

Letter from: Mr Renato Schifani, President of the Senate of the Republic, Rome, Italy

To: Mr José Manuel Barroso, President of the European Commission

Date: Rome, 29 September 2010

Ref.: 321/OC

Encl.: 1

I am pleased to enclose the resolution adopted by the Committee for European Union Policies of the Senate of the Italian Republic following its examination of the proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2187/2005 as regards the prohibition of highgrading and restrictions on fishing for flounder and turbot in the Baltic Sea, the Belts and the Sound (COM(2010)325 final).

This resolution contains comments on the compliance of this act with the principles of subsidiarity and proportionality.

SENATE OF THE REPUBLIC

XVITH TERM

Doc. XYIII-*bis*
No 15

RESOLUTION OF THE 14TH STANDING COMMITTEE

(European Union Policies)

(*Rapporteur* SANTINI)

approved at the session of 22 September 2010

CONCERNING THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL AMENDING COUNCIL REGULATION (EC) NO 2187/2005 AS
REGARDS THE PROHIBITION OF HIGHGRADING AND RESTRICTIONS ON
FISHING FOR FLOUNDER AND TURBOT IN THE BALTIC SEA, THE BELTS
AND THE SOUND (COM(2010)325 FINAL)**

pursuant to Article 144(1), (5) and (6) of the Rules of Procedure

Communicated to the President's Office on 28 September 2010

The Committee, having examined document COM(2010)325 final,

whereas, owing to its main distinctive characteristics, namely being a shallow sea with low salinity, the Baltic Sea is a fragile ecosystem, meaning that supervisory activity by the European Union is necessary to guarantee the sustainability of fishing in this area;

whereas the coast of the Baltic Sea is the responsibility of Member States of the Union, with the exception of Russia, with which the Union has bilateral fishing agreements;

having regard to European legislation in relation to the conservation of fishery resources and the possibility of fishing in the Baltic Sea region, and in particular Council Regulation (EC) No 2187/2005 of 21 December 2005 and Council Regulation (EC) No 1226/2009 of 20 November 2009;

whereas the proposal under examination does not introduce amendments to the legislation in force but simply incorporates the technical measures contained in section A of Annex III to Regulation (EC) No 1226/2009, in respect of the fishing opportunities for 2010, into Regulation (EC) No 2187/2005, which is of permanent nature,

within the area of its remit, comments favourably on the proposal, highlighting the following points:

the proposal appears to be in line with the principle of subsidiarity, since it aims exclusively to preserve fish stocks and this aspect of the common fisheries policy falls within the exclusive competence of the European Union (Article 3(1)(d) of the Treaty on the Functioning of the European Union - TFEU);

the proposal is in line with the principle of proportionality as the measures proposed are in line with the objectives of the proposal;

with regard to the legal basis for the proposal, which is given as Article 43(2) of the TFEU, this provision lays down only that, in relation to the common fisheries policy, the Union is to act in accordance with the ordinary legislative procedure. This provision, which was introduced by the Lisbon Treaty, does not seem sufficient to cover the rationale for the proposal and in particular Recital 3 to the proposal, which states that, following the entry into force of the Lisbon Treaty, there is a need to move the technical measures out of the regulatory framework establishing annual fishing opportunities (Regulation (EC) No 1226/2009) and incorporate them into Regulation (EC) No 2187/2005. In addition, referring again to Recital 3, it is not clear why the other technical measures contained in sections B and C of Annex III to Regulation (EC) No 1226/2009, which contain derogations from the provisions of Regulation (EC) No 2187/2005, have not also been incorporated into the latter. With a view to better lawmaking in the European Union, it may perhaps have been appropriate for the proposal to come with a more in-depth technical report providing additional information to make the legislative measure easier to understand;

as a general point, it is stressed that it is important for Italy that technical agreements be reached between the European Union and the countries with Mediterranean coastlines which are capable of safeguarding the interests of European fishers operating in that area.