






# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation <a href="#">2009/0129(COD)</a></p>	Procedure completed
<p>General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area</p> <p>Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a></p> <p>Amended by <a href="#">2014/0213(COD)</a></p> <p>Amended by <a href="#">2016/0074(COD)</a></p> <p>Amended by <a href="#">2018/0069(COD)</a></p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources</p> <p>3.15.04 Management of fisheries, fisheries, fishing grounds</p> <p>Geographical area</p> <p>Mediterranean Sea area</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Fisheries		26/10/2011
		PPE <a href="#">RIVELLINI Crescenzo</a>	
	Former committee responsible		30/09/2009
	 Fisheries		
		PPE <a href="#">RIVELLINI Crescenzo</a>	
	Former committee for opinion		
	 Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3120</a>	20/10/2011
European Commission	Commission DG	Commissioner	
	<a href="#">Maritime Affairs and Fisheries</a>	DAMANAKI Maria	

Key events			
07/10/2009	Committee referral announced in Parliament, 1st reading		
02/12/2009	Additional information		Summary
25/01/2011	Vote in committee, 1st reading		Summary
03/02/2011	Committee report tabled for plenary, 1st reading	<a href="#">A7-0023/2011</a>	
07/03/2011	Debate in Parliament		
08/03/2011	Results of vote in Parliament		
08/03/2011	Decision by Parliament, 1st reading	<a href="#">T7-0079/2011</a>	Summary
	Committee referral announced in		

27/10/2011	Parliament, 2nd reading		
22/11/2011	Vote in committee, 2nd reading		
13/12/2011	Decision by Parliament, 2nd reading	<a href="#">T7-0562/2011</a>	Summary
13/12/2011	Final act signed		
13/12/2011	End of procedure in Parliament		
30/12/2011	Final act published in Official Journal		

### Technical information

Procedure reference	2009/0129(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1967/2006 <a href="#">2003/0229(CNS)</a> Amended by <a href="#">2014/0213(COD)</a> Amended by <a href="#">2016/0074(COD)</a> Amended by <a href="#">2018/0069(COD)</a>
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 completed
Committee dossier	PECH/7/07594

### Documentation gateway

Legislative proposal	<a href="#">COM(2009)0477</a>	16/09/2009	EC	Summary
Committee draft report	<a href="#">PE430.572</a>	11/11/2009	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0459/2010</a>	17/03/2010	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0023/2011</a>	03/02/2011	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0079/2011</a>	08/03/2011	EP	Summary
Commission response to text adopted in plenary	SP(2011)3793	29/04/2011	EC	
Council statement on its position	<a href="#">15273/2011</a>	07/10/2011	CSL	
Council position	<a href="#">12607/2/2011</a>	20/10/2011	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2011)0697</a>	25/10/2011	EC	Summary
Committee draft report	<a href="#">PE475.765</a>	26/10/2011	EP	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A7-0392/2011</a>	23/11/2011	EP	Summary
Text adopted by Parliament, 2nd reading	<a href="#">T7-0562/2011</a>	13/12/2011	EP	Summary
Draft final act	<a href="#">00069/2011/LEX</a>	14/12/2011	CSL	

<b>Additional information</b>	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>
<b>Final act</b>	
<a href="#">Regulation 2011/1343</a> <a href="#">OJ L 347 30.12.2011, p. 0044</a> Summary Final legislative act with provisions for delegated acts	

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

**PURPOSE:** to lay down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the General Fisheries Commission for the Mediterranean (hereinafter GFCM).

**PROPOSED ACT:** Council Regulation.

**BACKGROUND:** [the European Community, as well as](#) Bulgaria, Cyprus, France, Greece, Italy, Malta, Romania, Slovenia and Spain, are Contracting Parties to the General Fisheries Commission for the Mediterranean ("GFCM"), a Regional Fisheries Management Organisation established under Article XIV of the FAO Constitution. The GFCM may, on the basis of scientific advice, adopt recommendations and resolutions designed to promote the development, conservation, rational management and best utilization of stocks of living aquatic resources in the Mediterranean and the Black Sea at levels are considered sustainable and at low risk. Since recommendations adopted by the GFCM are binding on its Contracting Parties and since the Community is such a contracting party, the recommendations are binding on the Community and should therefore be transposed, where their content is not already covered by Community legislation, into Community law. Until recently, recommendations adopted by GFCM have been transposed into Community on a temporary basis, through the annual regulations on fishing opportunities. However, the permanent character of such recommendations would require also a more permanent legal instrument for their transposition into Community law.

