P7\_TA(2013)0343

Amendment of Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound \*\*\*I

Committee on Fisheries

PE508.045

European Parliament legislative resolution of 10 September 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound (COM(2012)0591 – C7-0332/2012 – 2012/0285(COD))

(Ordinary legislative procedure: first reading)

*The European Parliament*,

– having regard to the Commission proposal to Parliament and the Council (COM(2012)0591),

– 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 (C7‑0332/2012),

– 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 11 July 2012[[1]](#footnote-1),

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on Fisheries (A7-0259/2013),

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.

**P7\_TC1-COD(2012)0285**

**Position of the European Parliament adopted at first reading on 10 September 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the 'European Economic and Social Committee[[2]](#footnote-2),

Acting in accordance with the ordinary legislative procedure[[3]](#footnote-3),

Whereas:

(1) Council Regulation (EC) No 2187/2005[[4]](#footnote-4) confers powers upon the Commission in order to implement some of the provisions of that Regulation.

(2) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred upon the Commission under Regulation (EC) No 2187/2005 need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

(3) Implementing powers should be conferred on the Commission in order to ensure uniform conditions for the implementation of Regulation (EC) No 2187/2005 as regards measures taken by Member States which apply only to fishing vessels flying their flag.

(4) Powers to adopt detailed rules for the implementation of Regulation (EC) No 2187/2005 are no longer required. The provision conferring those powers should therefore be deleted.

(5) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend rules concerning the construction of the certain gears. Such amendments should reflect changes occurring in the selectivity patterns of the fishery, new technical knowledge on materials for construction or changes in the rigging of the gear which may enhance gear selectivity.

(6) It is of particular importance that the Commission should carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level. When preparing and drawing-up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(7) Regulation (EC) No 2187/2005 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2187/2005 is amended as follows:

(1) In Article 26, paragraph 5 is replaced by the following:

"5. If the Commission concludes that the measures do not comply with the conditions laid down in paragraph 1 it shall adopt an implementing ~~decision~~ ***act*** requiring the Member State to withdraw or modify the measures." **[Am. 1]**

(2) Article 28 is deleted.

(3) Article 29 is replaced by the following:

"Article 29
Amendments to Appendices 1 and 2 of Annex II

The Commission shall be empowered to adopt delegated acts in accordance with Article 29a to amend or supplement Appendices 1 and 2 of Annex II by adapting specifications of the gear to:

(a) changes in selectivity;

(b) improvements in technical knowledge on new materials for gear construction;

(c) changes to rigging that enhance gear selectivity."

(4) The following Article is inserted:

"Article 29a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission, subject to the conditions laid down in this Article.

2. The ~~delegation of~~ power ***to adopt delegated acts*** referred to in Article 29 shall be conferred on the Commission for ~~an indeterminate~~ ***a*** period of ~~time~~ ***three years*** ***from …[[5]](#footnote-5)\*.*** ***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 an extension not later than three months before the end of each period***. **[Am. 2]**

3. The delegation of powers referred to in Article 29 may be revoked by the European Parliament or by the Council at any time. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as the Commission adopts a delegated act, it shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 29 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

***(4a)*** ***The following Article is inserted:***

***"Article 31a
Overall assessment and review***

***By …[[6]](#footnote-6)\*, the Commission shall review the effectiveness of the measures laid down in this Regulation, and, where appropriate, submit a legislative proposal to the European Parliament and to the Council for the amendment of this Regulation in order to ensure that it is compatible with Regulation (EU) No .../2013 of the European Parliament and of the Council1.***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***1 Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the Common Fisheries Policy (OJ L ...).[[7]](#footnote-7)\*\*"***

**[Am. 3]**

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

*For the European Parliament For the Council*

*The President The President*

1. OJ C 44, 15.2.2013, p. 157. [↑](#footnote-ref-1)
2. OJ C 44, 15.2.2013, p. 157. [↑](#footnote-ref-2)
3. Position of the European Parliament of 10 September 2013. [↑](#footnote-ref-3)
4. Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery through technical measures in the Baltic Sea, the Belts and the Sound**, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98** (OJ L 349, 31.12.2005, p. 1). [↑](#footnote-ref-4)
5. \* ***Date of entry into force of this Regulation.*** [↑](#footnote-ref-5)
6. \* ***One year after the entry into force of Regulation (EU) No .../2013 [on the Common Fisheries Policy] (see document 2011/0195(COD)).*** [↑](#footnote-ref-6)
7. \*\* ***Reference to the document in 2011/0195(COD).*** [↑](#footnote-ref-7)