

RESOLUTION APPROVED BY THE COMMITTEE ON COMMUNITY ACT COM  
(2010) 176 FINAL SUBMITTED FOR A REASONED OPINION ON SUBSIDIARITY  
(DOC. XVIII, No 41)

The Senate Ninth Standing Committee, having considered pursuant to Article 144 of the Regulation the proposal for a Council Decision laying down rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof,

Whereas

The subject of the act under consideration, received from the European Commission and subject to the procedure referred to in Article 6 of Protocol 2 on the "application of the principles of subsidiarity and proportionality", is an agreement between the European Union and Greenland for the purpose of allowing the latter to market in the European Union specific fishery products and other aquatic species originating from the territory in question or introduced into Greenland by other non-European countries;

Procedurally, it should first of all be pointed out that the legal relationship between the European Union and Greenland is primarily based on Articles 198-204 of the Treaty on the Functioning of the European Union (TFEU) and also on OCT Decision 2006/526/EC, governing relations between the European Union and overseas countries and territories (OCT), among which Greenland is included pursuant to Article 355 of the TFEU;

These provisions provide for European Union support for the countries referred to, for the purpose of promoting their economic and social development and establishing close economic relations, including access to the Community market free of customs duties, under certain conditions;

Having regard to Article 36 of Decision No 2001/822/EEC;

Having regard also to the health problems which the import of products from third countries may cause, regardless of the control procedures laid down by the Community act in question;

The fishing industry in Italy and other Mediterranean countries is in a very difficult situation, in response to which it is necessary to adopt suitable and urgent measures;

EXPRESSES, pursuant to Article 6 of Protocol 2 on the "application of the principles of subsidiarity and proportionality", a negative reasoned opinion on the conformity of the act in question with the principles of subsidiarity and proportionality, for the following reasons:

- The possibility for Greenland to introduce fishery products into the European Union must be restricted to products originating from there, thus excluding products imported into Greenland by non-European countries. With regard to the aspects concerning subsidiarity, it is pointed out that in the case in point the action at the level of the European Union does not present those "clear benefits" which a proper application of the principle of subsidiarity should bring, in view also of the negative effects on economic and social cohesion in the territories of many EU Member States which could be caused by the import of products not originating from Greenland.

- With regard to the principle of proportionality, it must be pointed out that this (referred to in Article 5 of the EU Treaty) requires that the action of the Union does not go beyond what is necessary in order to achieve the objectives which have been given to it by the Treaty. In the case in point, the purpose of the preferential regime for Greenland and the overseas countries and territories is, pursuant to Articles 198 *et seqq.* of the Treaty on the Functioning of the European Union (TFEU), to promote the economic and social development of the countries and territories and to establish close economic relations between them and the European Union, under certain conditions. It therefore follows that the possibility for Greenland to introduce into the European Union fishery products not originating there but imported from other countries goes beyond the purpose of the Treaty and cannot therefore be accepted in compliance with the principle of proportionality. This possibility does not seem to be justified either by the aim of promoting the economic and social development of that country or, even less so, by that of establishing close economic relations between it and the European Union, because these are products which in fact come from other countries and which by being imported into Greenland would be subject to the regulatory provisions governing the internal market of the Union.

- As for the rules contained in the act in question, it is noted that the introduction of products from third countries, imported by Greenland which then introduces them into the territory of the Union, raises serious concern, also because it could set a precedent for the entire fishery and agrifood industry, with obvious adverse repercussions on employment. This measure should therefore be avoided, also in view of the serious situation of fishing in the European countries of the Mediterranean or, alternatively, it should be deferred until the end of a suitable transitional period.