**CONTENT:** this draft Regulation transposes recommendations of the General Fisheries Commission for the Mediterranean (GFCM), as adopted in its Annual Sessions into Community law. It lays down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the GFCM. It applies to all commercial fishing and aquaculture activities conducted by Community fishing vessels and nationals of Member States in the GFCM Agreement Area. By way of derogation it does not apply to fishing operations conducted solely for the purpose of scientific investigations. Future recommendations can be added by way of amendments to the regulation. This will also improve legal certainty and it is an important step towards simplification.

The content and obligations of the recommendations adopted by GFCM are often entirely or partly covered by EU legislation adopted previously and therefore only those aspects which differ from the EU legislation in question need to be transposed, as well as the relevant reporting obligations, where appropriate.

Since GFCM recommendations apply to the entire GFCM agreement area which covers the Mediterranean, the Black Sea and connecting waters as referred to in Annex II to Council Decision 1998/416/EC, for reasons of clarity of Community legislation they should be transposed in a regulation separate from Regulation 1967/2006 which only covers the Mediterranean Sea.

For reasons of autonomy the GFCM uses the term 'Fisheries Restricted Areas' for spatial management measures. This terminology is equivalent to the 'Fishing Protected Areas' as used in Regulation (EC) N° 1967/2006.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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

In the case of the proposal for a Council Regulation on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area, 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).

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The Committee on Fisheries adopted the report by Crescenzo RIVELLINI (EPP, IT) on the proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure should be to amend the Commission proposal.

The main amendments are as follows:

Delegated and implementing acts: Members clarified that the Commission is empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the incorporation into EU law of future amendments to those GFCM measures for conservation, control or enforcement, as already transposed into EU law, which form the subject matter of certain explicitly defined non-essential elements of the Regulation and which become binding upon the European Union and its Member States in accordance with the terms of the General Fisheries Commission for the Mediterranean (GFCM). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission may amend the provisions of the Regulation, by means of delegated acts concerning the following, as set out in the text:

- the fisheries restricted area in the Gulf of Lions;
- the fisheries restricted areas in order to protect deep-sea sensitive habitats;
- the establishment of a closed season for the dolphinfish fisheries using fish aggregating devices (FADs);
- the provision of information to the Executive Secretary of GFCM;
- the register of authorised vessels;
- cooperation, information and reporting;
- table, map and geographical coordinates of GFCM Geographical Sub-Areas (GSAs);
- GFCM statistical matrixes.

The committee specifies according to Article 291 TFEU, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its GFCM statistical matrixes implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that [new regulation](#), Council Decision 1999/468/EC (comitology) continues to apply.

Amendments to Regulation (EC) No 1967/2006: Members want Article 9 of this Regulation on minimum mesh sizes to be amended, so that for relevant towed nets the minimum mesh size shall be at least: (a) a square-meshed net of 40 mm at the cod-end, or (b) at the duly justified request of the ship owner, a diamond-meshed net of 50mm of an acknowledged size selectivity that is equivalent to or higher than that of nets of 40mm referred to above.

Fishing vessels shall be authorised to use and keep on board only one of the two types of nets.

The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which, as well as on the basis of the information supplied by Member States before 31 December 2011, it shall propose suitable amendments where appropriate

The Commission's proposal had stated that the diamond mesh nets used in the in the Mediterranean Sea in accordance with Regulation (EC) No 1967/2006 for trawling activities exploiting demersal stocks must have an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end. By way of derogation from Regulation (EC) No 1967/2006, until 31 May 2010 Member States might continue to authorise fishing vessels flying their flag to use a codend mesh size smaller than 40 mm diamond in certain local and seasonal demersal trawl fisheries exploiting fish stocks that are not shared with third countries.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The European Parliament adopted by 606 votes to 49, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area.

It adopted its position at first reading under the ordinary legislative procedure. The amendments are the result of a compromise agreement between Parliament and Council.

The main amendments are as follows:

Delegated acts: the amended text clarifies that the Commission is empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the incorporation into Union law of future amendments to those GFCM measures for conservation, control or enforcement, as already transposed into Union law, which form the subject matter of certain explicitly defined non-essential elements of the Regulation and which become binding upon the EU and its Member States in accordance with the terms of the GFCM. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

As far as necessary, in order to transpose into Union law amendments to the existing provisions of the Scheme which become obligatory for the Union, the Commission may amend the provisions of this Regulation, by means of delegated acts concerning:

- the fisheries restricted area in the Gulf of Lions;
- the fisheries restricted areas in order to protect deep-sea sensitive habitats;
- the establishment of a closed season for the dolphinfish fisheries using fish aggregating devices (FADs);
- the provision of information to the Executive Secretary of GFCM;
- the register of authorised vessels;
- cooperation, information and reporting;
- table, map and geographical coordinates of GFCM Geographical Sub-Areas (GSAs);
- GFCM statistical matrixes.

