

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 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011

COM(2010) 488 final — 2010/0255(COD)

(2011/C 84/10)

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On 7 and 8 October 2010 respectively, the Council and the European Parliament decided to consult the European Economic and Social Committee, under Article 43(2) 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 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011

COM(2010) 488 final — 2010/0255(COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 15 December 2010.

At its 468th plenary session, held on 19 and 20 January 2011 (meeting of 19 January), the European Economic and Social Committee adopted the following opinion by 82 votes, *nem con* with one abstention.

1. Conclusions and recommendations

1.1 In view of the fact that the temporary technical measures provided for in Council Regulation (EC) No 1288/2009 will cease to be applicable on 30 June 2011, the European Economic and Social Committee considers that the aforementioned Regulation should be amended to extend its validity until 1 January 2013 in accordance with the Proposal for a Regulation of the European Parliament and of the Council contained in COM(2010) 488 final of 23 September 2010.

1.2 In the absence of provisions laying down permanent technical measures, the adoption of this proposal for a regulation will guarantee legal certainty and the conservation of marine resources until 1 January 2013, when the new common fisheries policy, establishing the basic principles on technical measures, is due to enter into force.

1.3 The Committee suggests that, in the text of the proposal for a regulation, the European Parliament and the Council consider replacing '2010' with '2011' in paragraph 1(b)(i) of the Sole Article, which refers to Article 1(2)(a)(i) of Regulation (EC) No 1288/2009, in relation to points 9.3, 9.6 and 9.8.

2. Background

2.1 On 4 June 2008, the Commission submitted a proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures ⁽¹⁾.

2.2 The European Economic and Social Committee issued an opinion on this proposal for a regulation, which, following the relevant procedures, was approved by the Committee's 451st plenary session on 25 February 2009 ⁽²⁾.

2.3 The Commission's processing of the regulation corresponding to this proposal for a regulation was hindered in 2009 by the negotiations on the adoption of the Lisbon Treaty.

2.4 In the intervening period, and in view of its urgency, Regulation (EC) No 43/2009, establishing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, was adopted ⁽³⁾.

2.5 In the meantime, and while the proceedings for the Council Regulation on technical measures continued during 2009, the measures provided for in Annex III of the aforementioned Regulation (EC) No 43/2009 ceased to apply, since their period of application had come to an end.

2.6 For this reason, for reasons of legal certainty and to maintain the proper conservation and management of marine resources, Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 ⁽⁴⁾ was adopted, providing for the continuation of temporary technical measures catered for in Annex III to Regulation (EC) No 43/2009 for a transitional period of 18 months.

⁽¹⁾ COM(2008) 324 final.

⁽²⁾ OJ C 218, 11.9.2009.

⁽³⁾ OJ L 22, 26.1.2009, p.1.

⁽⁴⁾ OJ L 347, 24.12.2009, p.6.

2.7 In view of the new requirements of the Lisbon Treaty, in 2010 the Commission withdrew the proposal for a Council Regulation concerning the conservation of fisheries resources through technical measures.

2.8 Basic principles on technical measures would be considered by the new basic regulation for the ongoing reform of the common fisheries policy, for which the proposal is expected to be presented during the third quarter of 2011, for entry into force on 1 January 2013.

2.9 Given that Regulation (EC) No 1288/2009 will expire on 30 June 2011 and there is no current legal act to provide for permanent technical measures, it is appropriate to extend the validity of this regulation for another 18 months, until 1 January 2013.

2.10 The result of the above is the proposal for a Regulation of the European Parliament and of the Council, the subject of this draft EESC opinion, amending Council Regulation (EC) No 1288/2009, extending it by 18 months until 1 January 2013.

3. The EESC's comments

3.1 The EESC endorses the text of the proposal for a regulation, since its provisions extend the application of Regulation (EC) No 1288/2009 to the new date of 1 January 2013, which will guarantee legal certainty and the conservation of marine resources until permanent technical measures are adopted.

3.2 However, in relation to paragraph 1b)i) of the Sole Article, the EESC considers that the European Parliament and the Council should consider also extending the time limit of 1 October 2010 for the Member States under Regulation (EC) No 1288/2009, to 1 October 2011, to enable their relevant scientific institutions to present their scientific reports on fishing at depths greater than 600 metres in ICES zones VIII, IX and X.

3.3 The reason for this request is that, as a result of a series of incidents during this legislative process, mentioned in point 2 of this opinion, the Member States have not been allowed sufficient time to carry out the scientific investigations required to be able to present a properly documented report on this type of fishing to the Scientific, Technical and Economic Committee for Fisheries.

Brussels, 19 January 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON
