



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Fisheries*

---

**2011/0218(COD)**

29.3.2012

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea  
(COM(2011)0479 – C7-0216/2011 – 2011/0218(COD))

Committee on Fisheries

Rapporteur: Anna Rosbach

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	23



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (COM(2011)0479 – C7-0216/2011 – 2011/0218(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0479),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0216/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 7 December 2011<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation – amending act**

##### **Title**

Regulation (EC) No 1967/2006

##### *Text proposed by the Commission*

Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006

##### *Amendment*

Proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1967/2006

---

<sup>1</sup> OJ C 43, 15.2.2012, p. 56.

concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea

concerning management measures for the **conservation and** sustainable exploitation of fishery resources in the Mediterranean Sea

Or. en

#### *Justification*

*Since the conservation of fishery resources is of primary importance and in order to counterbalance the negative connotation of the term "exploitation", it seems appropriate to state that conservation of fishery resources in the Mediterranean is also an objective of Regulation (EC) No 1967/2006, and to make this objective appear in the title of Regulation (EC) No 1967/2006 and the amending regulation.*

#### **Amendment 2**

##### **Proposal for a regulation – amending act Recital -1(new)**

*Text proposed by the Commission*

*Amendment*

***(-1) It is necessary to carry out a general alignment of Regulation (EC) No 1967/2006 in order to reflect the changes brought about by the entry into force of the Treaty on the Functioning of the European Union.***

Or. en

#### *Justification*

*This recital explains the amendments proposed by Parliament that exceed those of the Commission in that they aim at a full alignment of Regulation (EC) No 1967/2006 to the new legal environment introduced by the Treaty of Lisbon.*

#### **Amendment 3**

##### **Proposal for a regulation – amending act Recital 3 - introductory phrase**

*Text proposed by the Commission*

*Amendment*

(3) In order to ***apply some of the***

(3) In order to ***supplement or amend***

**provisions** of Regulation (EC) No 1967/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

**certain non-essential elements** of Regulation (EC) No 1967/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

Or. en

#### *Justification*

*The expression "apply" does not seem appropriate for delegated acts, it is mostly used in the context of implementing acts*

#### **Amendment 4**

##### **Proposal for a regulation – amending act**

##### **Recital 3 – indent -1a(new)**

*Text proposed by the Commission*

*Amendment*

***– the designation of a fishing protected area in Member States' territorial waters or the laying down of fisheries management measures in respect of the waters concerned if the Member State's fisheries management measures are not sufficient to ensure a high level of protection of resources and of the environment;***

Or. en

#### *Justification*

*This recital reflects the proposed amendment to the current Article 7 (5).*

## **Amendment 5**

### **Proposal for a regulation – amending act Recital 3 – indent -1b(new)**

*Text proposed by the Commission*

*Amendment*

***– the decision to confirm, cancel or amend a designation of a fishing protected area that is liable to affect the vessels of another Member State;***

Or. en

*Justification*

*This recital reflects the proposed amendment to the current Article 7 (4).*

## **Amendment 6**

### **Proposal for a regulation – amending act Recital 3 – indent 1a (new)**

*Text proposed by the Commission*

*Amendment*

***– the amendment of the derogation to authorise the use of trawl nets;***

Or. en

*Justification*

*This recital reflects the proposed amendment to Article 13 (11), subparagraph 4.*

## **Amendment 7**

### **Proposal for a regulation – amending act Recital 3 – indent 1b (new)**

*Text proposed by the Commission*

*Amendment*

***– the amendment of a Member State's management plan if that management plan is not sufficient to ensure a high level of protection of resources and of the***



*environment;*

Or. en

*Justification*

*This recital reflects the proposed amendment to the current Article 19 (9).*

**Amendment 8**

**Proposal for a regulation – amending act**

**Recital 3 – indent 1c (new)**

*Text proposed by the Commission*

*Amendment*

***– the decision to confirm, cancel or amend a Member State’s management plan that is liable to affect the vessels of another Member State;***