The text also contains provisions on exercise and revocation of the delegation and objections to delegated acts.

Implementing acts: the compromise text specifies that the Commission may adopt implementing acts in order to ensure uniform conditions for the implementation of the Regulation. Those implementing acts, which shall not apply to provisions of this Regulation on Port state measures in Chapter II and Port state inspection procedures in Annex II, shall be adopted in accordance with the examination procedure referred to in the text.

Amendments to Regulation (EC) No 1967/2006: Members want Article 9 of this Regulation on minimum mesh sizes to be amended, so that for relevant towed nets the minimum mesh size shall be at least: (a) a square-meshed net of 40 mm at the cod-end, or (b) at the duly justified request of the ship owner, a diamond-meshed net of 50mm of an acknowledged size selectivity that is equivalent to or higher than that of nets of 40mm referred to above.

Fishing vessels shall be authorised to use and keep on board only one of the two types of nets.

The Commission shall submit a report on the implementation of this paragraph to the European Parliament and the Council by 30 June 2012, on the basis of which, as well as on the basis of the information supplied by Member States before 31 December 2011, it shall propose suitable amendments where appropriate

The Commission's proposal had stated that the diamond mesh nets used in the in the Mediterranean Sea in accordance with Regulation (EC) No 1967/2006 for trawling activities exploiting demersal stocks must have an acknowledged size selectivity equivalent to or higher than that of square-meshed nets of 40 mm at the cod-end. By way of derogation from Regulation (EC) No 1967/2006, until 31 May 2010 Member States might continue to authorise fishing vessels flying their flag to use a codend mesh size smaller than 40 mm diamond in certain local and seasonal demersal trawl fisheries exploiting fish stocks that are not shared with third countries.

Lastly, the text makes some amendments to Annex I and Annex III.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The Council adopted its position at first reading concerning the proposal for a Regulation on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement Area.

Although an overall agreement on the text existed between the institutions following the two first trilogues, outstanding issues remained in relation to the scope of application of delegated acts and on the duration of delegation. Therefore, work has concentrated on finding an agreement on the outstanding issues in relation to delegated acts, leaving aside issues agreed in the two first trilogues which were subsequently set out in the position of the Parliament of 10 March 2011.

Work thus progressed on the presumption of a tacit acceptance of the Parliament's amendments in its position except for the three issues relating to delegation of powers, and subject to later finalisation by the legal-linguistic services of the two institutions.

Delegated powers: the European Parliament adopted its position in the first reading on 10 March 2011 - a position which with regard to delegated acts could be described as a "half way house" between the Commission and Member States. The European Parliament's move was seen as positive and in the right direction and helped the Hungarian Presidency to engage in new discussions with the various concerned delegations on their views regarding the elements of the transposition they considered to be essential elements. This allowed COREPER to agree on 1 June 2011 to grant the Hungarian Presidency a mandate to negotiate a solution on the outstanding issues at the third informal trilogue on 21 June 2011. An agreement was reached between all three institutions which reads as is set out in Article 26 in the Council's position.

In addition, it was agreed that the power to adopt delegated acts shall be conferred on the Commission for a period of three years from the date of entry into force of this Regulation and that a delegated act shall enter into force if no objections has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council.

Implementing powers: the Commission specified during the third trilogue in respect of which concrete provisions of the Proposal adoption of implementing acts would be advisable, namely Articles 9 (information - report on fisheries activities) Article 12 (4) and (6) (on closed seasons), Article 14 (data collection), Article 15 (3) on minimum mesh size in the Black Sea), Article 23 (cooperation and information) and Article 24(4) (statistical matrices).

No objections to this list were raised during the third informal trilogue and the draft Council position in first reading has been drawn up taking account of this list.

The text as finalised by the legal-linguistic experts has been aligned to take account of necessary changes due to the entry into force of the Lisbon treaty, standard formulations based on the new Comitology Regulation and on the Common Understanding on Delegated Acts.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The Commission considers that the Council position is far from its initial proposal on the issue of delegated acts. It agrees that the transposition of new GFCM recommendations should be subject to the ordinary legislative procedure but it has always taken the position that the Commission should be vested with delegated powers to transpose into EU law at least amendments to all existing measures.

The Commission expresses concern that the limited powers delegated to it by the co-legislators may affect the EU's ability to ensure the timely transposition in EU law of measures taken by the GFCM in the future that revise or update the international conservation and management measures of this organisation.

