



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 September 2013

12904/13

**Interinstitutional File:
2012/0201 (COD)**

**CODEC 1873
PECHE 340
PE 372**

INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council
amending Council Regulation (EC) No 1100/2007 establishing measures for the
recovery of the stock of European eel
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 September 2013)

I. INTRODUCTION

The Committee on Fisheries tabled seventeen amendments to the proposed Regulation (amendments 1 - 17). In addition, the ALDE political group tabled one amendment (amendment 19)

¹.

¹ A further amendment (amendment 18) was tabled but then withdrawn before the vote.

II. DEBATE

The Rapporteur, Mrs Isabella LÖVIN (Greens/EFA - SE), opened the debate, which took place on 11 September 2013, and:

- emphasised the drastic and worrying decline in the population of eels in European waters;
- noted that the eel population has continued to decline since the entry into force of the 2007 Regulation;
- quoted from the latest report on eels from the International Council for the Exploration of the Sea (ICES), which states that the restocking of eels is unlikely to contribute to a significant recovery in the European eel population. She further noted that many Member States' eel recovery plans rely heavily on eel restocking, which is currently conducted without any guidelines or criteria regarding the survival of glass eels, and/or without conditions to allow silver eels to escape to the Sargasso Sea to spawn;
- summarised the two changes currently being proposed to the 2007 Regulation, namely that the Commission should present a report on the effectiveness of restocking as a conservation measure, and that the Commission is to be asked to submit a new legislative proposal by 31 March 2014 that is likely to save the European eel;
- called on the Council not to try to bury the Regulation along with all the other long-term management plans, because of the different interpretations of allocation of fishing opportunities. Since the current proposal does not contain any allocations of fishing opportunities, she expressed the hope that there would be swift progress on the proposal following the Parliament's vote;
- argued that the survival of European eels is not the only issue at stake. Also at issue is the credibility of the EU as a serious international player promoting sustainable fisheries and even imposing trade sanctions on third countries that allow unsustainable fisheries. After all, the European eel is listed as an acutely endangered species and falls under the CITES Convention; and
- argued that it would not be enough to stick to simple 'Lisbonisation'. Future generations will not understand the logic of merely making a simple legal adjustment to this Regulation, which governs the fate of an entire species.

Commissioner DAMANAKI:

- recalled that the objective of the proposal is to bring the 2007 regulation into line with the Treaty rules on delegated and implementing acts;
- welcomed the fact that the Committee on Fisheries had agreed with most of the Commission's proposed changes to the 2007 regulation;
- noted that some of the members of the Committee on Fisheries had expressed their concern that the Regulation was not effective in protecting eels. The Rapporteur had just repeated this concern in her introductory speech. The Commissioner understood that the Parliament would prefer a more comprehensive review of the current rules, extending beyond the scope of the Commission's proposal;
- reaffirmed the Commission's commitment to ensuring that European eel stocks recover, but stressed the need for proper preparation. The Commission is still analysing the recently received latest ICES assessment of the implementation by the Member States of the Eel Management Plans. The Commission is also looking forward to the annual ICES eel stock assessment in November 2013. The Commission needs these assessments in order to proceed. This advice will also include an evaluation of the Eel Regulation and of its consistency with the precautionary approach;
- stated that the Commission will, on the basis of this scientific and technical data, report to the Parliament and the Council before the end of 2013 on the implementation and effectiveness of the Eel Management Plans. The Commission will consider on the basis of this report whether amendments to the Eel Regulation are necessary in order to improve the recovery of the eel stock; and
- assured the Parliament of the Commission's commitment to ensuring the sustainability of the eel stock.

Speaking on behalf of the EPP political group, Mr Werner KUHN (EPP - DE):

- recognised that the proposal was intended to bring delegated and implementing acts into line with the Lisbon Treaty, but also stressed the poor state of European eel stocks;
- emphasised the existence of an unlikely black market in glass eels. An effective export ban must be introduced;
- called for the eel management plans, which many Member States have already established, to be applied further;
- called for due account to be taken of the fact that eels can be - and are - farmed. Excessive change is therefore to be avoided; and
- stressed the importance of waiting for the evaluation due by the end of the year of how the management plan has been implemented. Further reflection will be in order after that.

Speaking on behalf of the S&D political group, Mr Jens NILSSON (S&D - SE):

- stressed the need to create the right conditions for the recovery of eel stocks on the basis of scientific data;
- opposed a total ban on eel fishing as this would undermine the incentive for voluntary measures and also remove the release option;
- noted the Committee on Fisheries had called on the Commission to submit a new proposal based on the latest scientific evidence; and
- stated that it was already clear that Member States will have to contribute more than they have contributed in the past.

