



EUROPEAN PARLIAMENT

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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny
(COM(2013)0751 – C7-0386/2013 – 2013/0365(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (COM(2013)0751 – C7-0386/2013 – 2013/0365(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0751),
- having regard to Article 294(2) and Articles 43(2), 53(1), 62, 100(2), 114, 168(4), points (a) and (b), 172, 192(1), 207, 214(3) and 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0386/2013),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU) No 182/2011 of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹,
- having regard to the opinion of the European Economic and Social Committee of 16 October 2013²,
- having regard to the letter from the President of the Committee of the Regions to the President of Parliament of 11 October 2013,
- having regard to the Common Understanding on Delegated Acts, as approved on 3 March 2011 by the Conference of Presidents,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission³, in particular point 15 thereof and Annex 1 thereto,
- having regard to its resolution of 5 May 2010 on the power of legislative delegation⁴,
- having regard to the report on follow-up on the delegation of legislative powers and control by Member States of the Commission's exercise of implementing powers, adopted by the Committee on Legal Affairs on 26 November 2013⁵,
- having regard to Rule 55 of its Rules of Procedure,

¹ OJ L 55, 28.02.2011, p. 13.

² Not yet published in the Official Journal.

³ OJ L 304, 20.11.2010, p. 47.

⁴ OJ C 81 E, 15.3.2011, p. 6.

⁵ A7-0435/2013.

- having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Internal Market and Consumer Protection, the Committee on International Trade, the Committee on Industry, Research and Energy, and the Committee on Transport and Tourism (A7-0011/2014),
- A. Whereas the Commission committed itself to assessing by the end of 2012 how many legislative acts containing references to the regulatory procedure with scrutiny remained in force, in order to prepare the appropriate legislative initiatives and thus complete the adaptation to the new legal framework; whereas the announced objective was that, by the end of the seventh term of Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments; whereas the Commission has put forward the proposals fulfilling this commitment, albeit much later than expected;
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 Article 2 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts shall be conferred on the Commission for **an indeterminate** period of **time**.

Amendment

2. The power to adopt delegated acts shall be conferred on the Commission for **a** period of **five years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-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.**

Amendment 2

Proposal for a regulation

Article 2 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, the period for objections shall be three months, which shall be extended by three months at the initiative of the European Parliament or of the Council, with regard to delegated acts adopted pursuant to the regulations listed in points 12^{6a}, 13^{6b}, 14^{6c}, 16^{6d} and 18^{6e} of Section F, and point 21^{6f} of Section G, of Annex I.

^{6a} Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93.

^{6b} Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates.

^{6c} Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination.

^{6d} Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment.

^{6e} Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index.

^{6f} Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC.

Justification

There is an informal agreement between the institutions that due to the highly technical and complex nature of the delegated acts in the ECON area the usual scrutiny period is three months- extendable by further 3 months. This arrangement needs to be reflected in the current Omnibus proposal.

Amendment 3

Proposal for a regulation Annex I – Title – Footnote 7

Text proposed by the Commission

⁷ For information purposes, provisions referring to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with *, provisions referring to the urgency procedure pursuant to Article 3 are indicated in this Annex with ** **and provision** referring to the urgency procedure pursuant to Article 3 and to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with ***.

Amendment

⁷ For information purposes, provisions referring to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with *, provisions referring to the urgency procedure pursuant to Article 3 are indicated in this Annex with **, **provisions** referring to the urgency procedure pursuant to Article 3 and to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with *** **and provisions referred to in the second subparagraph of Article 2(5) are indicated in this Annex with ****.**

Justification

See Amendment 2.

Amendment 4

Proposal for a regulation Annex I – Section A – point - 1 (new)

Text proposed by the Commission

Amendment

-1. Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS)

Article 9(3)*

Amendment 5

Proposal for a regulation Annex I – Section A – point 2

Text proposed by the Commission

Amendment

2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Article 26(7)

Article 27a(5)

Article 35

Article 35

Amendment 6

Proposal for a regulation Annex I – Section A – point 3

Text proposed by the Commission

Amendment

3. Directive No 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory

3. Directive No 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory

framework for electronic communications networks and services (Framework Directive)

Article 13a(4)

framework for electronic communications networks and services (Framework Directive)

Article 9b(3)

Article 10(4)

Article 13a(4)

Article 15(4)

Article 17(6a)

Article 19(4)

Amendment 7

Proposal for a regulation Annex I – Section B – point 4

Text proposed by the Commission

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

Article 3(6)

Article 11(3)

Amendment

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

Article 3(2)

Article 3(6)

Article 11(3)

Amendment 8

Proposal for a regulation Annex I – Section B – point 5

Text proposed by the Commission

5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending

Amendment

5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending

Council Directive 96/61/EC

Article 3d(3)

Article 3f(9)

Article 10(4)

Article 10a(1)

Article 10a(7)

Article 10a(8)

Article 10a(13)

Article 11a(9)

Article 11b(7)

Article 14(1)

Article 15 fifth paragraph

Article 19(3)

Article 22

Article 24(1)b

Article 24(3)

Article 24a(1)

Article 24a(2)

Article 25(2)

Article 25a(1)

Annex IV Part A

Council Directive 96/61/EC

Article 3d(3)

Article 3f(9)

Article 10(4)

Article 10a(1)

Article 10a(7)

Article 10a(8)

Article 10a(13)

Article 11a(8)

Article 11a(9)

Article 11b(7)

Article 14(1)

Article 15 fifth paragraph

Article 16(12)

Article 19(3)

Article 22

Article 24(1)b

Article 24(3)

Article 24a(1)

Article 24a(2)

Article 25(2)

Article 25a(1)

Annex IV Part A

Amendment 9

Proposal for a regulation

Annex I – Section D – point 8

Text proposed by the Commission

8. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Amendment

8. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Article 8(1)a

Article 8(1), *point (a)*

Article 8(1), point (b), in conjunction with Article 9(3)

Amendment 10

Proposal for a regulation Annex I – Section E – point 9

Text proposed by the Commission

9. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

Article 6(7)

Article 8(2)

Article 15

Amendment

9. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

Article 6(5), second subparagraph

Article 6(7)

Article 8(2)

Article 15

Amendment 11

Proposal for a regulation Annex I – Section E – point 10

Text proposed by the Commission

10. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

Article 17(3)

Article 48(2)

Amendment

10. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

Article 17(3)

Article 16(4)

Article 30(6)

Article 46(6)

Article 48(2)

Amendment 12

Proposal for a regulation Annex I – Section F – point 11

Text proposed by the Commission

11. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies

Article 2(1)

Article 3(1)

Article 7(1)

Article 7(3)

Amendment

11. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies

Article 2(1)

Article 3(1)

Article 5(1)

Article 7(1)

Article 7(3)

Amendment 13

Proposal for a regulation Annex I – Section F – point 12 – heading

Text proposed by the Commission

12. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

Amendment

12. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93****

Justification

See Amendment 2.

