



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Fisheries

2012/2323(INI)

10.9.2013

OPINION

of the Committee on Fisheries

for the Committee on Legal Affairs

on follow-up on the Delegation of Legislative Powers and the Control by
Member States of the Commission's Exercise of Implementing Powers
(2012/2323(INI))

Rapporteur: Antolín Sánchez Presedo

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SUGGESTIONS

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

1. Emphasises that the choice of the correct legal instrument (legislative, delegated or implementing act) is not only a technical question; points out that in fact it is of the utmost importance to ensure that the legislature assumes full responsibility with regard to the essential elements and to the effective scrutiny of political decisions; notes that it can also be of considerable importance for the balance of power, the correctness and proper functioning of the decision-making process and the enforcement of policies, such as the common fisheries policy, that these various instruments are used in a way that complies with the criteria set out in the Treaty; stresses that the European Parliament should consequently pay particular attention to these aspects;
2. Points out the importance of the coherent approach taken within the European Parliament by the Conference of Presidents concerning the choice of legal instrument and of the methods of scrutiny; in that respect, considers that this process should be relied on and further developed in order to build upon the existing *acquis*, to facilitate coordination and to organise the follow-up;
3. Proposes that, in each parliamentary committee, the Chair, one of the Vice-Chairs or a relevant Member should be charged with supporting Members and guaranteeing coherence regarding delegated and implementing acts in coordination with the other committees; points out that the rapporteur for the basic act should automatically become the rapporteur for its follow-up and should report periodically to the committee; points out as well that functional organisation will be needed within the secretariats if scrutiny is to be effective, and recommends, further, that an item given over to follow-up of delegated acts be included on committee agendas;
4. Stresses that scrutiny is essential inasmuch as it enables Parliament to lay down predetermined criteria which, if fulfilled, would rule out the possibility that it would object to a delegated act;
5. Calls on the Commission to make the publication of its acts more transparent, enabling Parliament and European citizens alike to gain access to them; suggests, to that end, that the Commission create an IT tool with a view to setting up a database in which acts could be recorded in a form lending itself to democratic scrutiny;
6. Deplores the fact that, in the field of the common fisheries policy, as in other fields in which the co-decision procedure was not introduced until the entry into force of the current Treaty and the Regulatory Procedure with Scrutiny was previously not used, the process of aligning pre-Lisbon legislation with the new legal framework comprising legislative, delegated and implementing acts is facing considerable difficulties – entailing lengthy and dangerous delays – and is even stagnating, with the result that measures needed urgently in the fisheries sector cannot be implemented, and that the reason for this situation often lies in the Council's unwillingness to acknowledge and make effective use of the delegation of powers to the Commission to adopt delegated acts under Article 290 of the Treaty on the Functioning of the European Union (TFEU);

7. Maintains that the alignment of fisheries policy necessitated by the Treaty of Lisbon must not lead the Commission to assume powers exceeding the bounds of that Treaty; points out that the authorisation granted to the Commission to adopt delegated acts is not meant to be 'open-ended', but rather must be limited in time by agreement (as a rule, powers of this kind are delegated for three years);
8. Considers that the process of aligning pre-Lisbon fisheries and related legislation with the new legal framework should be fully concluded during the current parliamentary term;
9. Invites the Commission and the Council to engage in further negotiations with Parliament in order to find a common understanding on the interpretation and use of, and follow-up to, Articles 290 and 291 of the TFEU, in particular a workable demarcation between delegated and implementing acts, possibly with unquestionable specific examples of powers that are classified as legislative, delegated or implementing;
10. Recalls the importance of the delegation of executive powers to the Commission in certain policy areas in order to avoid micro-management and a heavy and lengthy co-decision procedure;
11. Stresses that the choice of instrument also has consequences as regards the follow-up control of the delegated power; supports, therefore, the line taken by the Conference of Presidents to opt for delegated acts in cases where the choice of conferral applying the rules of the Treaty of the Functioning of the European Union is not evident;
12. Is of the opinion that Parliament and the Council of Ministers lose credibility in the eyes of EU citizens if important policies cannot be introduced because the two institutions cannot agree among themselves on which administrative procedure is to be used.

RESULT OF FINAL VOTE IN COMMITTEE

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| Date adopted | 5.9.2013 |
| Result of final vote | +: 21 -: 0 0: 0 |
| Members present for the final vote | John Stuart Agnew, Antonello Antinoro, Kriton Arsenis, Chris Davies, Carmen Fraga Estévez, Dolores García-Hierro Caraballo, Marek Józef Gróbarczyk, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Nils Torvalds, Jarosław Leszek Wałęsa |
| Substitute(s) present for the final vote | Jean Louis Cottigny, Iñaki Irazabalbeitia Fernández, Jens Nilsson, Nikolaos Salavrakos |
| Substitute(s) under Rule 187(2) present for the final vote | Jan Kozłowski |