



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation <a href="#">2010/0255(COD)</a>	Procedure completed
Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012  Amending Regulation (EC) No 850/98 <a href="#">1996/0160(CNS)</a> Amending Regulation (EC) No 1288/2009 <a href="#">2008/0112(CNS)</a>	
Subject 3.15.01 Fish stocks, conservation of fishery resources	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries		29/09/2010
Council of the European Union	Council configuration	S&D <a href="#">GRELIER Estelle</a>	
	<a href="#">Agriculture and Fisheries</a>	Meeting <a href="#">3087</a>	Date 17/05/2011
European Commission	Commission DG <a href="#">Maritime Affairs and Fisheries</a>	Commissioner DAMANAKI Maria	

Key events			
23/09/2010	Legislative proposal published	<a href="#">COM(2010)0488</a>	Summary
07/10/2010	Committee referral announced in Parliament, 1st reading		
01/02/2011	Vote in committee, 1st reading		Summary
22/02/2011	Committee report tabled for plenary, 1st reading	<a href="#">A7-0024/2011</a>	
05/04/2011	Debate in Parliament		
06/04/2011	Results of vote in Parliament		
06/04/2011	Decision by Parliament, 1st reading	<a href="#">T7-0139/2011</a>	Summary
17/05/2011	Act adopted by Council after Parliament's 1st reading		
08/06/2011	Final act signed		
08/06/2011	End of procedure in Parliament		
24/06/2011	Final act published in Official Journal		

Technical information	
Procedure reference	2010/0255(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 850/98 <a href="#">1996/0160(CNS)</a> Amending Regulation (EC) No 1288/2009 <a href="#">2008/0112(CNS)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/03903

### Documentation gateway

Legislative proposal	<a href="#">COM(2010)0488</a>	23/09/2010	EC	Summary
Committee draft report	<a href="#">PE452.609</a>	09/11/2010	EP	
Amendments tabled in committee	<a href="#">PE454.682</a>	15/12/2010	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0069/2011</a>	19/01/2011	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0024/2011</a>	23/02/2011	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0139/2011</a>	06/04/2011	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2011)4619</a>	25/05/2011	EC	
Draft final act	<a href="#">00009/2011/LEX</a>	08/06/2011	CSL	

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Regulation 2011/579](#)  
[OJ L 165 24.06.2011, p. 0001](#) Summary

## Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

**PURPOSE:** to extend the application of Regulation (EC) No 1288/2009 until 1 January 2013.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**IMPACT ASSESSMENT:** no impact assessment was carried out.

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

**CONTENT:** in June 2008, the Commission made a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. The proposal was intended to replace Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and certain transitional technical measures as laid down in Annex III to Council Regulation (EC) No 43/2009 establishing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks.

The proposed Council Regulation was not adopted before the date on which the measures provided for in Annex III to Regulation (EC) No 43/2009 ceased to apply. For reasons of legal certainty and in order to maintain the proper conservation and management of marine resources, [Council Regulation \(EC\) No 1288/2009](#) establishing transitional technical measures from 1 January 2010 to 30 June 2011 was adopted, providing for the continuation of temporary technical measures catered for in Annex III to Regulation (EC) No 43/2009 for a transitional period of 18 months.

In view of the new requirements of the Lisbon Treaty, the Commission withdrew in 2010 the proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures. Basic principles on technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy, for which a proposal is envisaged during the third quarter of 2011.

Regulation (EC) No 1288/2009 will expire on 30 June 2011. Given the fact that there is no current legal act that could provide for permanent technical measures, and in order to ensure legal certainty and the conservation of marine resources, it is appropriate to extend the validity of the regulation for another 18 months, until 1 January 2013.

FINANCIAL IMPLICATIONS: the proposal has no financial implications for the budget of the European Union.

## Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

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The Committee on Fisheries adopted the report drafted by Estelle GRELIER (S&D, FR) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

It recommended that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should be to amend the Commission's proposal as follows:

- in the interests of clarity, it needs to be specified that the results of the trials and experiments are to be submitted to the Commission;
- the report also states that the adding of boar fish to Annex 1 of Council Regulation 850/98 removes any ambiguity that exists in the regulation as regards the appropriate mesh size to be used for fishing boar fish and also and more importantly adopts the advice given by STECF on the appropriate boar fish mesh size to be used.

## Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

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The European Parliament adopted by 622 votes to 40, with 21 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

It adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the proposal as follows:

- the compromise text stipulates that in view of the forthcoming reform of the Common Fisheries Policy (CFP) and its relevance for the content and scope of new permanent technical measures, it is appropriate to delay the adoption of such measures until a new legislative framework is in place;

- in order to maintain the proper conservation and management of marine resources, and given that it can reasonably be expected that a new legislative framework will apply as from 1 January 2013, the technical measures currently in force should continue to apply until that date. Consequently, since the temporary technical measures laid down in Regulation (EC) No 1288/2009 will cease to apply from 1 July 2011, that Regulation should be amended to extend their validity until 31 December 2012;

- lastly, given that fishing quotas for Boarfish (Caproidae) were established for the first time under Council Regulation (EU) No 57/2011, the amended text states that it is therefore appropriate to clarify that boarfish may be targeted using towed nets with a mesh size range of 32 to 54 millimetres. Consequently, Annexes I and II to Council Regulation (EC) No 850/98 should be amended accordingly.

## Conservation of fishery resources: transitional technical measures from 1 January 2010 to 31 December 2012

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PURPOSE: to extend the application of technical measures in Regulation (EC) No 1288/2009 until 31 December 2012 in order to maintain the proper conservation and management of marine resources.

LEGISLATIVE ACT: Regulation (EU) No 579/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011.

CONTENT: following an agreement at first reading with the European Parliament, the Council amended Regulation (EC) n° 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011. The United Kingdom and Portugal voted against.

This text provides for an extension of the implementation period of the regulation for the conservation of fisheries resources through technical measures. Given that Regulation (EC) No 1288/2009 will expire on 30 June 2011, and that there is no current legal act that could provide for permanent technical measures, the text ensures legal certainty for these specific measures aiming at the conservation of marine resources by extending the validity of Regulation (EC) No 1288/2009 for another 18 months, until 1 January 2013. However, basic principles concerning technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy.

In addition, fishing quotas for Boarfish (Caproidae) were established for the first time under Council Regulation (EU) No 57/2011. The new Regulation therefore clarifies that boarfish may be targeted using towed nets with a mesh size range of 32 to 54 millimetres. Consequently, Annexes I and II to Council Regulation (EC) No 850/98 are amended accordingly.

ENTRY INTO FORCE : 01/07/2011.