Amendment 14

Proposal for a regulation Annex I – Section F – point 13 – heading

Text proposed by the Commission

Amendment

13. Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates

13. Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates****

Justification

See Amendment 2.

Amendment 15

Proposal for a regulation

Annex I – Section F – point 14 – heading

Text proposed by the Commission

Amendment

14. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination

14. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination****

Justification

See Amendment 2.

Amendment 16

Proposal for a regulation

Annex I – Section F – point 15

Text proposed by the Commission

Amendment

15. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises

15. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises

Article 5(2)

Article 5(2)

Article 7(3)

Article 8(2)

Article 9(4) as to the adoption of “quality requirements and any measures necessary for assessing or improving the quality”

Article 10(2)

Article 13

Article 7(3)

Article 8(2)

Article 9(4) as to the adoption of “quality requirements and any measures necessary for assessing or improving the quality”

Article 9(4) as to the determination of the "structure of the quality reports"

Article 10(2)

Article 13

Amendment 17

Proposal for a regulation

Annex I – Section F – point 16 – heading

Text proposed by the Commission

16. Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment.

Amendment

16. Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment****

Justification

See Amendment 2.

Amendment 18

Proposal for a regulation

Annex I – Section F – point 17

Text proposed by the Commission

17. Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)

Article 6(2)

Amendment

17. Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)

Article 6(2)

Article 15(5) in conjunction with Article **15(2)(a)** as to "the definition of the list of target primary variables to be included in each area for the cross-sectional component and the list of target variables included in the longitudinal component, including the specification of variable codes"

Article 15(5) in conjunction with Article **15(2)(c)**

Article 15(5) in *conjunction* with Article **15(2)(e)**

Article 15(5) in *conjunction* with Article **15(2)(f)**

Article 8(3)

Article 15(5) in conjunction with *point (a) of Article 15(2)* as to "the definition of the list of target primary variables to be included in each area for the cross-sectional component and the list of target variables included in the longitudinal component, including the specification of variable codes"

Article 15(5) in conjunction with point (a) of Article 15(2) as to the definition of the "technical format of transmission to Eurostat"

Article 15(5) in conjunction with point (b) of Article 15(2)

Article 15(5) in conjunction with *point (c) of Article 15(2)*

Article 15(5) in conjunction with point (d) of Article 15(2)

Article 15(5) in *conjunction* with *point (e) of Article 15(2)*

Article 15(5) in *conjunction* with *point (f) of Article 15(2)*

Amendment 19

Proposal for a regulation Annex I – Section F – point 18 – heading

Text proposed by the Commission

18. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index

Amendment

18. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index*****

Justification

See Amendment 2.

Amendment 20

Proposal for a regulation Annex I – Section F – point 20

Text proposed by the Commission

20. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

Article 1(5)

Article 3(1)

Article 4(3)

Article 5(4)

Article 6(2)(a)

Article 6(2)(b)

Article 6(2)(c) as to the "definition of the proper quality evaluation criteria"

Article 6(2)(d)

Article 8(3)

Annex I section 7, point 1

Annex II section 7, point 1

Amendment

20. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

Article 1(5)

Article 3(1)

Article 4(3)

Article 5(4)

Article 6(2), **point** (a)

Article 6(2), **point** (b)

Article 6(2), **point** (c) as to the "definition of the proper quality evaluation criteria"

Article 6(2), point (c) as to the definition of the "contents of the quality reports"

Article 6(2)(d)

Article 8(3)

Annex I section 7, point 1

Annex II section 7, point 1

Amendment 21

Proposal for a regulation Annex I – Section G – point 21

Text proposed by the Commission

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Amendment

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC****

Article 14(1)

Article 14(1)

Article 14(2)

Justification

This empowerment is linked to the scope of the Directive and closely linked to the Payment services Directive, currently under review. The measures to be adopted under Article 14(2) should be delegated acts, as foreseen for measures under Article 14(1), since they concern acts of general application to supplement certain non-essential elements of the Directive.

Amendment 22

**Proposal for a regulation
Annex I – Section H – point 25**

Text proposed by the Commission

25. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Article 10(2)**

Amendment

25. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Article 10(2)**

Article 10(3)**

Amendment 23

**Proposal for a regulation
Annex I – Section H – point 27**

Text proposed by the Commission

27. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8(b)

Amendment

27. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8, point (a), first indent

Article 8, **point (b)**

Amendment 24

Proposal for a regulation Annex I – section I – point 28

Text proposed by the Commission

28. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products

Article 2 (3)

Article 13 (8)

Article 14 (2)

Article 15 (1)

Article 15 (2)**

Article 16 (8)

Article 16(9)**

Article 20 (2)

Article 31(1) **

Article 31 (2)

Article 31 (3)

Amendment

28. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products

Article 2 (3)

Article 13 (8)

Article 14 (2)

Article 15 (1)

Article 15 (2)**

Article 16 (8)

Article 16(9)**

Article 18(2)

Article 20 (2)

Article 31(1) **

Article 31 (2)

Article 31 (3)

Amendment 25

Proposal for a regulation Annex I – section I – point 29

Text proposed by the Commission

29. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC

Article 8(4) *the* last sentence in conjunction with Article **78(1)(b)**

Amendment

29. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC

Article 8(4), last sentence, in conjunction with **point (b) of Article 78(1)**

Article 17, second subparagraph in

Article 25(3) in conjunction with Article 78(1)(e)

Article 26 in conjunction with Article 78(1)(f)

Article 27(2) in conjunction with Article 78(1)(h)

Article 29(6) first subparagraph, second sentence in conjunction with Article 78(1)(c)

Article 30(3) in conjunction with Article 78(1)(i)

Article 52(4) last subparagraph in conjunction with Article 78(1)(j)

Article 54(5) in conjunction with Article 78(1)(k)

Article 58(2) in conjunction with Article 78(1)(l)

Article 65(1) in conjunction with Article 78(1)(m)

Article 68 third subparagraph in conjunction with Article 78(1)(n)

Article 78(1)(a)

Annex II, point 3.6.5

conjunction with point (d) of Article 78(1)

Article 25(3) in conjunction with *point (e) of Article 78(1)*

Article 26 in conjunction with *point (f) of Article 78(1)*

Article 27(2) in conjunction with *point (h) of Article 78(1)*

Article 29(4) in conjunction with point (g) of Article 78(1)

Article 29(6), first subparagraph, second sentence, in conjunction with *point (c) of Article 78(1)*

Article 30(3) in conjunction with *point (i) of Article 78(1)*

Article 52(4), last subparagraph, in conjunction with *point (j) of Article 78(1)*

Article 54(5) in conjunction with *point (k) of Article 78(1)*

Article 58(2) in conjunction with *point (l) of Article 78(1)*

Article 65(1) in conjunction with *point (m) of Article 78(1)*

Article 68, third subparagraph, in conjunction with *point (n) of Article 78(1)*

Article 78(1), *point (a)*

Annex II, point 3.6.5

Amendment 26

Proposal for a regulation Annex I – section I – point 30

Text proposed by the Commission

30. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation

Amendment

30. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation

(EC) No 1774/2002

Article 5(1)**

Article 5(2)*

Article 6(1)

