Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2009/0057(COD)
Conservation of fishery resources: western stock of Atlantic horse mackerel and the fisheries exploiting that stock. Multi-annual plan 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Management of fisheries, fisheries, fishing grounds 3.15.05 Fish catches, import tariff quotas	Procedure lapsed or withdrawn

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		01/09/2009
		ALDE GALLAGHER Pat the Cope	
		Shadow rapporteur	
		S&D ANDRÉS BAREA Josefa	
	Former committee responsible		
	PECH Fisheries		
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	DAMANAKI Maria	

Key events

21/04/2009	Legislative proposal published	COM(2009)0189	Summary
14/07/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
26/10/2010	Vote in committee, 1st reading		Summary
28/10/2010	Committee report tabled for plenary, 1st reading	A7-0296/2010	
22/11/2010	Debate in Parliament		
23/11/2010	Results of vote in Parliament		
23/11/2010	Decision by Parliament, 1st reading	T7-0421/2010	Summary

07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2009/0057(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/00292

Documentation gateway

Legislative proposal		COM(2009)0189	21/04/2009	EC	Summary
Document attached to the procedure		SEC(2009)0524	21/04/2009	EC	
Document attached to the procedure		SEC(2009)0525	21/04/2009	EC	
Committee draft report		PE428.287	08/10/2009	EP	
Amendments tabled in committee		PE430.353	23/11/2009	EP	
Economic and Social Committee: opinion, report		CES0456/2010	17/03/2010	ESC	
Committee report tabled for plenary, 1st reading/single reading		A7-0296/2010	28/10/2010	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0421/2010	23/11/2010	EP	Summary
Commission response to text adopted in plenary		SP(2011)610	26/01/2011	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Conservation of fishery resources: western stock of Atlantic horse mackerel and the fisheries exploiting that stock. Multi-annual plan

PURPOSE: to establish a multi-annual plan for the western stock of Atlantic horse mackerel (Trachurus trachurus) and the fisheries exploiting that stock.

PROPOSED ACT: Council Regulation.

BACKGROUND: in view of the Plan of Implementation adopted at the UN World Summit on Sustainable Development in Johannesburg in 2002, the European Community is committed inter alia to maintaining or restoring stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015. Moreover, during the 2002 reform of the Common Fisheries Policy, the Commission and Council agreed to implement multi-annual plans and recovery plans concerning fisheries resources of interest to the Community.

The Western stock of Atlantic horse mackerel is by far the most important of the three horse mackerel stocks which inhabit the Community's continental shelf. The current management system does not serve the horse mackerel situation very well. The biological information on this stock is not sufficient for a full stock assessment that would allow setting a fishing mortality target related to maximum sustainable yield and relate total allowable catches to scientific catch predictions. However, the index of egg abundance which is being calculated since 1977 in triennial international surveys can be used as a biological indicator for the development of the stock size.

Advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) indicates that a harvest control rule based on the trend

in egg abundance from the last three egg surveys would provide for sustainable stock management.

IMPACT ASSESSMENT: the Commission considered three options:

- Option 1: no policy change: continue fixing the fishing possibilities as a yearly ad hoc exercise based on annual scientific advice and political considerations;
- Option 2: freezing or gradually reducing fishing pressure in view of the insufficient knowledge about the biological status of the stock;
- Option 3: management plan.

The impact assessment concludes that the most suitable option is the one that consists of proposing a long-term management plan, which sets TACs stable for three years according to a harvest control rule based on a precautionary advice for the harvest level adjusted by a trend that reflects the tri-annual results of egg surveys.

CONTENT: the plan's objective is to maintain the biomass of western horse mackerel at a level that ensures its sustainable exploitation, and to provide the highest long-term yield. To this end, the harvest control rule should be based in equal parts on precautionary advice given for average recruitment conditions, and on recent total allowable catches adjusted by a factor that reflects the recent trend in the stock abundance as measured through egg production.

The proposal includes a provision for evaluation of management measures each sixth year from the date of entry into force of the Regulation. In view of the revision clause built into the plan, the harvest rule could be adapted to more precise scientific assessments once these are available.

BUDGETARY IMPLICATION: the proposal has no implication for the Community budget.

Conservation of fishery resources: western stock of Atlantic horse mackerel and the fisheries exploiting that stock. Multi-annual plan

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 establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock, the entry into force of the Lisbon Treaty had the following impacts:

- the old legal basis - Treaty/EC/Art.37 ? became Art. 43 (2) 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 ordinary legislative procedure (COD).

Conservation of fishery resources: western stock of Atlantic horse mackerel and the fisheries exploiting that stock. Multi-annual plan

The Committee on Fisheries adopted the report drafted by Pat the Cope GALLAGHER (ADLE, IE) on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock.

The committee recommended that the European Parliament?s position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

Scope: the new management plan needs to take proper account of the activities of the small-scale fleets which have traditionally specialised in this fishery for the purposes of consumption of fresh fish. It is therefore important not to establish zones too far out to sea.

