

**Opinion of the European Economic and Social Committee on the ‘Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy’**

COM(2013) 09 final — 2013/0007 (COD)

(2013/C 198/11)

Rapporteur working alone: **Mr Sarró IPARRAGUIRRE**

On 5 February 2013, the European Parliament and the Council decided to consult the European Economic and Social Committee, under Article 43(2) and Article 304 of the Treaty on the Functioning of the European Union, on the

*Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy*

COM(2013) 09 final – 2013/0007 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, appointed Mr Sarró Iparraguirre rapporteur and adopted its opinion on 25 March 2013.

At its 489th plenary session, held on 17 and 18 April 2013 (meeting of 17 April), the European Economic and Social Committee adopted the following opinion by 177 votes with 10 abstentions.

## 1. Conclusions and recommendations

1.1 The EESC considers that the amendment to Regulation (EC) No 1224/2009 is necessary, in order to bring it into line with the Treaty on the Functioning of the European Union (TFEU).

1.2 The Committee believes that a number of essential aspects, which are discussed in this opinion, should be adopted by implementing acts and not by delegating acts.

## 2. Background

2.1 Regulation (EC) No 1224/2009 establishes a Community control system to ensure compliance with the rules of the common fisheries policy (CFP).

2.2 This regulation empowers the Commission to apply some of the provisions contained therein.

2.3 The TFEU makes a distinction between the powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act (delegated acts, Article 290(1)), and the powers conferred upon the Commission to adopt uniform conditions for implementing legally binding Union acts (implementing acts, Article 291(2)).

2.4 Given the need, therefore, to adapt Regulation (EC) No 1224/2009 to the TFEU’s new rules on decision-making, the European Commission has put forward a proposal to amend the regulation. This opinion analyses the proposal, which reclassifies the powers conferred on the Commission into delegated powers or implementing powers.

## 3. Analysis of the proposal

3.1 The proposal identifies the powers conferred upon the Commission in Council Regulation (EC) No 1224/2009 and classifies these as delegated or implementing powers.

3.2 It also adapts certain provisions to the decision-making procedures set out in the TFEU.

3.3 It does so by amending 66 articles of Regulation (EC) No 1224/2009.

3.4 Analysing the proposal is therefore extremely complex, because the amendment of these 66 articles consists of some two hundred amendments to Regulation (EC) No 1224/2009, conferring on the Commission powers to adopt delegated and implementing acts.

3.5 Powers to adopt delegated acts shall be conferred for an indeterminate period of time and may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect 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.

3.6 Delegated acts shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months on the initiative of the European Parliament or the Council.

3.7 The Commission shall be assisted in these procedures by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002.

3.8 The EESC has in its opinions supported empowering the Commission to adopt delegated control acts with a view to ensuring compliance with CFP rules.

3.9 The Committee considers however, that where this proposal is concerned, given the high number of amendments to Regulation (EC) No 1224/2009, prior consensus with the Member States should be secured on the content and scope of all the amendments that have been tabled.

#### 4. Specific comments

4.1 The general approach of the TFEU is that essential aspects of legislation should be adopted by implementing acts, while non-essential aspects should be adopted by delegated acts.

4.2 Having analysed the proposal, the EESC considers that at least the aspects of any measure on:

— prior notification and transshipment;

— the adoption of changes to the way and frequency for data transmission to the Commission for quotas and fishing effort;

— exemptions for certain fleets from the obligation to submit sales notes;

— the adoption of rules on stowage plans and;

— the determination of fisheries subject to specific control and inspection programmes;

should not, given their importance, be adopted by delegated acts but by implementing acts.

4.3 Lastly, the Committee wishes to express its surprise at the fact that the power to adopt a delegated act may be withdrawn at any time from the Commission on a matter over which it is recognised to have authority and yet this does not entail the automatic repeal of the delegated act that has already been adopted on the matter.

Brussels, 17 April 2013.

*The President*  
*of the European Economic and Social Committee*  
Henri MALOSSE

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