Article 6(2)*

Article 7(4)

Article 11(2)

Article 15(1)

Article 17(2)

Article 18(3)

Article 19(4)

Article 20(11)

Article 21(6)

Article 27

Article 31(2)

Article 32(3)

Article 40 (a)

Article 40 (b)

Article 40 (f)

Article 42(2) (a)

Article 42(2) (b)

Article 42(2) (c)

Article 43(3)

Article 48(7) (a)

Article 48(7) (b)

(EC) No 1774/2002

Article 5(1)**

Article 5(2)*

Article 6(1)

Article 6(2)*

Article 7(4)

Article 11(2)

Article 15(1)

Article 17(2)

Article 18(3)

Article 19(4)

Article 20(11)

Article 21(6)

Article 27

Article 31(2)

Article 32(3)

Article 40, *point* (a)

Article 40, *point* (b)

Article 40, point (c)

Article 40, point (d)

Article 40, point (e)

Article 40, *point* (f)

Article 41(1)

Article 41(3)

Article 42(2), *point* (a)

Article 42(2), *point* (b)

Article 42(2), *point* (c)

Article 42(2), point (d)

Article 43(3)

Article 45(4)

Article 48(7), *point* (a)

Article 48(7), *point* (b)

Article 48(7), point (c)

Article 48(7) (d)

Article 48(8)

Article 48(7), *point* (d)

Article 48(8)

Amendment 27

Proposal for a regulation

Annex I – Section I – point 31

Text proposed by the Commission

31. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Article 6(2)**

Article 17(4)

Article 20(2)

Article 27(1)

Article 32(4)

Amendment

31. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Article 6(2)**

Article 7(2)

Article 10(5)*

Article 17(4)

Article 20(2)

Article 26(3)

Article 27(1)

Article 32(4)

Amendment 28

Proposal for a regulation

Annex I – Section I – point 32

Text proposed by the Commission

32. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community

Amendment

32. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community

procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Articles 13(2)

Article 19(3)

Article 24(4)

Amendment 29

Proposal for a regulation Annex I – Section I – point 34

Text proposed by the Commission

34. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

Article 9(2)

Article 24(3)*

Article 30(1)*

Article 30(2)*

Article 30(3)*

Article 30(5)

Article 31*

Amendment 30

Proposal for a regulation Annex I – Section I – point 37

procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Articles 13(2)

Article 18**

Article 19(3)

Article 24(4)

Amendment

34. Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

Article 9(2)

Article 23(4), second sentence

Article 24(3)*

Article 30(1)*

Article 30(2)*

Article 30(3)*

Article 30(5)

Article 31*

Text proposed by the Commission

37. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

Article 3(3)**

Article 4 second subparagraph

Article 5(1)

Article 6(6)

Article 7(1)

Article 8(2)

Article 8(5)**

Amendment 31

Proposal for a regulation

Annex I – Section I – point 38

Text proposed by the Commission

38. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Article 1(2)

Article 1(4)

Article 3(d)

Article 4(1) first subparagraph

Article 4(1) sixth subparagraph

Article 4(5)

Article 8(2)

Amendment

37. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

Article 3(3)**

Article 4 second subparagraph

Article 5(1)

Article 6(1)

Article 6(2)

Article 6(6)

Article 7(1)

Article 8(2)

Article 8(5)**

Amendment

38. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Article 1(2)

Article 1(4)

Article 3(d)

Article 4(1), first subparagraph

Article 4(1), sixth subparagraph

Article 4(5)

Article 8(2)

Article 13(3)

Article 13(4)

Article 28(4)(b)

Article 17(3), first subparagraph

Article 17(3), second subparagraph, point (b)

Article 18(5), first subparagraph

Article 18(5), second subparagraph, point (b)

Article 28(4), *point (b)*

Article 28(6), point (a), point (ii)

Amendment 32

Proposal for a regulation Annex I – Section I – point 39

Text proposed by the Commission

39. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Article 8(5)

Article 28**

Amendment

39. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Article 8(5)

Article 8(6)

Article 9(4)

Article 28**

Amendment 33

Proposal for a regulation Annex I – Section I – point 40

Text proposed by the Commission

40. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Article 12(4)

Amendment

40. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Article 12(4)

Article 14(1) third indent

Article 24(4)

Article 32 sixth *subparagraph*

Article 47(3)

Amendment 34

Proposal for a regulation Annex I – Section I – point 41

Text proposed by the Commission

41. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Article 29 first *subparagraph***

Article 29 second *subparagraph* (a)

Article 29 second *subparagraph* (b)**

Article 29 second *subparagraph* (c)**

Article 29 second *subparagraph* (d)**

Article 29 second *subparagraph* (e)**

Article 29 second *subparagraph* (f)**

Article 29 second *subparagraph* (g)**

Article 29 second *subparagraph* (h)

Article 3(2)

Article 14(1), first indent

Article 14(1), second indent

Article 14(1), third indent

Article 15(2)

Article 24(4)

Article 26(1)

Article 32, sixth *paragraph*

Article 47(3)

Amendment

41. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Article 29, first *paragraph***

Article 29, second *paragraph, point* (a)

Article 29, second *paragraph, point* (b)**

Article 29, second *paragraph, point* (c)**

Article 29, second *paragraph, point* (d)**

Article 29, second *paragraph, point* (e)**

Article 29 second *paragraph, point* (f)**

Article 29 second *paragraph, point* (g)**

Article 29 second *paragraph, point* (h)

Article 29 second paragraph, point (i)

Amendment 35

Proposal for a regulation Annex I – Section I – point 42

Text proposed by the Commission

42. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements

Article 4(2)

Article 4(5)**

Article 5(4) as to the adoption of "minimum amounts of vitamins and minerals"

Amendment

42. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements

Article 4(2)

Article 4(5)**

Article 5(4) as to the adoption of "minimum amounts of vitamins and minerals"

Article 5(4) as to the adoption of "maximum amounts of vitamins and minerals"

Article 12(3)

Amendment 36

Proposal for a regulation Annex II – Section A – point 1

Text proposed by the Commission

1. Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS)

Article 9(3)*

Amendment

deleted

Amendment 37

Proposal for a regulation Annex II – Section A – point 2

Text proposed by the Commission

Amendment

2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) *deleted*

Article 26(7)

Article 27a(5)

Amendment 38

Proposal for a regulation Annex II – Section A – point 3

Text proposed by the Commission

Amendment

3. Directive No 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) *deleted*

Article 9b(3)

Article 10(4)

Article 15(4)

Article 17(6)a

Article 19(4)

Amendment 39

Proposal for a regulation Annex II – Section B – point 4

Text proposed by the Commission

Amendment

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

deleted

Article 3(2)