Speaking on behalf of the ALDE political group, Mr Pat the Cope GALLAGHER (ALDE - IE):

- recognised the current dire plight of European eel stocks;
- recalled that the 2007 regulation requires Member States to implement individual management plans to achieve the objective of restoring eel stocks to sustainable levels. He stressed the word 'sustainable';
- regretted the fact that the Irish management plan had introduced a complete ban on eel fishing affecting the Shannon, the Corrib and Lough Erne. This ban is extremely unfair for the fishermen concerned, because they have received no compensation for the loss of income. The ban is also extremely questionable, because the Irish eel stock continued to decline in the period 2009-11;
- referred to the eels that were destroyed by the Ardnacrusha hydroelectric station on the Shannon, despite the best efforts of the Electricity Supply Board;
- pointed to the Lough Neagh Fishermen's Cooperative Society as a positive example of how to manage the stock in a sustainable way;
- noted that his political group had reintroduced one amendment (amendment 19), which had been narrowly defeated in the Committee on Fisheries. The amendment calls on Member States to consider support for fishermen to help them diversify in the event of any Member State deciding to ban eel fishing; and
- reminded the Commissioner of her commitment in the Committee on Fisheries on 10 July 2013 that she would take the action needed in relation to North-East Atlantic mackerel. The decision was to have been taken and the notification was to have been issued before the summer break. Nothing had yet been heard from the Commission.

Speaking on behalf of the ECR political group, Mr Marek GRÓBARCZYK (ECR - PL):

- noted that the currently existing scientific data does not give a clear and unanimous explanation of why eel stocks have fallen;
- highlighted the faulty working of the coding system used to report the quantities of eels caught by individual Member States. These results are not consistent with Eurostat's consolidated statistics. Erroneous or non-existent data have formed the basis for fisheries management; and
- noted that the Commission has increased fishing quotas for pelagic fish in the Baltic and warned that this will do grave damage to the Baltic ecosystem and to small fishermen. He called on the Commission to take appropriate action to redress this.

Speaking on behalf of the EUL/NGL political group, Mr Mikael GUSTAFSSON (EUL/NGL - SE) called for a total ban on eel fishing until stocks are fully recovered. The only question is when, not if.

Speaking on behalf of the EFD political group, Mr Bastiaan BELDER (EFD - NL) argued that closing down eel fisheries would not help the eel population. Turbines and pumping stations are the cause for the decline in eel stocks. Dutch fishermen help to place eels in the sea under a 2012 scheme.

Mr Gabriel MATO ADROVER (EPP - ES) recognised the disastrous decline in the eel population, but also stressed the need to be consistent with the 2007 regulation. Anything more than a simple amendment of the 2007 regulation to bring delegated and implementing acts into line with the Lisbon Treaty would require full and proper consultation.

Mr Struan STEVENSON (ECR - UK):

- emphasised the dire state of European eel stocks. Eels are being killed at every stage of their life cycle. Glass eels are bought and sold at the same price per kilo as gold. Elvers cannot get into fresh water because of the construction of offshore renewables in river mouths and estuaries as well as because of traditional hydroelectric schemes and water pumping stations. Adult eels cannot get back into the sea in order to return to the Sargasso Sea; and
- welcomed the Commissioner's undertaking earlier in the debate to take very tough action to produce measures that will protect the eel.

Mr Alain CADEC (EPP - FR):

- highlighted the many reasons for the decline in eel stocks and argued that the fishing industry should not be scape-goated for this. Regulating fishermen would not be sufficient or appropriate. Eels' habitats also need to be restored, but the Committee had not proposed amendments to that end. Fishermen make a significant contribution to restoring eel stocks. French fishermen have, for example, made great efforts and sacrifices to meet targets for the reduction of eel mortality. The French eel fishing fleet has been halved since 2006. Action has to be taken to reduce prices;
- recognised the need to remain vigilant, but argued that there is no urgent need to revise the 2007 regulation before the publication of the report on the implementation of the management plans. That would be putting the cart before the horse; and
- called on the Parliament to limit its amendments to those needed to align the existing regulation with articles 290 and 291 of the Treaty.

