





# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2012/0013(COD)</a> Regulation</p>	Procedure lapsed or withdrawn
<p>Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)</p> <p>Amending Regulation (EC) No 1342/2008 <a href="#">2008/0063(CNS)</a></p> <p>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</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Fisheries</a>		
	Former committee responsible		
	 Fisheries		
	Former committee for opinion		
	 Environment, Public Health and Food Safety		
Council of the European Union			
European Commission	Commission DG <a href="#">Maritime Affairs and Fisheries</a>	Commissioner DAMANAKI Maria	
European Economic and Social Committee			

Key events			
31/01/2012	Legislative proposal published	COM(2012)0021	Summary
13/03/2012	Committee referral announced in Parliament, 1st reading		
23/04/2013	Vote in committee, 1st reading		
24/04/2013	Committee report tabled for plenary, 1st reading	<a href="#">A7-0141/2013</a>	Summary
11/06/2013	Results of vote in Parliament		
11/06/2013	Decision by Parliament, 1st reading	<a href="#">T7-0235/2013</a>	Summary
19/04/2016	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		

Technical information	
Procedure reference	2012/0013(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1342/2008 <a href="#">2008/0063(CNS)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/08867

Documentation gateway					
Legislative proposal		COM(2012)0021	31/01/2012	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0835/2012</a>	28/03/2012	ESC	
Committee draft report		<a href="#">PE497.772</a>	21/12/2012	EP	
Amendments tabled in committee		<a href="#">PE506.071</a>	25/02/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0141/2013</a>	24/04/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0235/2013</a>	11/06/2013	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2013)520</a>	16/07/2013	EC	

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

## Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

**PURPOSE:** to bring Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (the cod plan) into line with the new rules of the TFEU (Commissions powers of adopting delegated acts and implementing acts.)

**PROPOSED ACT:** Regulation of the European Parliament and of the Council. **BACKGROUND :** the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act, as laid down in Article 290(1) TFEU (delegated acts);
- and on the other hand, powers conferred on the Commission to adopt uniform conditions for implementing legally binding Union acts, as laid down in Article 291(2) TFEU (implementing acts).

Article 10(1) of Regulation (EC) No 1342/2008 stipulates that if it appears in the light of scientific advice that the fishing mortality rates and associated spawning stock biomass levels used for the purposes of the plan are no longer appropriate, the Council must revise such parameters so as to ensure that the plan can attain its management objectives. The Regulation currently in force confers the power to amend these non-essential elements of the plan on the Council. Such a decision-making procedure is no longer possible under the TFEU.

The powers conferred on the Commission by Council Regulation (EC) No 1342/2008 must therefore be classified as delegated or

implementing measures.

IMPACT ASSESSMENT: there was no need for interested parties to be consulted or for an impact assessment to be carried out.

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

CONTENT: the main thrust of the proposal is to identify the powers conferred on the Commission by Council Regulation (EC) No 1342/2008 and to classify them as delegated or implementing powers.

In order to amend or supplement non-essential elements of the provisions of Regulation (EC) No 1342/2008, the power to adopt acts in accordance with Article 290 of the Treaty is delegated to the Commission in respect of the following:

- changes to the established values for the maximum fishing mortality rates and associated spawning stock biomass levels, when the target fishing mortality rate has been reached;
- the rules concerning: (i) the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime; (ii) the method for calculating the fishing capacity and the adjustment of the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers; (iii) the calculation method for adapting the maximum allowable fishing effort; and (iv) changes to the composition of the geographical areas and gear groupings.

Furthermore, implementing powers are conferred on the Commission in respect of detailed rules on the procedure and format for transmitting the information required to the Commission, and the format of the special fishing permit and of the list of vessels holding such special permit.

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

## Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

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The Committee on Fisheries adopted the report by Diane DODDS (NI, UK) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks.

The parliamentary committee recommends that the European Parliament's position adopted at first reading according to the ordinary legislative procedure should amend the Commission's proposal.

Amendment of the multiannual plan: Members want it explicitly stated that any amendment to the multi-annual plan, apart from the exceptions specified in the regulation, would have to be adopted via the ordinary legislative procedure.

Adoption of delegated acts: before taking a decision to adopt delegated acts to set fishing mortality rates and associated spawning stock biomass, the Commission should be required to use scientific data from the Scientific, Technical and Economic Committee for Fisheries (STECF) and consult the relevant Regional Advisory Council.

Members propose to limit the delegation of power to a period of three years from the date of entry into force of the Regulation and to oblige the Commission to present a report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.

## Fishery resources: recovery of cod stocks, long-term plan; aligning the Regulation with the TFEU (Commission delegated and implementing powers)

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The European Parliament adopted by 600 votes to 14, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks.

Parliament adopted its position at first reading according to the ordinary legislative procedure. The amendments adopted amend the Commission's proposal as follows:

Amendment of the multiannual plan: it is explicitly stated that any amendment to the multi-annual plan, apart from the exceptions specified in the regulation, would have to be adopted via the ordinary legislative procedure.

Adoption of delegated acts: before taking a decision to adopt delegated acts to set fishing mortality rates and associated spawning stock biomass, the Commission should be required to use scientific data from the Scientific, Technical and Economic Committee for Fisheries (STECF) and consult the relevant Regional Advisory Council.

Parliament proposes to limit the delegation of power to a period of three years (renewable) from the date of entry into force of the Regulation and to oblige the Commission to present a report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.