Amendment 40

**Proposal for a regulation
Annex II – Section B – point 5**

Text proposed by the Commission

Amendment

5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

deleted

Article 11a(8)

Article 16(12)

Amendment 41

**Proposal for a regulation
Annex II – Section C – point 6**

Text proposed by the Commission

Amendment

6. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

deleted

Article 8(1)b in conjunction with Article 9(3)

Amendment 42

Proposal for a regulation Annex II – Section D – point 7

Text proposed by the Commission

Amendment

7. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC
Article 46(6)

deleted

Amendment 43

Proposal for a regulation Annex II – Section E – point 8

Text proposed by the Commission

Amendment

8. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies
Article 5(1)

deleted

Amendment 44

Proposal for a regulation Annex II – Section E – point 12

Text proposed by the Commission

Amendment

12. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises

deleted

*Article 9(4) as to the adoption of
"structure of the quality reports"*

Amendment 45

**Proposal for a regulation
Annex II – Section E – point 14**

Text proposed by the Commission

Amendment

**14. Regulation (EC) No 1177/2003 of the
European Parliament and of the Council
of 16 June 2003 concerning Community
statistics on income and living conditions
(EU-SILC)**

deleted

Article 8(3)

**Article 15(5) in conjunction with Article
15(2)(a) as to the definition of "technical
format of transmission to Eurostat"**

**Article 15(5) in conjunction with Article
15(2)(b)**

**Article 15(5) in conjunction with Article
15(2)(d)**

Amendment 46

**Proposal for a regulation
Annex II – Section E – point 16**

Text proposed by the Commission

Amendment

**16. Regulation (EC) No 2150/2002 of the
European Parliament and of the Council
of 25 November 2002 on waste statistics**

deleted

**Article 6(2)(c) as to the adoption of
"content of quality reports"**

Amendment 47

Proposal for a regulation Annex II – Section F – point 17

Text proposed by the Commission

Amendment

F. INTERNAL MARKET AND SERVICES

deleted

17. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(2)

Justification

This empowerment is linked to the scope of the Directive and closely linked to the Payment services Directive, currently under review. The measures to be adopted under Article 14(2) should be delegated acts, as foreseen for measures under Article 14(1), since they concern acts of general application to supplement certain non-essential elements of the Directive.

Amendment 48

Proposal for a regulation Annex II – Section G – point 18

Text proposed by the Commission

Amendment

18. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Article 10(3)**

Amendment 49

Proposal for a regulation Annex II – Section G – point 19

Text proposed by the Commission

Amendment

19. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8(a) First indent

Amendment 50

**Proposal for a regulation
Annex II – Section H – point 20**

Text proposed by the Commission

Amendment

20. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products

deleted

Article 18(2)

Amendment 51

**Proposal for a regulation
Annex II – section H – point 21**

Text proposed by the Commission

Amendment

21. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC

deleted

Article 17 second subparagraph in conjunction with Article 78(1)(d)

Article 29(4) in conjunction with Article 78(1)(g)

Amendment 52

Proposal for a regulation Annex II – section H – point 22

Text proposed by the Commission

Amendment

22. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 *deleted*

Article 40 (c)

Article 40 (d)

Article 40 (e)

Article 41(1)

Article 41(3)

Article 42(2) (d)

Article 45(4)

Article 48(7) (c)

Amendment 53

Proposal for a regulation Annex II – Section H – point 23

Text proposed by the Commission

Amendment

23. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision *deleted*

2004/217/EC

Article 7(2)

Article 10(5)*

Article 26(3)

Amendment 54

Proposal for a regulation

Annex II – Section H – point 24

Text proposed by the Commission

Amendment

24. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

deleted

*Article 18***

Amendment 55

Proposal for a regulation

Annex II – Section H – point 25

Text proposed by the Commission

Amendment

25. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

deleted

Article 6(1)

Article 6(2)

Amendment 56

Proposal for a regulation Annex II – Section H – point 26

Text proposed by the Commission

Amendment

26. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods *deleted*

Article 13(3)

Article 13(4)

Article 17(3) first subparagraph

Article 17(3) second subparagraph (b)

Article 18(5) first subparagraph

Article 18(5) second subparagraph (b)

Article 28(6)(a)(ii)

Amendment 57

Proposal for a regulation Annex II – Section H – point 27

Text proposed by the Commission

Amendment

27. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells *deleted*

Article 8(6)

Article 9(4)

Amendment 58

Proposal for a regulation Annex II – Section H – point 28

Text proposed by the Commission

Amendment

28. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed *deleted*

Article 3(2)

Article 14(1) first indent

Article 14(1) second indent

Article 15(2)

Article 26(1)

Amendment 59

Proposal for a regulation Annex II – Section H – point 29

Text proposed by the Commission

Amendment

29. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC *deleted*

Article 29 second subparagraph i)

Amendment 60

Proposal for a regulation Annex II – Section H – point 30

Text proposed by the Commission

Amendment

30. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements

deleted

Article 5(4) as to the adoption of "maximum amounts of vitamins and minerals"

Amendment 61

**Proposal for a regulation
Annex III – title**

Text proposed by the Commission

Amendment

Amendments to **Regulation (EC) No 66/2010 of the European Parliament and of the Council, Regulation (EC) No 1221/2009 of the European Parliament and of the Council, Council Directive 97/70/EC, Regulation (EC) No 1333/2008 of the European Parliament and the Council, Directive 2002/46/EC of the European Parliament and the Council** and to Council Regulation (EC) No 1257/96

Amendments to Council Directive 97/70/EC and to Council Regulation (EC) No 1257/96

Amendment 62

**Proposal for a regulation
Annex III – Section A**

Text proposed by the Commission

Amendment

A. ENVIRONMENT

deleted

1) In paragraph 5 of Article 6 of Regulation (EC) No 66/2010, the second subparagraph is deleted.

2) Regulation (EC) No 1221/2009 is amended as follows:

(a) in Article 16, paragraph 4 is deleted;

(b) in Article 30, paragraph 6 is deleted.

Amendment 63

Proposal for a regulation Annex III – Section C

Text proposed by the Commission

Amendment

C. HEALTH AND CONSUMERS

deleted

4) In Article 23 of Regulation (EC) No 1333/2008, paragraph 4, second sentence is deleted.

5) In Article 12 of Directive 2002/46/EC, paragraph 3 is deleted.

EXPLANATORY STATEMENT

At the moment of the adoption of the Comitology Regulation¹, the European Commission issued the following statement:

"As regards legislative acts in force which currently contain references to the regulatory procedure with scrutiny, the Commission will review the provisions attached to this procedure in each instrument it intends to modify, in order to adapt them in due course according to the criteria laid down in the Treaty. In addition, the European Parliament and the Council will be entitled to signal basic acts they consider important to adapt as a matter of priority.

