

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2012/0285(COD)</p>	<p>Procedure lapsed or withdrawn</p>
<p>Conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound: aligning the Regulation with the TFEU; Commission delegated and implementing powers</p>	
<p>Subject</p> <p>3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds</p>	
<p>Geographical area</p> <p>Baltic Sea area</p>	

Key players			
<p>European Parliament</p>	<p>Committee responsible</p> <p><b>PECH</b> Fisheries</p>	<p>Rapporteur</p> <p>ECR <a href="#">GRÓBARCZYK Marek Józef</a></p> <p>Shadow rapporteur</p> <p>PPE <a href="#">WAŁĘSA Jarosław</a></p>	<p>Appointed</p> <p>06/11/2012</p>
<p>Council of the European Union</p>	<p>Commission DG</p> <p><a href="#">Maritime Affairs and Fisheries</a></p>	<p>Commissioner</p> <p>DAMANAKI Maria</p>	
<p>European Commission</p>			
<p>European Economic and Social Committee</p>			

Key events			
17/10/2012	Legislative proposal published	<a href="#">COM(2012)0591</a>	Summary
22/10/2012	Committee referral announced in Parliament, 1st reading		
10/07/2013	Vote in committee, 1st reading		
15/07/2013	Committee report tabled for plenary, 1st reading	<a href="#">A7-0259/2013</a>	Summary
10/09/2013	Results of vote in Parliament		
10/09/2013	Decision by Parliament, 1st reading	<a href="#">T7-0343/2013</a>	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2012/0285(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
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/10946

Documentation gateway					
Legislative proposal		<a href="#">COM(2012)0591</a>	17/10/2012	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES2430/2012</a>	12/12/2012	ESC	
Committee draft report		<a href="#">PE508.045</a>	26/04/2013	EP	
Amendments tabled in committee		<a href="#">PE510.630</a>	06/06/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0259/2013</a>	15/07/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0343/2013</a>	10/09/2013	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2013)774</a>	06/12/2013	EC	

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

## Conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound: aligning the Regulation with the TFEU; Commission delegated and implementing powers

**PURPOSE:** to identify the powers conferred upon the Commission by Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound, and to classify these as delegated or implementing powers.

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

**BACKGROUND:** Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound confers powers upon the Commission in order to implement some of the provisions of that Regulation. 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).

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

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

**CONTENT:** in the context of the alignment of Regulation (EC) No 2187/2005 to the new rules of the TFEU, powers currently conferred on the Commission by that Regulation have been reclassified into delegated measures and implementing measures.

**Delegated acts:** the Commission will be empowered to adopt delegated acts to amend the technical specifications of two parts of the fishing gears improving selectivity: namely the Bacoma type exit window and the netting in the cod-end and extension piece being turned 90° (T90 trawl).

**Implementing acts:** implementing powers will be conferred on the Commission in order to ensure uniform conditions for the implementation of

Regulation (EC) No 2187/2005 as regards measures taken by Member States which apply only to fishing vessels flying their flag.

Lastly, powers to adopt detailed rules for the implementation of Regulation (EC) No 2187/2005 are no longer required. The provision conferring those powers should therefore be deleted.

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

## Conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound: aligning the Regulation with the TFEU; Commission delegated and implementing powers

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The Committee on Fisheries adopted the report by Marek Józef GRÓBARCZYK (ECR, PL) the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound.

The committee recommends that the European Parliaments position at first reading, following the ordinary legislative procedure, should amend the Commissions proposal as follows:

Members propose to add a new article on the overall assessment and review so as to enable the Commission to review, by one year after the entry into force of the Regulation on the Common Fisheries Policy, the effectiveness of the measures laid down in this Regulation, and, where appropriate, submit a legislative proposal to the European Parliament and to the Council for the amendment of this Regulation in order to ensure that it is compatible with the Common Fisheries Policy Regulation.

In addition, Members propose limiting in time the empowerment of the Commission. The power to adopt delegated acts shall be conferred on the Commission for a period of three years (renewable) from the entry into force of the Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-year period.

## Conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound: aligning the Regulation with the TFEU; Commission delegated and implementing powers

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The European Parliament adopted by 677 votes to 14, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound.

The European Parliaments position at first reading, following the ordinary legislative procedure, amends the Commissions proposal.

- assessment of the Regulation: Parliament proposes to add a new article on the overall assessment and review so as to enable the Commission to review, by one year after the entry into force of the Regulation on the Common Fisheries Policy, the effectiveness of the measures laid down in this Regulation, and, where appropriate, submit a legislative proposal to the European Parliament and to the Council for the amendment of this Regulation in order to ensure that it is compatible with the Common Fisheries Policy Regulation.
- delegated powers: Members propose limiting in time the empowerment of the Commission. The power to adopt delegated acts shall be conferred on the Commission for a period of three years (renewable) from the entry into force of the Regulation. The Commission shall draw up a report in respect of the delegation of power and have a regular evaluation of the use of the delegation.