Or. en

*Justification*

*This recital reflects the proposed amendment to the current Article 19 (8).*

**Amendment 9**

**Proposal for a regulation – amending act**

**Recital 3 – indent 1d (new)**

*Text proposed by the Commission*

*Amendment*

***– the distribution of the surplus of available fishing capacity between the Member States in the 25-mile management zone around Malta, and***

Or. en

*Justification*

*The recitals should reflect all the changes proposed by the Commission, including the change concerning Article 26 (3) of Regulation (EC) No 1967/2006.*

## Amendment 10

### Proposal for a regulation – amending act Recital 3 – indent 3

*Text proposed by the Commission*

*Amendment*

*– the adoption of detailed rules for further technical specifications of square mesh panels to be inserted into towed nets;* *deleted*

Or. en

#### *Justification*

*This recital reflects the amendment to Annex I section B point 3 (amendment of the annexes only by the co-legislators).*

## Amendment 11

### Proposal for a regulation – amending act Recital 3 – indent 4

*Text proposed by the Commission*

*Amendment*

*– the adoption of technical specifications limiting the maximum dimension of float line, ground rope, circumference or perimeter of trawl nets along with the maximum number of nets in multi-rig trawl nets, and* *deleted*

Or. en

#### *Justification*

*This recital reflects the amendment to Annex II point 7 (amendment of the annexes only by the co-legislators).*

## Amendment 12

### Proposal for a regulation – amending act Recital 3 – indent 5

*Text proposed by the Commission*

*Amendment*

**– the amendments to the Annexes to Regulation (EC) No 1967/2006.** **deleted**

Or. en

#### *Justification*

*This recital reflects the amendment to Article 30 (amendment of the annexes only by the co-legislators).*

## Amendment 13

### Proposal for a regulation – amending act Recital 6

*Text proposed by the Commission*

*Amendment*

**(6) Further technical and scientific information is needed to duly take into account the specificities of the Mediterranean fisheries to enable the Commission to establish possible technical specifications limiting the maximum dimension of trawl nets and the maximum number of nets in multi-rig trawl nets, as mentioned above;**

**(6) The conservation of fishery resources in the Mediterranean Sea is of particular importance and should therefore be mentioned in the title of Regulation (EC) No 1967/2006.**

Or. en

#### *Justification*

*The deletion of the text of this recital proposed by the Commission reflects the amendment to Annex II point 7 (amendment of the annexes only by the co-legislators). The introduction of the new text reflects the amendment proposed to the title of Regulation (EC) No 1967/2006.*

## Amendment 14

### Proposal for a regulation – amending act

#### Article 1 – point 1a (new)

Regulation (EC) No 1967/2006

#### Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(1a) In Article 6, paragraph 2 is replaced by the following:***

***"2. After the period laid down in paragraph 1 and until 30 November 2009, the Council may designate additional fishing protected areas, or change their delimitation and management rules established therein, on the basis of new relevant scientific information.***

***From 1 December 2009, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, on a proposal from the Commission, shall designate additional fishing protected areas, or change their delimitation and management rules established therein, on the basis of new relevant scientific information."***

Or. en

### *Justification*

*Since the designation of fishing protected areas does not fall under Article 43 (3) TFEU, a provision according to the Council the power to take such a decision on its own is contrary to the new system established by the Treaty of Lisbon. The decision on the designation of additional EU fishing protected areas should be taken by the co-legislators. Article 6 (1) has been left untouched since it is seen as purely historic, the two-year deadline having expired.*

## Amendment 15

### Proposal for a regulation – amending act

#### Article 1 – point 1b (new)

Regulation (EC) No 1967/2006

#### Article 7 – paragraphs 4 and 5

***(1b) Article 7 is amended as follows:***

***(a) Paragraph 4 is replaced by the following:***

***"4. If the Commission considers that the fisheries management measures notified pursuant to paragraph 3 are not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the measure within three months from the date of notification of the request.***

***If the Commission considers that the Member State's fisheries management measures have not been changed, or have been amended inappropriately, and are still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts in accordance with Article 30a, designating a fishing protected area or laying down fisheries management measures in respect of the waters concerned."***