The Commission therefore may propose amendments to the Regulation increasing the number of measures which should be adopted by delegated acts in case the transposition through the ordinary legislative procedure leads to delays which would jeopardise the EU's ability to comply with its international obligations.

In order to avoid further delays in the transposition of binding GFCM measures into EU law that would result from a long second reading, the Council position can be supported.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The Committee on Fisheries adopted the recommendation for second reading contained in the report drafted by Crescenzo RIVELLINI (PPE, IT) in which it recommends the European Parliament to approve the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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**PURPOSE:** to lay down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the General Fisheries Commission for the Mediterranean.

**LEGISLATIVE ACT:** Regulation (EU) No 1343/2011 of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

**CONTENT:** the European Community acceded to the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) through Council Decision 98/416/EC. The GFCM Agreement provides an appropriate framework for multilateral cooperation to promote the development, conservation, rational management and best utilisation of living marine resources in the Mediterranean and the Black Sea at levels that are sustainable and at low risk of collapse.

This Regulation transposes recommendations of the General Fisheries Commission for the Mediterranean (GFCM), as adopted in its Annual Sessions into Community law. It lays down the rules for the application by the Community of the conservation, management, exploitation, monitoring, marketing and enforcement measures for fishery and aquaculture products as established by the GFCM. It applies to all commercial fishing and aquaculture activities conducted by Community fishing vessels and nationals of Member States in the GFCM Agreement Area. By way of derogation it does not apply to fishing operations conducted solely for the purpose of scientific investigations.

Regulation 1967/2006: the GFCM has adopted a number of recommendations and resolutions for certain fisheries in the GFCM Agreement area which have been temporarily implemented in Union law by the annual Regulations on fishing opportunities or by Regulation 1967/2006. For reasons of clarity, simplification and legal certainty, these recommendations are implemented via a single legislative act, where future recommendations can be added by way of amendments to that act.

GFCM recommendations apply to the entire GFCM Agreement area, that is the Mediterranean and the Black Sea and connecting waters, and therefore they are implemented in a single separate Regulation rather than through amendments to Regulation (EC) No 1967/2006 which covers only the Mediterranean Sea.

Certain provisions contained in Regulation (EC) No 1967/2006 should apply not only to the Mediterranean Sea but to the entire GFCM Agreement area. Those provisions are deleted from Regulation (EC) No 1967/2006 and included in this Regulation. In addition, certain provisions regarding minimum mesh size that are laid down in that Regulation are further clarified.

Fisheries restricted area: the fisheries restricted areas established by GFCM recommendations for spatial management measures are equivalent to the fishing protected areas as used in Regulation (EC) No 1967/2006. This Regulation also implements a recommendation on the establishment of a fisheries restricted area in the Gulf of Lions by means of a fishing effort management system.

Delegation of powers: as far as is necessary, in order to implement in Union law amendments that become obligatory for the Union to existing GFCM measures that have already been implemented in Union law, the Commission is empowered to adopt delegated acts in order to amend the provisions of this Regulation in respect of the following as required in the Regulation: (i) the provision to the Executive Secretary of the GFCM of information regarding minimum mesh size in the Black Sea ; (ii) the transmission of the list of authorised vessels to the Executive

Secretary of the GFCM; (iii) port state measures; (iv) cooperation, information and reporting; (v) the table, map and geographic coordinates of the GFCM

Geographical Sub-Areas; (vi) port state inspection procedures for vessels; and (vii) GFCM statistical matrices.

Implementing measures: implementing powers are conferred on the Commission in order to ensure uniform conditions for the implementation of the provisions of this Regulation in respect of the format and transmission of: (i) the report on the fishing activities carried out in fisheries restricted areas; (ii) applications for carrying over lost days due to bad weather in the closed season for dolphinfish fisheries and the report on such carrying over; (iii) the report in the context of collecting data on dolphinfish fisheries; (iv) information in respect of the use of minimum mesh size for nets used for trawling activities exploiting demersal stocks in the Black Sea; and (v) data on statistical matrices, as well as in respect of cooperation and exchange of information with the Executive Secretary of the GFCM.

ENTRY INTO FORCE: 19/01/2012.

DELEGATED ACTS: the power to adopt delegated acts is conferred on the Commission for a period of 3 years from 19 January 2012 (tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.) The delegation of powers may be revoked at any time by the European Parliament or by the Council. A delegated act adopted shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act (extended by 2 months at the initiative of the European Parliament or of the Council.)

## General Fisheries Commission for the Mediterranean (GFCM): fishing in the GFCM Agreement Area

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The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea.

Parliament approved the Council position in first reading without amendment.