Mrs Isabelle THOMAS (S&D - FR):

- recognised the serious state of European eel stocks;
- stated that EU scientific institutions do not always agree with local scientific expertise or with the observations of fishermen in certain regions;
- stressed the urgent need to carry out an exhaustive and authoritative evaluation of the state of eel stocks. Since most Member States are late in transmitting their data, it is unfortunately becoming necessary to prepare sanctions to oblige recalcitrant Member States to cooperate - so that fishermen will not have to pay the price of ignorance;
- recalled the many sacrifices which most fishermen have made;
- noted that, at present, eel mortality is regulated solely through fishing limits - even though it is well known that the quality of estuarial and coastal waters has a decisive impact on eels; and
- argued that there is an urgent need for the Commission to revise the 2007 regulation, taking due account of the latest data, adopting a holistic approach and at the same time maintaining a framework that uses stable management plans to ensure security for fishermen.

Mr James NICHOLSON (ECR - UK) and Mrs Martina ANDERSON (EUL/NGL - UK):

- called for a proper impact assessment based on independent scientific evidence before the Commission proposes any substantial change to the existing regulation; and
- referred to the constructive work of the Lough Neagh Fisherman's Cooperative.

Mr João FERREIRA (EUL/NGL - PT)

- stressed the need to allocate sufficient funding to support this legislation;
- argued that the current system encourages illegal fishing; and
- called for particular attention to be paid to helping elvers.

Commissioner DAMANAKI once more took the floor and:

- repeated the point that the Commission's proposal is intended simply to align the 2007 regulation to the Lisbon Treaty and not to alter its substance;
- nonetheless recognised that there are many indications that European eel stocks are not faring well. The Commission would take such concerns on board; and
- recalled that the Commission had asked its scientists to assess the Member States' management plans, the reporting system and other elements mentioned during the debate. The Commission is currently waiting for this assessment, which it will then analyse. The Commission would then report back to the Parliament and Council by the end of the year with an assessment of past results and of actions needed to improve the situation of the stock.

The Rapporteur once more took the floor and:

- cautioned the MEPs from Northern Ireland that it is very difficult to use the word 'sustainable' in the context of eel fisheries, because there is just one single European eel stock. Individual fishermen may consider themselves to be fishing sustainably, but the overall European eel stock has declined by 99%. Furthermore, there are no criteria for, or monitoring of, the conditions of restocking;
- stated that the Parliament is calling for an evaluation of the restocking measures. ICES has expressed great concern over restocking and whether it actually contributes to eel stock recovery;
- expressed her respect for the EPP political group's desire to limit the current proposal to Lisbon alignment, but noted that the EPP had actually favoured some very substantial non-alignment changes in the context of the proposal to realign the Baltic cod management plan in accordance with the Lisbon Treaty;
- thanked the Commissioner for understanding that the situation is urgent and requires some additional elements in the eel recovery plan; and
- expressed her agreement with those who want to address the illegal export from the EU of glass eels, but also stressed the equal need to prevent this trade within the EU.

III. VOTE

When it voted on 11 September 2013, the plenary adopted 16 amendments (amendments 1-7 and 9-17). No other amendments were adopted. The Parliament also adopted its legislative resolution.

The text of the Parliament legislative resolution is annexed to this note. The legislative resolution does not set out the adopted amendment itself, but rather the Parliament's first-reading position - which is the text of the Commission's proposal as modified by the amendment ¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text. The symbol "||" indicates changes of a linguistic or clerical nature.

Measures for the recovery of European eel stocks ***I

European Parliament legislative resolution of 11 September 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1100/2007 establishing measures for the recovery of the stock of European eel (COM(2012)0413 – C7-0202/2012 – 2012/0201(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0413),
 - 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 (C7-0202/2012),
 - 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 14 November 2012¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0242/2013),
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.

Amendment 1

Proposal for a regulation **Recital -1 (new)**

Text proposed by the Commission

Amendment

(-1) Based on information to be provided by Member States, the Commission should produce a report on the outcome

¹ Not yet published in the Official Journal.

of the implementation of the Eel Management Plans and, if necessary, propose, as a matter of urgency, appropriate measures to achieve, with a high probability, the recovery of the European eel.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) As a consequence of *that* entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1100/2007 upon the Commission need to be aligned to **Articles 290 and 291** of the Treaty on the Functioning of the European Union.

Amendment

(2) As a consequence of *the* entry into force of the Lisbon Treaty, the powers conferred under Regulation (EC) No 1100/2007 upon the Commission need to be aligned to **Article 291** of the Treaty on the Functioning of the European Union.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to apply certain provisions of Regulation (EC) No 1100/2007, 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 in respect of taking measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes.