***(b) Paragraph 5 is replaced by the following:***

***"5. Where a Member State proposes to designate a fishing protected area within its territorial waters that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that designation.***

***The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed designation within 15 working days from the date of notification of the proposed designation.***

***After considering any such comments submitted, the Commission shall be***

***empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the designation within 15 working days from that date of notification of the proposed designation."***

Or. en

### *Justification*

*It seems appropriate to inverse the order of paragraphs 4 and 5. Since the designation of fishing protected areas does not fall under Article 43 (3) TFEU, a provision according to the Council the power to take such a decision alone is contrary to the system established by the Treaty of Lisbon. The Commission should be empowered to adopt delegated acts if the Member State's measures are considered to be insufficient. In the case of fishing protected areas liable to affect the vessels of another Member State, the Commission should also be empowered to intervene by means of delegated acts.*

### **Amendment 16**

#### **Proposal for a regulation – amending act**

#### **Article 1 – point 2, point ba (new)**

Regulation (EC) No 1967/2006

Article 13 – paragraph 11 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

***(ba) In Article 13 (11), subparagraph 4 is replaced by the following:***

***"If the Commission, on the basis of the notifications provided by Member States in accordance with subparagraphs 2 and 3, or of new scientific advice, considers that the conditions for a derogation are not met, it may, after having consulted the Member State concerned, request it to amend the derogation within three months from the date of the notification of the request. If the Commission considers that the Member State has not amended the derogation, or has amended it inappropriately, the Commission shall be empowered to adopt delegated acts in accordance with Article 30a, amending the derogation in order to ensure the protection of resources and of the***

*environment."*

Or. en

*Justification*

*Since the decision over derogations concerning the use of trawl nets in areas close to the coast does not fall under Article 43 (3) TFEU, a provision according to the Council the power to take such a decision on its own is contrary to the new system established by the Treaty of Lisbon. The mechanism should be similar to the one proposed for Article 7(4) - the current Article 7 (5) -, i.e. delegated acts should be used by the Commission if the Member State's measures are insufficient.*

**Amendment 17**

**Proposal for a regulation – amending act**

**Article 1 – point 2a (new)**

Regulation (EC) No 1967/2006

Article 14 -paragraph 3

*Text proposed by the Commission*

*Amendment*

***(2a) In Article 14, paragraph 3 is deleted.***

Or. en

*Justification*

*Since the Council has not taken any decision concerning transitional measures before 31 May 2010, this paragraph has become unnecessary. By deleting it, any theoretical possibility of the Council taking a decision after that date is excluded.*

**Amendment 18**

**Proposal for a regulation – amending act**

**Article 1 – point 2b (new)**

Regulation (EC) No 1967/2006

Article 18 -paragraph 1 - subparagraph 1 - introductory phrase

*Text proposed by the Commission*

*Amendment*

***(2b) In the first subparagraph of Article 18 (1), the introductory phrase is replaced by the following:***

***"1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, on a proposal from the Commission, shall adopt management plans for specific Mediterranean fisheries, in particular, in areas totally or partially beyond the territorial waters of Member States. These plans may, in particular, include:"***

Or. en

*Justification*

*Since the adoption of management plans for specific fisheries does not fall under Article 43 (3) TFEU, a provision according to the Council the power to take such a decision on its own is contrary to the new system established by the Treaty of Lisbon.*

**Amendment 19**

**Proposal for a regulation – amending act**

**Article 1 – point 2c (new)**

Regulation (EC) No 1967/2006

Article 19 – paragraphs 8 and 9

*Text proposed by the Commission*

*Amendment*

***(2c) Article 19 is amended as follows:***

***(a) Paragraph 8 is replaced by the following:***

***"8. If the Commission, on the basis of the notification referred to in paragraph 7 or of new scientific advice, considers that a management plan adopted under either paragraph 1 or paragraph 2 is not sufficient to ensure a high level of protection of resources and the environment, it may, after consulting the Member State concerned, request it to amend the plan within three months from the date of notification of the request.***