*The Commission will assess the results of this process by the end of 2012 in order to estimate how many legislative acts containing references to the regulatory procedure with scrutiny remain in force. The Commission will then prepare the appropriate legislative initiatives to complete the adaptation. The overall objective of the Commission is that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments."*²

In keeping with that statement and following the screening of the existing legislation, the Commission put forward three proposals for a regulation adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS)³. Indeed, the definition of delegated acts given by Article 290(1) TFEU is very similar to the definition of the acts to which the RPS applies, as established by Article 5a of Decision 1999/468/EC⁴, now repealed by Article 12 of the Comitology Regulation. In both cases, the acts in question are of general application and seek to amend or supplement certain non-essential elements of the legislative instrument.

An earlier alignment exercise took place in 2007-2008, after the introduction of the RPS. On that occasion, the Conference of Presidents designated the Committee on Legal Affairs as the lead committee and the specialised committees as opinion-giving committees. The Conference of Committees Chairs, which then endorsed that decision, confirmed its approach vis-à-vis the new alignment proposals and on 19 November 2013 agreed on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

In this proposal, the Commission has analysed more than 30 legislative acts containing RPS measures and has come to the conclusion that some of those measures do not fall into the scope of Article 290 TFEU. In cases where the Commission has considered that those measures fulfil the criteria of Article 291 TFEU, it has proposed that the Commission is empowered to adopt implementing acts (measures listed in Annex II). In other cases, the

¹ OJ L 55, 28.2.2011, p. 13.

² This statement was published in the Official Journal together with Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 19).

³ See COM (2013) 451, 452 and 751 respectively.

⁴ OJ L 184, 17.7.1999, p. 23.

Commission has appreciated that the powers given to the Commission are not in accordance with the Treaty, and it proposes the deletion of those provisions (Annex III).

The rapporteur and the specialised committees consulted do not agree with most of those conclusions.

At its meeting of 26 November 2013, the Committee on Legal Affairs adopted, unanimously, its own-initiative report on the "Follow-up on the Delegation of Legislative Powers and the Control by Member States of the Commission's Exercise of Implementing Powers" (2012/2323(INI)), which proposes *inter alia* a set of criteria for the application of Articles 290 and 291 TFEU. Point 6 of the report clearly states " ... considers that at least all cases previously dealt with under RPS should now be aligned to Article 290 TFEU, as RPS measures are also measures of general scope designed to amend non-essential elements of a basic act, *inter alia* by deleting some of those elements or by supplementing the basic act by the addition of new non-essential elements;".

The rapporteur and the specialised committees consulted oppose to most of the adaptations of provisions for the use of RPS to the regime and implementing acts, which have been proposed by the Commission without a detailed and individual justification. Therefore, except for specific exceptions, most of the provisions included by the Commission in Annex II have been moved to Annex I.

Similarly, most of the deletions contained in Annex III, which have not been justified, have been deleted and transformed into delegated acts.

10.12.2013

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (COM(2013)0751 – C7-0386/2013 – 2013/0365(COD))

Rapporteur: Sharon Bowles

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Article 2 – paragraph 5 – subparagraph 1a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, a delegated act adopted pursuant to the regulations listed in points 12, 13, 14, 16 and 18^{6a} of Section F and point 21^{6b} of Section G of Annex I shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the

Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

^{6a} 12. Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

13. Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates

14. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination

16. Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment.

18. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index

^{6b} Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Justification

There is an informal agreement between the institutions that due to the highly technical and complex nature of the delegated acts in the ECON area the usual scrutiny period is three months- extendable by further 3 months. This arrangement needs to be reflected in the current Omnibus proposal.

Amendment 2

Proposal for a regulation Annex I - Section G - point 21

Text proposed by the Commission

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(1)

Amendment

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(1)

Article 14(2)

Justification

This empowerment is linked to the scope of the Directive and closely linked to the Payment services Directive, currently under review. The measures to be adopted under Article 14(2) should be delegated acts, as foreseen for measures under Article 14(1), since they concern acts of general application to supplement certain non-essential elements of the Directive.

Amendment 3

Proposal for a regulation Annex II - Section F

Text proposed by the Commission

F. INTERNAL MARKET AND SERVICES

17. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up,

Amendment

deleted

***pursuit and prudential supervision of the
business of electronic money institutions
amending Directives 2005/60/EC and
2006/48/EC and repealing Directive
2000/46/EC***

Article 14(2)

Justification

This empowerment is linked to the scope of the Directive and closely linked to the Payment services Directive, currently under review. The measures to be adopted under Article 14(2) should be delegated acts, as foreseen for measures under Article 14(1), since they concern acts of general application to supplement certain non-essential elements of the Directive.

PROCEDURE

Title	Adaptation to Article 290 and 291 of the Treaty on the Functioning of the European Union of a number of legal acts providing for the use of the regulatory procedure with scrutiny
References	COM(2013)0751 – C7-0386/2013 – 2013/0365(COD)
Committee responsible Date announced in plenary	JURI 18.11.2013
Opinion by Date announced in plenary	ECON 18.11.2013
Rapporteur Date appointed	Sharon Bowles 19.11.2013
Date adopted	9.12.2013
Result of final vote	+: 32 –: 0 0: 0
Members present for the final vote	Burkhard Balz, Jean-Paul Basset, Sharon Bowles, George Sabin Cutaş, Leonardo Domenici, Derk Jan Eppink, Diogo Feio, Elisa Ferreira, Jean-Paul Gauzès, Sven Giegold, Sylvie Goulard, Liem Hoang Ngoc, Syed Kamall, Wolf Klinz, Rodi Kratsa-Tsagaropoulou, Philippe Lamberts, Werner Langen, Ivana Maletić, Hans-Peter Martin, Arlene McCarthy, Marlene Mizzi, Ivari Padar, Alfredo Pallone, Olle Schmidt, Peter Simon, Theodor Dumitru Stolojan, Ivo Strejček, Kay Swinburne, Marianne Thyssen, Ramon Tremosa i Balcells
Substitute(s) under Rule 187(2) present for the final vote	Biljana Borzan, Evelyne Gebhardt

ANNEX -LETTER OF THE COMMITTEE ON INTERNATIONAL TRADE

EXPO-COM-INTA D (2013)63427
GFC/sp

Mr Klaus-Heiner Lehne
Chair of the Committee on Legal Affairs

Subject: INTA opinion by means of a letter on the RPS alignment package (2013/0218(COD), 2013/0220(COD), 2013/0365(COD))

Dear Mr Lehne,

I am writing on behalf of the INTA Committee to express a series of considerations with respect to the package of three proposals adopted by the Commission to align those numerous legislative instruments still containing provisions under the regulatory procedure with scrutiny (RPS) to the regime of the Lisbon Treaty on delegated and implementing acts.

The INTA Committee welcomes this package. In June, we reached an inter-institutional agreement on the two Trade Omnibuses, thus aligning a large volume of legislation in the field of trade policy to Articles 290 and 291 TFEU. This RPS package constitutes another significant step towards a comprehensive alignment of EU legislation to the new regime of delegated and implemented acts, as required by the Lisbon Treaty since almost four years. This alignment exercise was overdue.