Amendment

(3) In order to apply certain provisions of Regulation (EC) No 1100/2007, 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 in respect of taking measures to address a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, based on latest scientific advice and scientific recommendations, especially at expert level, so as to ensure that the information***

available to it will be impartial, accurate, complete, and up to date. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous and timely transmission of relevant documents to the European Parliament and to the Council.

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

deleted

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) In order to ensure uniform conditions for the implementation of the provisions of Regulation (EC) No 1100/2007 concerning the approval of Eel Management Plans by the Commission on the basis of technical and scientific *data*, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing

Amendment

(6) In order to ensure uniform conditions for the implementation of the provisions of Regulation (EC) No 1100/2007 concerning the approval of Eel Management Plans by the Commission on the basis of *the best and most recent technical and scientific information available*, implementing powers should be conferred upon the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of

powers.

implementing powers.

Amendment 6

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) ICES should provide new and more comprehensive advice on the status of eel stocks in 2013. In preparing such advice, ICES should look at all the causes of reduction in the eel stocks, including in relation to spawning grounds. In the event that ICES confirms that the status of the eel stock remains critical, the Commission should as soon as possible submit a proposal for a new regulation on the recovery of the stock of European eel. That Regulation should also cover long-term solutions, such as ways to unblock migratory pathways.

Amendment 7

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) It is important that the Commission penalise Member States which have not forwarded or analysed all the data available to them in order to enable an exhaustive and scientifically sound inventory of the situation regarding European eel to be drawn up.

Amendment 9

Proposal for a regulation

Article 1 – point 1 a (new)

Regulation (EC) No 1100/2007

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

(1a) In Article 2, paragraph 1 is replaced by the following:

“1. Member States shall identify and define the individual river basins lying within their national territory that constitute natural habitats for the European eel (eel river basins), which may include maritime waters. [...]”

Amendment 10

Proposal for a regulation

Article 1 – point 1b (new)

Regulation (EC) No 1100/2007

Article 2 – paragraph 10

Text proposed by the Commission

Amendment

(1b) In Article 2, paragraph 10 is replaced by the following:

“10. In the Eel Management Plan, each Member State shall implement as soon as possible appropriate measures to reduce the mortality of eel caused by factors outside the fishery, including hydroelectric turbines and pumps. Further measures shall be taken where necessary to reduce mortality caused by other factors in order to meet the targets of the Plan.”

Amendment 11

Proposal for a regulation

Article 1 – point 3a (new)

Regulation (EC) No 1100/2007

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(3a) In Article 5, paragraph 4 is replaced by the following:

"4. A Member State which has submitted an Eel Management Plan to the Commission for approval not later than 31 December 2008, which cannot be approved by the Commission in accordance with paragraph 1 or which does not comply with the reporting and evaluation conditions set out in Article 9, shall either reduce fishing effort by at least 50 % relative to the average effort deployed from 2004 to 2006 or reduce fishing effort to ensure a reduction in eel catches by at least 50 % relative to the average catch from 2004 to 2006, either by shortening the fishing season for eel or by other means. This reduction shall be implemented within three months of the decision not to approve the plan or within three months of failure to meet a reporting deadline."

Amendment 12

Proposal for a regulation

Article 1 – point 3b (new)

Regulation (EC) No 1100/2007

Article 5 – paragraph 7 (new)

Text proposed by the Commission

Amendment

(3b) In Article 5, the following paragraph is added:

"7. Starting on 1 January 2014, all Eel Management Plans shall be revised and updated every two years, taking into

consideration the latest scientific advice."

Amendment 13

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1100/2007

Article 7 – paragraphs 6 and 7

Text proposed by the Commission

6. In the event of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission, by means of delegated acts adopted in accordance with Article 12a and in order to address the situation, may temporarily reduce the percentages of eels used for restocking as referred to in paragraph 2.

7. The Commission shall, not later than 31 December **2012**, report to the European Parliament and the Council and evaluate the measures concerning restocking *including* the evolution of market prices.

Amendment

6. In the event of a significant decline of average market prices for eels used for restocking, as compared to those of eels used for other purposes, the Member State concerned shall inform the Commission. The Commission, by means of delegated acts adopted in accordance with Article 12a and in order to address the situation, may temporarily reduce the percentages of eels used for restocking as referred to in paragraph 2 *where the Eel Management Plan complies with Article 2(4)*.

