



**COUNCIL OF
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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 21 May 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: Report from the Commission to the European Parliament and the Council on
the exercise of the delegation conferred on the Commission pursuant to
Regulation (EU) No 1236/2010 of the European Parliament and of the Council
of 15 December 2010 laying down a scheme of control and enforcement
applicable in the area covered by the Convention on future multilateral
cooperation in the North-East Atlantic fisheries

Delegations will find attached Commission document COM(2013) 287 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

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(EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010
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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

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1. INTRODUCTION

The Convention on Future Multilateral Cooperation in North-East Atlantic fisheries¹ to which the European Union is a Contracting Party aims to ensure the long term conservation and optimum utilisation of the fishery resources of the North East Atlantic area, providing sustainable, environmental and social benefits.

For the purpose of ensuring the application of this Convention, the North-East Atlantic Fisheries Commission (NEAFC) adopted a recommendation, at its Annual Meeting on 15 November 2006, establishing a scheme of control and enforcement (the Scheme) applicable to all vessels used or intended for use for fishing activities conducted on fishery resources in areas defined in the Convention.

Regulation (EU) No 1236/2010² lays down the general rules and conditions for the application by the Union of the Scheme adopted by NEAFC. It foresees certain specific control measures to monitor fishing activities in the area covered by the Convention on Future Multilateral Cooperation in North-East Atlantic fisheries and supplements the control measures provided for in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, and in Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.

Regulation (EU) No 1236/2010 empowered the Commission to adopt delegated acts in respect of detailed rules supplementing certain elements therein (Article 46(1)), and in respect of amending a number of provisions of the regulation concerning certain expressly defined non-essential elements in order to incorporate into Union law future amendments to the provisions of the Scheme (Article 51).

2. LEGAL BASIS

The present report is a requirement under Article 47(1) of Regulation (EU) No 1236/2010. Pursuant to this provision, the delegation is conferred on the Commission for a period of 3

¹ Approved by the Council in Decision 81/608/EEC (OJ L 227, 12.8.1981, p.21).

² Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement in the area covered by the Convention on Future Multilateral Cooperation in North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p.17).

years from 1 January 2011 and the Commission is required to make a report in respect of the delegated powers at the latest 6 months before the end of the three-year period.

3. EXERCISE OF THE DELEGATION

The Commission adopted two delegated acts, one in respect of detailed rules supplementing certain elements provided for in Regulation (EU) No 1236/2010, and the other in respect of the incorporation into Union law of certain amendments to the provisions of the Scheme which became obligatory to the Union. In both cases, the exercise of the empowerment responds to the need to adapt the EU rules to changes adopted by the NEAFC. In the absence of any other decisions by NEAFC to introduce changes relating to the elements listed in Articles 46 or 51, the Commission has had no need to use the empowerment beyond the two cases detailed below.

3.1. Delegated act supplementing Regulation (EU) No 1236/2010

According to Article 10 of Regulation (EU) No 1236/2010, Member States are to inform the Commission monthly of the quantities of fishery resources caught in the NEAFC Area by vessels flying their flag. To this end, the list of fishery resources to be reported should be established. NEAFC adopted Recommendation 2:2011 in November 2010 establishing the list of fisheries resources. The recommendation is binding for the Contracting Parties to NEAFC and consequently for the Union.

Pursuant to Article 46(1) of Regulation (EU) No 1236/2010, the Commission is empowered, by means of delegated acts, to adopt the list of fishery resources referred to in Article 10(1). Commission Delegated Regulation (EU) No 32/2012 of 14 November 2011 supplementing Regulation (EU) No 1236/2010 established the list of fishery resources as adopted in NEAFC Recommendation 2:2011.

The Expert Group Fisheries Control was consulted on the draft delegated regulation during its meeting of 13 September 2011. The delegated act was adopted on 14 November 2011 and notified to the European Parliament and to the Council. Neither the European Parliament nor the Council issued any objection to the delegated act within the period of 2 months provided for in Article 49(1) of Regulation (EU) No 1236/2010. On the expiry of that period, the delegated act was published in the Official Journal of the EU³ and entered into force on 24.01.2012.

3.2. Delegated act amending Regulation (EU) No 1236/2010

At its Annual Meeting in November 2011, NEAFC adopted Recommendation 9:2012 amending Article 14 of the Scheme on the communication of reports and messages to the NEAFC Secretary. This provision of the Scheme had been incorporated into Union law through Article 12 of Regulation (EU) No 1236/2010.

Under Article 51 (d) of Regulation (EU) No 1236/2010, the Commission is empowered, by means of delegated acts, to amend the provisions of this Regulation concerning communication of information to the NEAFC Secretary as referred to in Article 12.

³ OJ L 13, 17.1.2012, p.1.

Commission Delegated Regulation (EU) No 603/2012 of 30 April 2012 amending Regulation (EU) No 1236/2010 transposed the amendment of Article 14 of the Scheme into Union law by amending Article 12 of Regulation (EU) No 1236/2010 accordingly.

The Expert Group Fisheries Control was consulted on the draft delegated regulation during its meeting of 23 March 2012. The delegated act was adopted on 30 April 2012 and notified to the European Parliament and to the Council. Neither the European Parliament nor the Council issued any objection to the delegated act within the period of 2 months provided for in Article 49(1) of Regulation (EU) No 1236/2010. On the expiry of that period, the delegated act was published in the Official Journal of the EU⁴ and entered into force on 8.07.2012.

4. CONCLUSION

The Commission has properly exercised its delegated powers and invites the European Parliament and the Council to take notice of this report.

⁴ OJ L 177, 7.7.2012, p.9.