

EUROPEAN PARLIAMENT

2004



2009

Committee on Fisheries

2004/2129(INI)

24.11.2004

OPINION

of the Committee on Fisheries

for the Committee on Constitutional Affairs

on Draft Treaty establishing a Constitution for Europe
(2004/2129(INI))

Draftsman: Ian Stewart Hudghton

SUGGESTIONS

The Committee on Fisheries calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the recognition given in the draft Constitution to the principle of subsidiarity and notes that, in the field of fisheries, the imminent establishment of Regional Advisory Councils may be regarded as being in keeping with this important constitutional principle, as well as being an important step towards the return of fisheries management to more localised decision-making;
2. Regrets that the draft Constitution deals with fisheries largely as ancillary to agriculture and that no acknowledgement is given of the special characteristics of fisheries which, by their inherent nature, are primarily of importance to communities and economies of coastal regions and Member States;
3. Further regrets the fact that this failure to recognise the special characteristics of fisheries gives non-fisheries dependent regions and Member States a disproportionate influence in fisheries management matters;
4. Considers that nothing in the draft Constitution should prevent Member States from taking further measures to conserve fish stocks, provided that such measures apply only to vessels flying their flag and are compatible with, and no less stringent than, the provisions of the Common Fisheries Policy;
5. Regrets the fact that, whereas the European Union's exclusive competence over marine biological resources had previously been a matter of secondary Community law as established in the *Kramer* case of 1976, the draft Constitution envisages this exclusive competence becoming a matter of primary Constitutional law;
6. Considers that, within the context of the other exclusive competences of the EU which are detailed in the draft Constitution, the inclusion of the conservation of marine biological resources is anomalous and unjustified;
7. Welcomes the fact that, following approval of the Constitution for Europe, the co-decision procedure will apply to fisheries legislation.

PROCEDURE

Title	Draft Treaty establishing a Constitution for Europe
Procedure number	2004/2129(INI)
Committee responsible	AFCO
Enhanced cooperation	no
Drafts(wo)man Date appointed	Ian Stewart Hudghton 22.9.2004
Discussed in committee	4.10.2004 24.11.2004
Date suggestions adopted	24.11.2004
Result of final vote	for: 23 against: 0 abstentions: 4
Members present for the final vote	Stavros Arnaoutakis, Elspeth Attwooll, Luis Manuel Capoulas Santos, Giorgio Carollo, David Casa, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Antonio De Poli, Carmen Fraga Estévez, Ioannis Gklavakis, Ian Stewart Hudghton, Heinz Kindermann, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Neil Parish, Sérgio Ribeiro, Struan Stevenson, Catherine Stihler, Margie Sudre, Daniel Varela Suanzes-Carpegna
Substitutes present for the final vote	Simon Coveney, Duarte Freitas, Henrik Dam Kristensen
Substitutes under Rule 178(2) present for the final vote	Ilda Figueiredo, Satu Hassi, Manuel Medina Ortega