

Suggestion for amendment of Article I-12, Paragraph 1 4th indent

By Mr : MacCormick, Neil

Status : - Alternate

Delete this indent, that is, delete the words indicated:

The Union shall have exclusive competence ... in the following areas :

- ...
 - ...
 - ...
 - ~~the conservation of marine biological resources under the common fisheries policy~~ |
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Explanation

This is, in effect, a re-tabling of an earlier amendment.

At the moment, the powers of the Community (in future, “the Union”) over marine resource conservation depend on secondary law, currently Regulation 2371/2002, of which Article 1(1) states the scope of the common fisheries policy with reference to the ‘conservation, management, and exploitation of living aquatic resources ...’

The Treaty provisions concerning fisheries are quite skeletal, being found only in present Article 32 (1), which is restated as Article III-116 of the present Draft. This has the effect of tacking ‘fisheries’ on to agriculture.

There is at present a strong current of opinion that there needs to be a much greater decentralisation of the governance of fisheries and marine resources. Whether this view will prevail or not, it would be totally unacceptable to entrench a part of the present Regulation by creating an exclusive competence that could in turn be changed only by a Constitutional amendment.

The claim that this matter is at present one of exclusive competence is not to the issue. The question is: ‘Shall this become **constitutional** exclusiveness? Shall it be entrenched, rather than left subject to the ordinary legislative process?’ No case has at any time been made for this. What is proposed lacks any warrant in the current treaties, and is a change blatantly introduced with no serious discussion, in a Convention where only a minority of members represents any significant interest in or experience of fisheries. This, be it noted, is a state of affairs that will become the more common the more landlocked Member States the Union welcomes to its membership.

~~the conservation of marine biological resources under the common fisheries policy~~ |