This RPS package does not directly cover decision-making in the field of trade policy. The lack of references to RPS in trade legislation is not surprising, as such procedure applied only to legislative acts adopted under codecision, which was not applicable to common commercial policy until the Lisbon Treaty entered into force. And as of the entry into force of the Lisbon Treaty, the EP and the Council could no longer provide for new RPS provisions in new basic acts. The legislative acts in trade policy were then aligned through the Trade Omnibus I, addressing decision-making procedures not subject to the Comitology Decision, and the Trade Omnibus II, addressing procedures subject to such decision.

This said, two reasons militate in favour of INTA expressing its perspective on this initiative. First, a limited number of files covered by this alignment are trade-related. This is for instance the case of legislative acts on trade in seal products, on statistics concerning balance of payments, international trade in services and foreign direct investment, on dumping and subsidy in the air carriers sector, on specific hygiene rules for food of animal origin, on the approval of motor vehicles, on genetically modified organisms and novel foods, on nutrition and health claims made on foods, and in general on labelling and standardization. Second, INTA should share the experience gathered and the results achieved in negotiating the Trade Omnibuses regarding the regime of delegated and implementing acts. Hence you will find hereinafter the opinion of INTA on a number of horizontal issues, rather than on single legislative files.

The first issue pertains to the duration of the delegation of powers. The three proposals provide to align the RPS provisions of various legislative acts to Article 290 TFEU by conferring to the Commission delegated powers "for an indeterminate period of time". The outcome of the Trade Omnibuses provides instead to grant the delegation of powers to adopt delegated acts for a period of five years, tacitly extendable by a period of identical duration. This represents a reasonable solution: it enhances the legislative scrutiny, as the Commission must submit a report on the exercise of the delegation nine months before the expiry of the conferral, but in no way overburdens the legislators, as the extension is subject to tacit renewal.

The second issue relates to the period available to the Parliament to object to a draft delegated act. The proposals at issue set this period to two months, extendable by two more months. In the Trade Omnibuses negotiations, INTA proposed extending the period of scrutiny by the European Parliament from four months (two plus two) to six months (two plus four). The position of INTA prevailed with respect to certain but not all files. INTA secured a longer period of scrutiny over those delegated acts entailing elements of significant political discretion. So it would appear advisable, rather than proposing a two plus four approach across the board, to pick carefully those files providing for delegated acts involving political discretion, rather than fight uphill for those providing for technical and semi-automatic adjustment to the basic acts.

The third issue concerns the restricted time-limits for opposition to delegated acts in certain situations. The first and third proposals provide that, where there are curtailed time-limits for opposition in accordance with Article 5a(5)(b) of the Comitology Decision, a time-limit for objection of one month would apply, extendable to one more month. In appraising such a facet of the proposal, it must be borne in mind that, under such timelines, the decision-making machinery of the European Parliament might constrict its ability to properly consider and eventually object to delegated acts. While in certain cases such curtailed time-limits may be justified, a limited acceptance of their applicability appears to be justified to safeguard the prerogatives of the European Parliament in the context of delegated acts. It must not be forgotten that an early non-objection procedure is already available for urgent cases, and while such a procedure is complicated and would deserve simplification via an amendment of our Rules of Procedure, its existence in itself questions the necessity of curtailed time-limits.

The fourth and most important issue relates to the fact that the third proposal of the package proposes to align certain legal acts providing for RPS provisions to Article 291 TFEU on implementing acts rather than to delegated acts. As the Commission itself states, the definition of delegated acts under Article 290 TFEU is "very similar" and "correspond in principle to" that of acts which are subject to RPS. Aside from definitional symmetries, as a matter of substance and institutional prerogatives, in particular with respect to the European Parliament, all RPS measures should be aligned with Article 290 TFEU and take the form of delegated acts. As a matter of fact, RPS provisions deal with norms and rules, and rule-making should not be left to implementing acts, where Parliament has no controlling power whatsoever. In a constitutional system based on separation of powers, the executive body should only be able to set rules under a delegation from the legislators. The European Parliament has already spoken on this issue in the 2010 INI report of Mr Szájer on the power of legislative delegation, whereby it insisted "that the co-legislators have the power to decide that the matters previously adopted under the regulatory procedure with scrutiny (RPS) can be adopted either under Article 290 TFEU or under the ordinary legislative procedure", not through implementing acts. This has just recently been confirmed in the 2013 INI report of

Mr Szájer on follow-up on the delegation of legislative powers and control by Member States of the Commission's exercise of implementing powers, unanimously adopted in JURI on 26 November, according to which "at least all cases previously dealt with under RPS should now be aligned to Article 290 TFEU, as RPS measures are also measures of general scope designed to amend non-essential elements of a basic act, *inter alia* by deleting some of those elements or by supplementing the basic act by the addition of new non-essential elements". The Commission may be proposing to align certain legal acts providing for RPS provisions to Article 291 TFEU on implementing acts in order to avoid bothersome discussions with the European Parliament, even though all conditions for delegated acts are given. This would appear to be the case, for instance, with respect to Regulation 184/2005 on statistics concerning balance of payments, international trade in services and foreign direct investment (where it is proposed to adopt content and periodicity of the quality reports through implementing acts), Regulation 1924/2006 on nutrition and health claims made on foods (where it is proposed to authorise health claims by implementing acts, while several objections have been raised in the European Parliament so far), and Regulation 1829/2003 on genetically modified food and feed (where it is proposed to determine whether a type of food falls within the scope of the regulation, a highly political question, by implementing acts).

The fifth issue regards experts meeting in the context of the preparation of delegated acts. A declaration is attached to the Trade Omnibuses whereby the Commission recalls "the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts". This should serve as a minimum benchmark for any negotiations on delegated acts, while any improvements with respect to automatic invitation to such meetings by Parliament experts would of course be welcomed.

The sixth issue addresses the fact that the third proposal of the package proposes that certain legal acts be aligned individually and at a later stage, with no commitment regarding the timeline. For instance, a regulation on statistics on external trade with non-EU countries containing references to RPS is currently being aligned through a separate proposal. It is difficult to identify the reason why such proposals are singled out and subject to a separate exercise. It is therefore important to at least set a deadline for their separate substantial revision. It is not acceptable that RPS measures should continue to exist more than four years after the entry into force of the Lisbon Treaty.

I trust that the opinion of the INTA Committee, as expressed through this letter, might be useful for the proceedings of the JURI Committee. INTA remains available to share the experience accumulated in the process of adapting trade legislation in the Trade Omnibuses exercise.

Yours sincerely,
Vital Moreira

Cc: József Szájer, MEP, JURI Rapporteur (EPP)

ANNEX - LETTER OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

MK/ch
D(2013)63800

Mr. Klaus-Heiner Lehne
Chair of the Committee on Legal Affairs
ASP 10E205

Subject: Proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny - 2013/0365 (COD) - (COM (2013)751 final).

