

**Question for oral answer O-000017/2012
to the Commission**

Rule 115

Gabriel Mato Adrover

on behalf of the Committee on Fisheries

Subject: Measures in the TAC and Quotas Regulation for 2012 exceeding the scope of Article 43(3) TFEU

On 16 December 2011, the Council reached a political agreement on the fixing of fishing opportunities for the following year – the third ‘TAC and quotas’ Reg. to be adopted since the entry into force of the TFEU, on the basis of Art. 43(3) thereof. The procedure provided for in this art., which does not involve Parliament, can only be applied to the mere ‘fixing and allocation of fishing opportunities’ to the exclusion of all other measures aimed at the pursuit of the objectives of the CFP, which must be adopted in accordance with the OLP as specified in Art. 43(2). However, for the third consecutive year, the Commission has chosen to propose, and the Council has chosen to adopt, in the framework of the TAC and quotas Reg., measures which clearly exceed the scope of those which it is possible to adopt on the basis of Art. 43(3), including important technical measures, such as prohibition or restriction zones and periods, restricted fishing depths, and specific requirements related to fishing gears.

1. As Article 43(2) TFEU providing for the ordinary legislative procedure is the legal basis for all measures pursuing the objectives of the CFP, Article 43(3) remains an exception and should thus be interpreted strictly. How can the Commission justify a broad interpretation of Article 43(3) that extends it to cover items other than the mere fixing and allocation of fishing opportunities, in particular measures previously categorised as technical measures within the meaning of Article 4(2)(1)(g) of Council Regulation (EC) No 2371/2002?
2. On the basis of which provision(s) in the TFEU can the Commission justify the insertion in Recital 3 of the TAC and quotas Regulation of a reference to ‘certain conditions functionally linked (...) to (the fixing and allocation of fishing opportunities)’?
3. Is it the Commission's intention to keep including measures going beyond the mere ‘fixing and allocation of fishing opportunities’ in future TAC and quotas regulations adopted on the basis of Article 43(3)?
4. Is the Commission genuinely committed to ensuring that whichever new procedures might be put into place in the framework of the ongoing CFP reform, the adoption of this type of technical measures will be fully in line with the TFEU and respect the prerogatives of Parliament?

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Forwarded: 30.1.2012

Deadline for reply: 6.2.2012