedures for the exercise of implementing powers conferred on the Commission.

Whilst the proposal has no direct budgetary implications, the Commission proposes that each new Commission Regulation (that makes adjustments to fishing opportunities) will be accompanied by a financial statement outlining the financial consequences of the changes and on revised level, if relevant. The Commission also notes that, in accordance with each Protocol to Fisheries Partnership Agreements, any changes in the level of the new financial contribution cannot exceed twice the original amount.

Fisheries partnership agreements concluded between the European Community and third countries: authorisation of the Commission to approve modifications to protocols

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Regulation authorising the Commission to approve modifications to protocols of fisheries partnership agreements concluded between the European Community and third countries, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis Treaty/EC/Art.37, Art.300(4) became Art. 43, Art. 218 (7) of the TFEU. Please note that the numbering of the old legal basis corresponds to the consolidated version of the Treaty that was applicable immediately before the entry into force of the Lisbon Treaty, and may differ from the references in the original Commission proposal;
- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

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As announced in Official Journal C 252 of 18 September 2010, the Commission decided to withdraw this proposal, which had become obsolete.