Dear Chair,

The above mentioned Commission proposal concerns, inter alia, the adaptation to Article 290 and 291 TFEU of three legal instruments which are of the competence of EMPL committee. Nevertheless, the proposal had not been referred by the competent Parliament's services to the EMPL Committee as committee for opinion. In the light of the above, and in order for the EMPL Committee to be able to provide its views on this important issue to the JURI Committee before its vote planned for 17 December 2013, I would like to inform you of the conclusions agreed by the Committee coordinators and on the basis of which a formal opinion in the form of letter will be submitted to the EMPL Committee at its meeting of 17 December 2013.

The EMPL Committee agrees with the analysis by the Commission in the above mentioned proposal, that according to the criteria laid down in the TFEU, the **articles of the legislative instruments referring to the regulatory procedure with scrutiny (RPS) listed in annex I of the proposal shall be aligned to delegated acts**, i.e. Annex I, section F. Statistics, points 11, 15 and 17.

The same legal acts are also contained in Annex II, section E. Statistics, points 8, 12, and 14 where for some articles - in some cases other than those in Annex I - the proposal provides for implementing acts. On the basis of the Commission proposal and of the basic acts, **the EMPL committee considers, however, that the proposal regarding Annex II cannot be accepted in its current form and in some cases requires further clarification from the Commission.**

The EMPL Committee considers that, taking into account the report of 4 December 2013 by József Szájer (2012/2323(INI)) on behalf of the JURI committee stating that "*... considers that at least all cases previously dealt with under RPS should now be aligned to Article 290 TFEU*", **the legal acts included in Annex II of the Commission proposal meet the criteria for the delegated acts regime and should be integrally included in Annex I.**

In addition, the EMPL Committee has the following detailed remarks:

- **Point 8. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies.**

Article 5 (1) (data transmission)

The Commission should be invited to confirm that this Article concerns exclusively the technical format and the deadlines of transmission of data from the Member States. The source of data should be precised.

Under these conditions, the EMPL Committee could consider accepting an alignment of this point to implementing acts.

- **Point 12. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises.**

Article 9(4) (quality control and reports) as to the adoption of "structure of the quality reports"

This regulation establishes a common framework for the collection of data and specifies the criteria for the quality reports. This article is also included in Annex I as to the adoption of "quality requirements and any measures necessary for assessing or improving the quality". The Commission does not specify what the nature of the structure of the quality reports is. If the structure would have an impact on the report and on its outcome, **the EMPL Committee considers that this point qualifies for delegated act, as it would involve policy choices** that cannot be the object of implementing measures. No previous RPS measures on the structure of quality reports could be found. It is also to be noted that Article 9(2) stipulates that the quality report "shall specify possible breaches of the methodological requirements".

- **14. Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC).**

This is an important piece of legislation and the reference source of comparative statistics in income distribution and social exclusion at EU level. It allows monitoring the processes of combatting poverty and social exclusion.

- Article 8(3): it refers to "sampling and tracing rules and procedures", both of which **qualify for delegated acts, as they would involve policy choices.** Moreover, since the issue at stake concern tracing rules which should be compatible with the policy aim, it is appropriate that the co-legislators preserve their prerogatives in this respect.

- Article 15(5) in conjunction with Article 15(2)(a) as to the definition of "technical format of transmission to Eurostat". This paragraph also refers to the definition of the list of target primary variables and other criteria. However, the Commission does not specify whether an implementing act on Article 15(2)(a) would concern exclusively the technical format of transmission of data in connection with the technical capacities in the Member States. It is also to note that reference to Art. 15(5) may be not correct and it could rather be to Art.15 instead.

Under the condition that the implementing act concerns exclusively the technical format of transmission of data, the EMPL Committee could consider accepting an alignment of this point to implementing acts.

- Article 15(5) in conjunction with Article 15(2)(b): this concerns "detailed content of both intermediate and final quality reporting". The meaning of "content of the quality reporting" is not explained in a way that could qualify for an implementing act, namely in the absence of previous RPS measures in this relation. **The EMPL Committee considers, therefore, in view of the similarity that "quality reporting" could have with the indicators used in other legislation, that it would be appropriate to have a delegated act** instead of an implementing act. It is also to note that reference to Art. 15(5) may be not correct and it could rather be to Art.15 instead.
- Article 15(5) in conjunction with Article 15(2)(d): this refers again to "the sampling aspects, including tracing rules". **The EMPL committee considers that it is a clear case which cannot be placed under an implementing act and as both elements are of general scope and non-essential elements of the basic act, and thus qualify to be placed under the delegated acts regime.** It is also to note that reference to Art. 15(5) may be not correct and it could rather be to Art.15 instead.

Finally, I would like to reiterate the remarks made by the EMPL Committee on its opinion letter in relation to the "Omnibus I" proposal, namely the introduction of a time limit (five years) for the delegation of powers to the Commission and of a regular Commission report on the use of the delegation of powers. As mentioned in the same letter, the overlapping of the end of the delegation of powers with the last months of the EP mandate should be avoided.

On behalf of the EMPL Committee, I would be grateful if the JURI Committee would take these points into account in its further work on the proposed regulation.

I would also like to reiterate my previous call that, in the perspective of a possible horizontal approach, the JURI Committee, as the committee responsible, should involve the sectorial committees in the establishment of a common approach on these issues.

Yours sincerely,

Pervenche Berès

Copy: Mr József Szájer, rapporteur

ANNEX - LETTER OF THE COMMITTEE ON ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

IPOL-COM.ENVI D (2013) 63931

Mr Klaus-Heiner LEHNE
Chairman
Committee on Legal Affairs
ASP 10E205
European Parliament
Brussels

**Subject: Adaptation to Article 290 and 291 of the Treaty on the Functioning of the
European Union of a number of legal acts providing for the use of the
regulatory procedure with scrutiny - 2013/0365(COD)**

Dear Chairman,

in your letter of 20 November 2013 you asked the Committee on the Environment, Public Health and Food Safety to provide its opinion regarding the omnibus proposals for adapting a number of legal acts providing for the regulatory procedure.

Concerning the proposal for a regulation ‘Adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny’ - 2013/0365(COD), the Coordinators of the ENVI Committee agreed to state the Committee’s opinion as follows:

1. The Committee on the Environment, Public Health and Food Safety opposes Article 4 and Annex II of the Commission proposal adapting existing provisions for the use of regulatory procedure with scrutiny (RPS) to the regime of implementing acts. The listed provisions under Annex II are predominantly acts of ENVI competence which are of high political importance and sensitivity, such as the functioning of the EU ETS as well as key consumer and public health issues related to cosmetics, plant protection, genetically modified food and feed, animal by-products and derived products not intended for human consumption, nutrition and health claims made on foods, human tissues and cells.

2. The Committee therefore reiterates its position expressed in its opinion of 30 May 2013 to JURI Report on follow-up on the delegation of legislative powers and the control by Member States of the Commission's exercise of implementing powers (2012/2323(INI) stating that "*...in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should clearly become delegated acts, and not implementing acts, as delegated acts are foreseen for exactly the same purpose as measures subject to the regulatory procedure with scrutiny (that is, to adopt measures of general scope/application designed to supplement or amend certain non-essential elements of the legislative act), unless exceptionally justified*". The Commission has offered no clear justification for aligning existing RPS measures to implementing acts.

