


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 8.50.01 Implementation of EU law	
Geographical area Baltic Sea area	

Key players			
European Parliament	Committee responsible <b>PECH</b> Fisheries	Rapporteur  PPE <a href="#">WAŁĘSA Jarosław</a> Shadow rapporteur S&D <a href="#">CHRISTENSEN Ole</a> ALDE <a href="#">TORVALDS Nils</a> Verts/ALE <a href="#">LÖVIN Isabella</a>	Appointed  24/04/2012
	Committee for opinion <b>ENVI</b> Environment, Public Health and Food Safety	Rapporteur for opinion The committee decided not to give an opinion.	Appointed
Council of the European Union European Commission  European Economic and Social Committee	Commission DG <a href="#">Maritime Affairs and Fisheries</a>	Commissioner DAMANAKI Maria	

Key events			
02/04/2012	Legislative proposal published	<a href="#">COM(2012)0155</a>	Summary
18/04/2012	Committee referral announced in Parliament, 1st reading		
28/11/2012	Vote in committee, 1st reading		
04/12/2012	Committee report tabled for plenary, 1st reading	<a href="#">A7-0395/2012</a>	Summary
	Results of vote in Parliament		

16/01/2013			
16/01/2013	Decision by Parliament, 1st reading	<a href="#">T7-0014/2013</a>	Summary
07/03/2015	Proposal withdrawn by Commission		

### Technical information

Procedure reference	2012/0077(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Stage reached in procedure	Procedure lapsed or withdrawn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/7/09276

### Documentation gateway

Legislative proposal	<a href="#">COM(2012)0155</a>	02/04/2012	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1597/2012</a>	11/07/2012	ESC	
Committee draft report	<a href="#">PE496.385</a>	18/09/2012	EP	
Amendments tabled in committee	<a href="#">PE497.931</a>	16/10/2012	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0395/2012</a>	04/12/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0014/2013</a>	16/01/2013	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2013)176</a>	05/03/2013	EC	

### Additional information

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

## Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

**PURPOSE:** to amend Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks (alignment of new provisions of the TFEU regarding the Commission's delegated and implementing powers).

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

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

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

**CONTENT:** this proposal aims to amend Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks. This act was adopted prior to the entry into force of the Treaty on the Functioning of the European Union (TFEU).

**Powers conferred on the Commission:** the main legal action is to identify the powers conferred upon the Commission in Council Regulation (EC) No 1098/2007 and to classify these as delegated or implementing powers.

The core objective of the plan is to ensure that Baltic cod stocks can be exploited under sustainable economic, environmental and social conditions. 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.

Article 27 of the Regulation stipulates that if scientific advice indicates that the fishing mortality rates are disaccording with the objectives of the plan, the Council must by qualified majority revise mortality rates 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 26 provides for modification by the Council of certain non-essential elements of the plan to ensure that the objectives are met.

Article 290 of the TFEU provides that a legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act. By way of consequence, the decision-making procedure in Article 26 and 27 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. The plan should therefore be amended accordingly.

Evaluation: the plan requires evaluation of the impact of the management measures on the stocks concerned and on the fisheries concerned. The timeline set in the Regulation in force is neither feasible nor efficient. This requirement means considerable difficulties due to the limited availability of relevant data to carry out appropriate assessment. Consequently, the timeline for evaluation of the plan should be modified.

Furthermore, implementing powers should be given to the Commission to confirm whether the conditions established in Article 29 of the Regulation are fulfilled and, consequently whether relevant provisions apply in the subdivisions concerned.

Maximum sustainable yield: the Commission and Member States signed up to the aim of achieving a maximum sustainable yield (MSY) for depleted stocks by 2015 at the latest, but it is not indicated as objective of the plan. To avoid any ambiguities in the plan the reference to the maximum sustainable yield should be included in the plan.

The Regulation is amended accordingly to clarify that the procedure at issue is that provided for by the Treaty.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

## Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

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The Committee on Fisheries adopted the report by Jarosław Leszek Wałęsa (EPP, PL) on the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks.