7. The Commission shall, not later than 31 December **2013**, report to the European Parliament and the Council and evaluate the measures concerning restocking, *taking into account the latest scientific advice on the conditions in which restocking is likely to contribute to an increase of the spawning stock biomass. In such report, the Commission shall review* the evolution of market prices.

Amendment 14

Proposal for a regulation

Article 1 – point 4a (new)

Regulation (EC) No 1100/2007

Article 7 – paragraph 8

(4a) In Article 7, paragraph 8 is replaced by the following:

"8. Restocking shall be deemed to be a conservation measure for the purposes of Article 38(2) of Regulation (EU) XX/XXXX [EMFF], provided that:

– it is part of an Eel Management Plan established in accordance with Article 2,

– it concerns eels [...] caught and managed using methods and equipment that guarantee the lowest possible mortality during catch, storage, transport and breeding,

– it takes place in areas affording a high probability of survival and migration,

- it contributes to the achievement of the 40 % target level of escapement as referred to in Article 2(4), and

– the eels are quarantined in order to prevent the spread of any diseases or parasites."

Amendment 15

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 1100/2007

Article 9

(5) In Article 9, paragraph 3 is deleted.

(5) Article 9 is replaced by the following:

"Article 9

Reporting and evaluation

1. Member States shall collect research data in order to quantify the impact of measures taken on the eel stock, find mitigation measures and recommend management targets. Member States shall

report to the Commission initially every third year, with the first report to be presented by 30 June 2012 *and shall make the information available to designated scientific bodies. Thereafter, the frequency of reporting shall increase to once every two years, after the first tri-annual report has been submitted.*

Reports shall outline monitoring, implementation, effectiveness and outcome, and in particular shall provide the best available estimates of:

(a) for each Member State, the proportion of the silver eel biomass that escapes to the sea to spawn, or the proportion of the silver eel biomass leaving the territory of that Member State as part of a seaward migration to spawn, relative to the target level of escapement set out in Article 2(4);

(b) the level of fishing effort that catches eel each year, and the reduction effected in accordance with Articles 4(2) and 5(4);

(c) the level of mortality factors outside the fishery, and the reduction effected in accordance with Article 2(10);

(d) the amount of eel of less than 12 cm in length caught and the proportions of this utilised for different purposes;

(e) *the survival rate of restocked eels, whether during fishing, transport, restocking or escapement to the Sargasso sea to spawn;*

(f) *the identification, on a voluntary basis, of the spawning grounds of the eels caught.*

2. The Commission shall *present to the Parliament and the Council, by 31 October 2013, a report consisting of a statistical and scientific evaluation of the results of the implementation of the eel management plans, along with an opinion from the STECF. Based on the findings of that report, the Commission may submit proposals to broaden the scope of the Regulation to include eel*

mortality factors other than fishery.

3. The Commission shall, no later than 31 December 2013, present an evaluation of Union and international trade in European eels, that focuses, in particular, on compliance with the obligations of the Union under CITES, and an estimation of illegal trade in European eels in Member States. Such report shall identify inconsistencies in the different data sets available and suggest measures to improve monitoring of trade, including a modification of the existing custom codes to allow for more effective monitoring."

Amendment 16

Proposal for a regulation

Article 1 – point 5 a (new)

Regulation (EC) No 1100/2007

Article 9a (new)

Text proposed by the Commission

Amendment

(5a) The following article is inserted:

"Article 9a

Follow-up measures

Taking into consideration the findings in the reports referred to in Article 7(7) and Article 9(2) and (3), as well as any new and more comprehensive advice provided by ICES on the status of the European eel stock in 2013, the Commission shall, no later than 31 March 2014, present a new legislative proposal to the Parliament and to the Council aimed at achieving, with high probability, the recovery of the stock of European eel. In doing so, the Commission may consider ways of broadening the scope of this Regulation to include mortality caused by factors outside the fisheries."

Amendment 17

Proposal for a regulation

Article 1 – point 6

Regulation (EC) No 1100/2007

Article 12a – paragraph 2

Text proposed by the Commission

2. The *delegation of powers* referred to in Article 7 (6) shall be conferred for *an indeterminate* period of *time*.

Amendment

2. The *power to adopt delegated acts* referred to in Article 7(6) shall be conferred *on the Commission* for a period of *three years starting from...**. *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 extension not later than three months before the end of each period.*

**OJ: please insert the date of entry into force of this Regulation.*