***If the Commission considers that the Member State's management plan has not been changed, or has been amended***



*inappropriately, and is still not sufficient to ensure a high level of protection of resources and of the environment, it shall be empowered to adopt delegated acts, in accordance with Article 30a, amending the management plan in order to ensure the protection of the resources and of the environment."*

*(b) Paragraph 9 is replaced by the following:*

*"9. Where a Member State proposes to adopt a management plan that is liable to affect the vessels of another Member State, it shall notify the Commission, that other Member State and the Regional Advisory Council concerned, before adopting that management plan.*

*The Member States and Regional Advisory Council concerned may submit their written comments to the Commission on the proposed management plan within 15 working days from the date of notification of the proposed adoption.*

*After considering any such comments submitted, the Commission shall be empowered to adopt delegated acts, in accordance with Article 30a, that confirm, cancel or amend the plan within 15 working days from that date of notification of the proposed management plan."*

Or. en

#### *Justification*

*It seems appropriate to inverse the order of paragraphs 8 and 9. Since the decision on the amendment of a management plan for fisheries in territorial waters does not fall under Article 43 (3) TFEU, the Council cannot take such a decision on its own. The Commission should be empowered to adopt delegated acts if the Member State's management plan is considered to be insufficient. In the case of management plans that are liable to affect the vessels of another Member State, the Commission should also be empowered to intervene by means of delegated acts.*

## **Amendment 20**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4a (new)**

Regulation (EC) No 1967/2006

Article 28

*Text proposed by the Commission*

*Amendment*

***(4a) Article 28 is deleted.***

Or. en

#### *Justification*

*An explicit reference to the applicable procedure is not appropriate, since Article 43 (2) of the TFEU applies automatically where its conditions are fulfilled. It results from the judgement of the Court of Justice of the European Union of 6 May 2008 in Case C-133/06 that secondary legal bases are not permitted under Union law.*

## **Amendment 21**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 4b (new)**

Regulation (EC) No 1967/2006

Article 29

*Text proposed by the Commission*

*Amendment*

***(4b) Article 29 is deleted.***

Or. en

#### *Justification*

*As no implementing powers would remain in place, a reference to the old comitology procedure or to the new Regulation (EU) No 182/2011 on implementing powers is unnecessary.*

## **Amendment 22**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 5**

Regulation (EC) No 1967/2006

Article 30

*Text proposed by the Commission*

*Amendment*

**(5) Article 30 is replaced by the following:**

**(5) Article 30 is deleted.**

***The Annexes shall be amended by means of delegated acts adopted in accordance with Article 30a.***

Or. en

*Justification*

*The Annexes should be amended only by the co-legislators. The current Article 30 providing for a comitology procedure should be deleted. Co-decision then applies automatically to the modification of the Annexes.*

**Amendment 23**

**Proposal for a regulation – amending act**

**Article 1 – point 6**

Regulation (EC) No 1967/2006

Article 30a (new) – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The ***delegation of powers*** referred to in Articles 4(5), 13(5) and (10), the first subparagraph of Article 26(3), the second subparagraph of Article 27(3), ***Article 30, Annex I(B)(3) and Annex II(7)*** shall be conferred for ***an indeterminate*** period of ***time*** from ***the date of the entry into force of this Regulation***.

2. The ***power to adopt delegated acts*** referred to in Articles 4(5), ***7(4) and (5)***, 13(5) and (10), ***the fourth subparagraph of Article 13(11), Article 19(8) and (9)***, the first subparagraph of Article 26(3) ***and*** the second subparagraph of Article 27(3) shall be conferred ***on the Commission*** for a period of ***three years*** from ...\*. ***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. 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.***

---

\* ***OJ please insert the date of the entry***

*into force of this Regulation.*

Or. en

*Justification*

*It seems more appropriate to limit the delegation in time and to oblige the Commission to report on its exercise in order to have a regular evaluation and questioning of the use of the delegation.*