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

Objective and targets: according to Members, the management plan to ensure the sustainable exploitation of the cod stocks should indicate a maximum fishing mortality, not a minimum fishing mortality as proposed by the Commission. The plan shall maintain the fishing mortality rates at levels no lower than 0.25 on ages 3 to 6 years for the cod stock in Area A (according to the advice from the International Council for the Exploration of the Sea (ICES)).

New target rate: Members propose replacing the word minimum with target throughout the text to better define the fishing mortality values.

Procedure for determining the periods during which it is permitted to fish with certain types of gear: an amendment stipulates that, by way of derogation, fishing vessels with an overall length of less than 12 metres shall be permitted to fish with static gear in the area up to 10 nautical miles measured from the baselines. The immersion time of the said static gears shall not exceed 48 hours.

Members consider that this amendment will allow small-scale fisheries to fish cod during closed season, particularly during summer months with no negative effect on pre-spawning and spawning concentrations, which take place on the Baltic Deep, away from coastal areas.

Evaluation of the plan: for the purpose of this evaluation, the Commission shall seek the advice of STECF and of the Baltic Sea Regional Advisory Council. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the multi-annual plan.

Revision of minimum fishing mortality rates: where the Commission finds that the minimum fishing mortality rates are no longer appropriate to achieve the objectives of the management plan, the Commission shall, on the basis of advice from STECF and after consulting the Baltic Sea Regional Advisory Council and relevant stakeholders, make a proposal, for adoption in accordance with the ordinary legislative procedure, for the revision of the target fishing mortality rates.

Delegated acts: the Commission shall be empowered to adopt delegated acts with regard to setting periods when fishing with certain types of gear is allowed in respect of certain geographical areas. The power to adopt delegated acts shall be conferred on the Commission for a period of three years from the date of entry into force of this Regulation.

It is of particular importance that the Commission carry out appropriate consultations with the Baltic Sea Regional Advisory Council and relevant stakeholders during its preparatory work, including at expert level.

The Commission shall no longer be empowered to adopt implementing acts under the Regulation.

## Conservation of fishery resources: cod stocks in the Baltic Sea, multi-annual plan; aligning the Regulation with the TFEU

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The European Parliament adopted by 661 votes to 7, with 20 abstentions, a legislative resolution on the proposal for a Regulation of the

European Parliament and of the Council amending Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks.

Parliaments position adopted at first reading under the ordinary legislative procedure amends the Commissions proposal as follows:

**Objective and targets:** Parliament considers that the management plan to ensure the sustainable exploitation of the cod stocks should indicate a maximum fishing mortality, not a minimum fishing mortality as proposed by the Commission. The plan shall maintain the fishing mortality rates at levels no lower than 0.25 on ages 3 to 6 years for the cod stock in Area A.

**New target rate:** throughout the text, Members propose replacing the word minimum with target to better define the fishing mortality values.

**Procedure for determining the periods during which it is permitted to fish with certain types of gear:** an amendment stipulates that, by way of derogation, fishing vessels with an overall length of less than 12 metres shall be permitted to fish with static gear in the area up to 10 nautical miles measured from the baselines. The immersion time of the said static gears shall not exceed 48 hours.

**Evaluation of the plan:** for the purpose of this evaluation, the Commission shall seek the advice of STECF and of the Baltic Sea Regional Advisory Council. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the multi-annual plan.

**Revision of minimum fishing mortality rates:** where the Commission finds that the minimum fishing mortality rates are no longer appropriate to achieve the objectives of the management plan, the Commission shall, on the basis of advice from STECF and after consulting the Baltic Sea Regional Advisory Council and relevant stakeholders, make a proposal, for adoption in accordance with the ordinary legislative procedure, for the revision of the target fishing mortality rates.

**Delegated acts:** the Commission shall no longer be empowered to adopt implementing acts under the Regulation. It will have the power to adopt delegated acts with regard to setting periods when fishing with certain types of gear is allowed in respect of certain geographical areas. The power to adopt delegated acts shall be conferred on the Commission for a period of three years from the date of entry into force of this Regulation. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

The Commission should carry out appropriate consultations with the Baltic Sea Regional Advisory Council and relevant stakeholders during its preparatory work, including at expert level.