In order to achieve the objective laid down in Article 4, each year the Council, acting in accordance with the procedure laid down in Article 43(3) TFEU and after consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year.

Procedure for setting the TAC: several amendments have been introduced in order to adapt the proposal to the new legal basis laid down in the TFEU and to the ordinary legislative procedure (Article 43(2) TFEU), as this proposal was submitted by the Commission before the entry into force of the TFEU and under the consultation procedure.

An amendment stipulates that each year the Council, acting in accordance with the procedure laid down in Article 43(3) TFEU and after

consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year. It also stated that the TAC area for western horse mackerel defined in this regulation shall cover the entire geographical area identified by STECF as forming part of that area.

Calculation of the TAC: where the Scientific, Technical and Economic Committee for Fisheries (STECF) is not able to estimate the level of discards including slipped fish (fish released in the water without being taken on board the vessel), the report suggests a fairer methodology than that proposed by the Commission. This would involve taking historic data on discards from the last 15 years into account.

Calculation of the total removal for a year following an egg survey: Members want to introduce some flexibility in the mode of calculation of the total removal, by setting lower (70 000 tonnes) and upper limits (80 000 tonnes) for the minimal total removal amount.

Article 290 of the TFEU (Delegated Acts): Members propose to delegate to the Commission, under Article 290 TFEU, the power to adapt one of the components of the formula laid down in Article 7, paragraph 1 (c) and in the Annex - the weighting factor or the slope reflecting egg abundance, in order to adapt that parameter to new scientific advice.

Fishing authorisation: several technical amendments have been proposed which aim to clarify the wording and make reference to Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the new Control Regulation).

The master of a fishing vessel not holding a fishing authorisation may retain on board horse mackerel and enter the area referred to in Article 11, paragraph 2, provided that the gear is lashed and stowed in accordance with the requirements laid down in Regulation (EC) No 1224/2009.

In addition to the requirements laid down in Regulation (EC) 1224/2009, prior to entering the area, the master of the vessel shall make an entry in his logbook, indicating the date and time that the last fishing operation ended and specifying the intended port of landing. Quantities of horse mackerel on board the vessel and not recorded in the logbook shall be deemed to have been taken within the area.

Conservation of fishery resources: western stock of Atlantic horse mackerel and the fisheries exploiting that stock. Multi-annual plan

The European Parliament adopted by 618 votes to 15, with 19 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a multi-annual plan for the western stock of Atlantic horse mackerel and the fisheries exploiting that stock.

The Parliament adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) which amends the Commission proposal as follows:

Scope: the new management plan needs to take proper account of the activities of the small-scale fleets which have traditionally specialised in this fishery for the purposes of consumption of fresh fish. It is therefore important not to establish zones too far out to sea.

Procedure for setting the TAC: several amendments have been introduced in order to adapt the proposal to the new legal basis laid down in the TFEU and to the ordinary legislative procedure (Article 43(2) TFEU), as this proposal was submitted by the Commission before the entry into force of the TFEU and under the consultation procedure.

An amendment stipulates that each year the Council, acting in accordance with the procedure laid down in Article 43(3) TFEU and after consultation of the STECF, shall decide on the TAC for western horse mackerel for the following year. It also stated that the TAC area for western horse mackerel defined in this regulation shall cover the entire geographical area identified by STECF as forming part of that area.

The TAC´s zonal distribution for the Western horse mackerel defined in this Regulation shall take into account the specificity and purposes of the fleets involved, industrial or artisanal - for processing and external trade and for supplying high-quality fresh fish to the general public.

Calculation of the TAC: where the Scientific, Technical and Economic Committee for Fisheries (STECF) is not able to estimate the level of discards including slipped fish (fish released in the water without being taken on board the vessel), the resolution suggests a fairer methodology than that proposed by the Commission. This would involve taking historic data on discards from the last 15 years into account.

Calculation of the total removal for a year following an egg survey: Members want to introduce some flexibility in the mode of calculation of the total removal, by setting lower (70 000 tonnes) and upper limits (80 000 tonnes) for the minimal total removal amount.

Article 290 of the TFEU (Delegated Acts): Parliament propose to delegate to the Commission, under Article 290 TFEU, the power to adapt one of the components of the formula laid down in Article 7, paragraph 1 (c) and in the Annex - the weighting factor or the slope reflecting egg abundance, in order to adapt that parameter to new scientific advice.

Fishing authorisation: several technical amendments have been proposed which aim to clarify the wording and make reference to Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (the new Control Regulation).

The master of a fishing vessel not holding a fishing authorisation may retain on board horse mackerel and enter the area referred to in Article 11, paragraph 2, provided that the gear is lashed and stowed in accordance with the requirements laid down in Regulation (EC) No 1224/2009.

In addition to the requirements laid down in Regulation (EC) 1224/2009, prior to entering the area, the master of the vessel shall make an entry in his logbook, indicating the date and time that the last fishing operation ended and specifying the intended port of landing. Quantities of horse mackerel on board the vessel and not recorded in the logbook shall be deemed to have been taken within the area.