**Amendment 24**

**Proposal for a regulation – amending act**

**Article 1 – point 7**

Regulation (EC) No 1967/2006

Annex I – section B – point 3

*Text proposed by the Commission*

3. Square mesh panels may be inserted into any towed net and shall be placed in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end. It shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing. ***Detailed rules for further technical specifications of square mesh panels shall be established by means of delegated acts adopted in accordance with Article 30a.***

*Amendment*

3. Square mesh panels may be inserted into any towed net and shall be placed in front of any extension piece or at any point between the front of any extension piece and the posterior of the cod-end. It shall not be obstructed in any way by either internal or external attachments. It shall be constructed of knotless netting or of netting constructed with non-slip knots, and shall be inserted in such a way that the meshes remain fully open at all times while fishing.

Or. en

*Justification*

*The Annexes should be amended only by the co-legislators.*

## **Amendment 25**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 7a (new)**

Regulation (EC) No 1967/2006

Annex I – section B – point 4

*Text proposed by the Commission*

*Amendment*

***(7a) Annex I section (B) point 4 is deleted.***

Or. en

*Justification*

*The Annexes should be amended only by the co-legislators.*

## **Amendment 26**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 7b (new)**

Regulation (EC) No 1967/2006

Annex I – section B – point 5

*Text proposed by the Commission*

*Amendment*

***(7b) Annex I section (B) point 5 is replaced by the following:***

***"5. The carrying on board or the use of any towed net the cod-end of which is constructed wholly or in part of any type of netting material made of meshes other than square mesh or diamond mesh shall be prohibited."***

Or. en

*Justification*

*The Annexes should be amended only by the co-legislators.*

## **Amendment 27**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 8**

Regulation (EC) No 1967/2006

Annex II – point 7

*Text proposed by the Commission*

*Amendment*

***(8) In Annex II, point 7 is replaced by the following:***

***(8) In Annex II, point 7 is deleted.***

***7. Technical specifications limiting the maximum dimension of floatline, groundrope, circumference or perimeter of trawl nets along with the maximum number of nets in multi-rig trawl nets may be established by the Commission by means of delegated acts adopted in accordance with Article 30a.***

Or. en

*Justification*

*The Annexes should be amended only by the co-legislators.*

## EXPLANATORY STATEMENT

### The general context

The Treaty of Lisbon has introduced a new hierarchy of norms comprising three levels. At the first level are the legislative acts which are adopted by the legislators in accordance with the ordinary legislative procedure, where the European Parliament and the Council decide as equal co-legislators (see Article 294 of the Treaty on the Functioning of the European Union - TFEU), or in accordance with special legislative procedures. Furthermore, the legislator 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 (so-called delegated acts, defined in Article 290 (1) of the TFEU), which form the second level of norms. Legally binding Union acts may also confer implementing powers on the Commission where uniform conditions for implementing these Union acts are needed. On that basis the Commission adopts so-called implementing acts (see Article 291 of the TFEU), constituting the third level.

The choice of which type of act to use is not always clear cut. Delegated acts and implementing acts, compared to legislative acts, have the advantage of providing the possibility to react swiftly to a new situation. Whereas the ordinary legislative procedure and the use of delegated acts guarantee the participation of Parliament on an equal footing with the Council, the use of implementing acts entails the *de facto* exclusion of Parliament, since its right of scrutiny does not oblige the Commission to follow Parliament's position.

### The Commission proposal

In the context of the alignment of Regulation (EC) No 1967/2006 to the new rules of the TFEU, the Commission has prepared a draft proposal classifying the powers currently conferred to the Commission by that Regulation into measures of delegated nature and measures of implementing nature. The changes proposed concern only the types of acts to be adopted and do not modify the content of the measures.

The Commission did not align the Regulation in all its aspects to the TFEU, but concentrated on the provisions where a direct reference was made to the old comitology procedure contained in Council Decision No 1999/468/EC, deciding in each case whether the measure should be adopted as a delegated or as an implementing act.

