

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation <a href="#">2011/0345(COD)</a></p>	<p>Procedure lapsed or withdrawn</p>
<p>Conservation of fishery resources: multi-annual plan for the stock of herring in the west of Scotland</p> <p>Amending Regulation (EC) No 1300/2008 <a href="#">2008/0091(CNS)</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>United Kingdom</p>	

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

Key events			
22/11/2011	Legislative proposal published	<a href="#">COM(2011)0760</a>	Summary
30/11/2011	Committee referral announced in Parliament, 1st reading		
24/04/2012	Vote in committee, 1st reading		
25/04/2012	Committee report tabled for plenary, 1st reading	<a href="#">A7-0145/2012</a>	Summary
14/06/2012	Results of vote in Parliament		
14/06/2012	Debate in Parliament		
14/06/2012	Decision by Parliament, 1st reading	<a href="#">T7-0253/2012</a>	Summary

Technical information	
Procedure reference	2011/0345(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1300/2008 <a href="#">2008/0091(CNS)</a>
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	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	PECH/7/07846

Documentation gateway					
Legislative proposal		<a href="#">COM(2011)0760</a>	22/11/2011	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0153/2012</a>	18/01/2012	ESC	
Committee draft report		<a href="#">PE483.656</a>	01/03/2012	EP	
Amendments tabled in committee		<a href="#">PE486.068</a>	27/03/2012	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0145/2012</a>	25/04/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0253/2012</a>	14/06/2012	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2012)540</a>	12/07/2012	EC	

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

## Conservation of fishery resources: multi-annual plan for the stock of herring in the west of Scotland

**PURPOSE:** to identify the powers to be delegated to the Commission in Council Regulation (EC) No 1300/2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock, and establish the corresponding procedure for adoption of these acts and adapt certain provisions to the decision-making procedures of the Lisbon Treaty.

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

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

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

**CONTENT:** The objective of this proposal is to amend Council Regulation (EC) No 1300/2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock. This act was adopted prior to the entry into force of the Treaty on the Functioning of the European Union (TFEU).

The Plan has as its core objective to ensure the exploitation of the herring stock in the area west of Scotland on the basis of maximum sustainable yield. Science may evolve and improve, and the Plan needs to contain the necessary provisions to ensure it is kept up to date with the best science available.

- Thus, Article 7 of the Regulation stipulates that if it appears that the fishing mortality rates and associated spawning stock biomass levels used for the purposes of the Plan are no longer appropriate in light of scientific advice, the Council must revise such parameters so as to ensure that the plan can attain its management objectives. The current text therefore confers the power to amend these non-essential elements of the Plan on the Council. Such decision-making procedure is no longer possible under the TFEU.
- Similarly, Article 8 provides for modification by the Council of certain elements of the plan (including the biological reference levels) and for adoption by the Council of measures alternative or additional to the plan.

By way of consequence, the decision-making procedure foreseen in Article 7 and 8 of the Regulation should be converted into a system of delegated powers to be exercised by the Commission under the conditions set out in the Plan itself and where the analysis has shown that the currently envisaged procedures may be qualified as delegated powers in accordance with Article 290 of the TFEU. The Plan should therefore be amended accordingly.

BUDGETARY IMPACT: the proposal has no impact on the EUs budget.

## Conservation of fishery resources: multi-annual plan for the stock of herring in the west of Scotland

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The Committee on Fisheries adopted a report by Struan STEVENSON (ECR, UK) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock. The committee recommends that the position of the European Parliament in first reading following the ordinary legislative procedure should be to amend the Commission proposal. The main amendments are as follows:

**Definitions :** the committee amended the meaning of herring stock in the area west of Scotland which is defined as the stock of herring (*clupea harengus*) distributed to the west of Scotland which currently inhabits Union and international waters of ICES zones Vb and VIb and the part of ICES zone VIa which lies east of the meridian of longitude 7°W and north of the parallel of latitude 55°N, or west of the meridian of longitude 7°W and north of the parallel of latitude 56°, excluding the Clyde.

Members state that the current definition seems more appropriate than the one proposed by the Commission, which would only refer to Scottish waters. The purpose of the modification of Regulation (EC) No 1300/2008 is not to extend the geographical area of application of the latter. The current restriction concerning ICES zone VIa has thus been re-introduced.

**Delegated acts and ordinary legislative procedure:** Members consider that it should be explicitly stated that any amendment to the multi-annual plan, apart from the exception specified in the text on revision of maximum fishing mortality rates and associated spawning stock biomass levels, would have to be adopted via the ordinary legislative procedure. Delegated acts are limited as to their scope to the modification of fishing mortality rates and spawning stock biomass levels and may be adopted only if the conditions specified in the text are fulfilled.

**Scientific advice:** the committee clarified the text to ensure that the Commission should be obliged to use scientific data from the STECF and to consult the Pelagic Regional Advisory Council before taking any decision on adopting delegated acts fixing new values for fishing mortality rates and spawning stock biomass levels. The STECF and the Pelagic Regional Advisory Council should also be mandatorily involved in the process of evaluating the multi-annual plan.

## Conservation of fishery resources: multi-annual plan for the stock of herring in the west of Scotland

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The European Parliament adopted by **593 votes to 10 with 7** abstentions legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1300/2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock. Parliament adopted its position in first reading following the ordinary legislative procedure. The main amendments are as follows:

**Definitions:** Parliament amended the meaning of herring stock in the area west of Scotland which is defined as the stock of herring (*clupea harengus*) distributed to the west of Scotland which currently inhabits Union and international waters of ICES zones Vb and VIb and the part of ICES zone VIa which lies east of the meridian of longitude 7°W and north of the parallel of latitude 55°N, or west of the meridian of longitude 7°W and north of the parallel of latitude 56°, excluding the Clyde.

**Delegated acts and ordinary legislative procedure:** Members amend the text to state explicitly that any amendment to the multi-annual plan, apart from the exception specified in the text on revision of maximum fishing mortality rates and associated spawning stock biomass levels, must be adopted via the ordinary legislative procedure. Delegated acts are limited as to their scope to the modification of fishing mortality rates and spawning stock biomass levels and may be adopted only if the conditions specified in the text are fulfilled.

**Scientific advice:** Parliament clarified the text to ensure that the Commission should be obliged to use scientific data from the STECF and to consult the Pelagic Regional Advisory Council before taking any decision on adopting delegated acts fixing new values for fishing mortality rates and spawning stock biomass levels. The STECF and the Pelagic Regional Advisory Council should also be mandatorily involved in the process of evaluating the multi-annual plan.