


Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2012/0162(COD)</p>	Procedure lapsed or withdrawn
<p>Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)</p> <p>Amending Regulation (EC) No 1005/2008 2007/0223(CNS)</p> <p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 6.20 Common commercial policy in general 6.30.02 Financial and technical cooperation and assistance</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		
	Former committee responsible		
	PECH Fisheries		
	Former committee for opinion		
	DEVE Development		
	INTA International Trade		
	ENVI Environment, Public Health and Food Safety		
Council of the European Union			
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner DAMANAKI Maria	
European Economic and Social Committee			

Key events			
21/06/2012	Legislative proposal published	COM(2012)0332	Summary
03/07/2012	Committee referral announced in Parliament, 1st reading		
23/04/2013	Vote in committee, 1st reading		
25/04/2013	Committee report tabled for plenary, 1st reading	A7-0144/2013	Summary
11/06/2013	Debate in Parliament		

12/06/2013	Results of vote in Parliament		
12/06/2013	Decision by Parliament, 1st reading	T7-0253/2013	Summary
29/09/2020	Proposal withdrawn by Commission		

Technical information

Procedure reference	2012/0162(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC)) No 1005/2008 2007/0223(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/09881

Documentation gateway

Legislative proposal	COM(2012)0332	21/06/2012	EC	Summary
Committee draft report	PE496.302	30/01/2013	EP	
Amendments tabled in committee	PE506.201	06/03/2013	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0144/2013	25/04/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0253/2013	12/06/2013	EP	Summary
Commission response to text adopted in plenary	SP(2013)520	16/07/2013	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

PURPOSE: to align Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing to the new rules of the TFEU (powers currently defined by that Regulation have been re-classified into delegated and implementing powers).

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:

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

In the context of the alignment of Regulation (EC) No 1005/2008 to the new rules of the TFEU, powers currently defined by that Regulation

have been re-classified into delegated and implementing powers. Following this exercise, a draft proposal for amendment of Regulation (EC) No 1005/2008 has been prepared.

IMPACT ASSESSMENT: there was no need for consultation of interested parties or for impact assessment.

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

CONTENT: the aim of the proposal is to identify the powers conferred upon the Commission in Council Regulation (EC) No 1005/2008 and classify these as delegated or implementing powers and adapt certain provisions to the decision-making procedures of the Lisbon Treaty.

In order to apply some of the provisions of Regulation (EC) No 1005/2008, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following:

- the exemption from certain information requirements imposed on fishing vessels or the establishment of different notification periods for certain categories of fishing vessels,
- the establishment of benchmarks for inspections of landing and transshipment operations by third country fishing vessels,
- the establishment of the list of products excluded from the scope of implementation of the catch certificate,
- the adaptation of the catch certification scheme for some fishery products obtained by small fishing vessels, including the possibility of using a simplified catch certificate,
- the adaptation of the deadline for submitting the catch certificate, on the basis of the type of fishery product, the distance to the place of entry into the territory of the Union or the transport means used,
- the establishment of rules for the granting, amendment or withdrawal of approved economic operators' certificates or for the suspension or revocation of the status of approved economic operator and on the conditions of validity of approved economic operators certificates, and
- the establishment of Union criteria for verifications in the context of risk management.

In order to ensure uniform conditions for the implementation of Council Regulation (EC) No 1005/2008 implementing powers should be conferred upon the Commission in accordance with Article 291 of the Treaty on the Functioning of the European Union in respect of the following:

- the establishment of prior notification forms,
- the establishment of landing and transshipment declaration procedures and forms,
- the adoption, in agreement with flag States, of catch certificates established, validated or submitted by electronic means or based on electronic traceability systems ensuring the same level of control by authorities,
- the establishment of the Union IUU vessel list,
- the removal of vessels from the Union IUU vessel list,
- the inclusion of IUU vessel lists adopted by regional fisheries management organisations in the Union IUU vessel list,
- the identification of non-cooperating third countries,
- the inclusion of identified third countries on a list of non cooperating third countries,
- the removal of third countries from the list of non-cooperating third countries,
- the adoption of emergency measures towards third countries in specific circumstances,
- the determination of the format for submission by Member States of the information regarding sighted fishing vessels, and
- the establishment of rules on mutual assistance.

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

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

The Committee on Fisheries adopted the report by Raül ROMEVA i RUEDA (Greens/EFA, ES) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

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.

Since it is proposed to make use of delegated acts, 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.

Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing: alignment of the Regulation with the TFEU (Commission delegated and implementing powers)

The European Parliament adopted by 668 votes to 7, with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Parliament's position adopted at first reading according to the ordinary legislative procedure amends the Commission proposal as follows:

Since it is proposed to make use of delegated acts, Parliament proposes 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.

The Commission should carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert

level, so that it has objective, rigorous, complete and up-to-date information.