### The rapporteur's view

Regulation (EC) No 1967/2006 is one of the first acts in the fisheries sector to be aligned to the new system of delegated and implementing acts. It is therefore of particular importance to find a legally well-founded solution safeguarding Parliament's rights created by the Treaty of Lisbon.

The rapporteur is globally satisfied with the choices made by the Commission where it proposes changes. In one case where the Commission has not proposed delegated acts (Article 26, paragraph 5), the rapporteur understands the Commission's reasoning, namely the fact that

in Article 26, paragraph 5, the Commission does not dispose of a margin of discretion when allocating fishing capacity. It is thus merely applying the criteria fixed in the Regulation, and not supplementing it.

However, concerning the adoption of amendments to the Annexes, the rapporteur does not agree with the Commission's proposal. The Annexes constitute in fact an essential part of Regulation (EC) No 1967/2006 and should be amended only by the European Parliament and the Council together according to the ordinary legislative procedure. This also applies to the special provisions in the Annexes currently giving power to the Commission to adopt further technical specifications or to grant authorisations (Annex I section B points 3, 4 and 5 and Annex II point 7). Such specifications and authorisations should, if necessary, be decided upon by the co-legislators.

Moreover, the rapporteur is of the opinion that where delegated acts are proposed, the delegation should be limited in time in order to allow for a regular evaluation of its use.

The main part of the amendments proposed by the rapporteur are based on the fact that while the Commission's suggestions of alignment are selective, the rapporteur believes that Parliament should use this occasion to request the full alignment of this Regulation to the changes introduced by the Treaty of Lisbon. This applies mainly to the provisions giving the Council the power to take decisions which should, since the entry into force of the Treaty of Lisbon, be adopted according to the ordinary legislative procedure. Leaving these references to the old consultation procedure intact would endanger the institutional achievements of the Treaty of Lisbon in the fisheries sector and create legal uncertainty, casting doubt on Parliament's qualities as a legislator.

In most of these cases, the rapporteur suggests using delegated acts, in some cases legislative acts. Where Member States have to adopt national measures which are later scrutinised by the Commission, the rapporteur suggests that the Commission be empowered to adopt delegated acts if the Member State's measures are not deemed satisfactory, thereby supplementing the basic act. Concerning the adoption of national measures (designation of fishing protected areas and adoption of management plans) that might affect vessels of other Member States, the rapporteur also suggests using delegated acts, while keeping most of the elements of the procedure which is currently applicable. As to the designation of additional fishing protected areas occurring essentially beyond the territorial seas of Member States (Article 6 (2)) and the designation of management plans in areas totally or partially beyond such territorial waters (Article 18), the rapporteur supports the use of the ordinary legislative procedure.

Several provisions mention deadlines for the adoption of specific measures. The rapporteur understands that fixing new deadlines would open discussions on the substance of Regulation (EC) No 1967/2006, which is not the subject of the present alignment operation. Since deleting these provisions might give the impression of approving inaction by the bodies in question, the rapporteur accepts leaving these provisions intact, which she considers as purely historic, i.e. without any possibility of being applied after expiration of the deadlines they contain. This is the case in particular for Articles 6 (1) and 25 of Regulation (EC) No 1967/2006. However, as to Article 14 (3), it could be interpreted as meaning that the Council may even after the expiration of the deadlines mentioned in Article 14 (1) and (2) extend these deadlines. In order to exclude any such decision by the Council, the rapporteur suggests



deleting this provision.

Generally, the rapporteur would like to express her wish to see an improvement in the state of enforcement of Regulation (EC) No 1967/2006 and calls on Member States to increase their efforts to implement it. The rapporteur hopes that with the reform of the Common Fisheries Policy, a new regionalised framework will quickly allow to find an appropriate regulatory solution for the Mediterranean Sea accepted by Member States and stakeholders, taking account of the specificities of this sea basin, but at the same time effectively ensuring the sustainability of the fisheries and the protection of the resources and of the environment. The conservation component being essential, it should appear in the title of Regulation (EC) No 1967/2006.