In the light of the above, and as per Annex A attached to this letter, all ENVI related provisions listed under Annex II of the Commission proposal should therefore be deleted and moved to Annex I.

3. The Committee also opposes to the deletions proposed by the Commission under Article 5 and Annex III, headings A (Environment) and C (Health and Consumers). These provisions concern the use of RPS measures whose deletion is similarly not justified by the Commission. To this end, and as per Annex B attached to this letter, all ENVI-related provisions listed under Annex III should be added to Annex I aligning them to delegated acts.

Yours sincerely,

Matthias GROOTE

Cc.: Legislative coordination
CODE Unit

Annex

4. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
Article 3(2)
5. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC
Article 11a(8)
Article 16(12)
7. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC
Article 46(6)
16. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics
Article 6(2)(c) as to the adoption of "content of quality reports"
20. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products
Article 18(2)
21. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directive 79/117/EEC and 91/414/EEC
Article 17 second subparagraph in conjunction with Article 78(1)(d)
Article 29(4) in conjunction with Article 78(1)(g)
22. Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002

Article 40 (c)

Article 40 (d)

Article 40 (e)

Article 41(1)

Article 41(3)

Article 42(2) (d)

Article 45(4)

Article 48(7) (c)

23. Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC

Article 7(2)

Article 10(5)*

Article 26(3)

24. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Article 18**

25. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods

Article 6(1)

Article 6(2)

26. Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods

Article 13(3)

Article 13(4)

Article 17(3) first subparagraph

Article 17(3) second subparagraph (b)

Article 18(5) first subparagraph

Article 18(5) second subparagraph (b)

Article 28(6)(a)(ii)

27. Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

Article 8(6)

Article 9(4)

28. Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed

Article 3(2)

Article 14(1) first indent

Article 14(1) second indent

Article 15(2)

Article 26(1)

29. Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC

Article 29 second subparagraph i)

30. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements

Article 5(4) as to the adoption of "maximum amounts of vitamins and minerals"

Annex B

1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

Article 6(5) second subparagraph

2. Regulation (EC) No No 1221/2009 of the European Parliament and of the Council of on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

Article 16(4)

Article 30(6)

3. Regulation (EC) No No 1333/2008 of the European Parliament and of the Council of of 16 December 2008 on food additives

Article 23(4) , second sentence

4. Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements

Article 12(3)

ANNEX - LETTER OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

Mr Klaus-Heiner Lehne
Chairman
Committee on Legal Affairs
European Parliament

Ref.: IPOL-COM-ITRE D(2013) 63850
VA/py

Brussels,

Subject: Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU-2013/0218(COD)

Adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU - 2013/0220(COD)

Adaptation to Article 290 and 291 of the Treaty on the Functioning of the European Union of a number of legal acts providing for the use of the regulatory procedure with scrutiny - 2013/0365(COD)

Dear Chairman,

Thank you for your letter of 20 November showing your interest in receiving input from our Committee to the omnibuses adapting an important number of pieces of legislation to Articles 290 and 291 of the TFEU.

As a point of principle I oppose to any adaptation of the regulatory procedure with scrutiny to Article 291 and deplore that the Commission proposes for some legal acts this adaptation without detailed and individual justification.

Concerning the proposed Regulation adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (2013/0365(COD)), I would therefore propose to delete the 2 files in ITRE competence¹ from Annex II (implementing acts) and to add them in Annex I (delegated acts).

¹ 1) Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS)

Article 9(3)*

2) Directive No 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a

Furthermore, I would like to draw your attention to the fact that the Commission has - in parallel - proposed to amend the second file in the context of the telecom single market proposal¹ and ITRE is currently defining its position, including with respect to the delegation of powers.

Due to the importance of this package, I would be grateful if you could keep my committee regularly informed about the process, if the negotiations with the Council were to start during this parliamentary term.

Yours sincerely,

Amalia SARTORI

Cc.: Legislative coordination

common regulatory framework for electronic communications networks and services (Framework Directive)

Article 9b(3)

Article 10(4)

Article 15(4)

Article 17(6)a

Article 19(4)2

¹ REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012

ANNEX - LETTER OF THE COMMITTEE ON INTERNAL MARKET AND CONSUMER PROTECTION

JT/gf
D(2013)63959

Mr Klaus-Heiner Lehne
JURI Chairman
ASP 10 E 205

Subject: Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU - 2013/0218(COD) - COM(2013) 451 final

Adaptation to Articles 290 and 291 of the TFEU of a number of legal acts providing for the use of the regulatory procedure with scrutiny - 2013/0365(COD) - COM(2013) 751 final

Dear Chair,

In response to your letter of 22 November 2013, in which you requested, by 12 December 2013, the opinions from other committees on the above-named recent legislative proposals, please find below the considerations of the Committee on the Internal Market and Consumer Protection with regard to the acts that it is responsible for.

The first proposal, adopted by the Commission on 27 June 2013 (**COM(2013)451**), contains nine acts under IMCO competence, listed in the Annex under points 31, 34, 35, 36, 38, 46, 94, 137 and 160. The proposed adaptation of relevant provisions, to the effect that the regulatory procedure with scrutiny (RPS) is replaced by the appropriate provisions on delegated acts, is satisfactory and there is therefore no need to table any amendments to this proposal.

However, the second proposal - adopted by the Commission on 30 October 2013 (**COM(2013)751**) suggests, inter alia, that three specific RPS provisions (two under point 2 and one under point 6 of Annex II) be replaced by empowering the Commission to adopt implementing acts. This should only be accepted if it is confirmed that such measures do not fulfil the conditions of Article 290 of the TFEU.

The legal act in question in the first of these cases is the **Universal Service Directive 2002/22/EC**, and in particular, its specific provisions allowing the Commission to adopt 'technical implementing measures' to ensure effective access to '112' services in the Member States (Article 26(7)) and effective implementation of the '116' numbering range (Article 27a(5)). Since the Commission has not made use of this possibility yet (which would have been the case under the current provisions with an RPS procedure), it is not possible to rule out that the content of such measures, despite the fact that they are called "technical implementing measures", would in fact rather qualify as delegated acts.

The other act concerned is **Directive 2006/42/EC on machinery**, where a single measure 'restricting the placing on the market of machinery' was adopted in 2011 and, in addition to the wording in Article 9, this seems to be a measure which is sufficiently general to qualify as a delegated act.

The Commission's proposal also contains an alignment of RPS provisions to the delegated acts' regime in **Directive 2009/81/EC on defence procurement**. In one case (Article 68(1)), this concerns a revision of thresholds synchronous to a corresponding threshold revision of another legal act on public procurement, which is already aligned to the delegated acts regime. In the other case (Article 69(2)), this concerns the possibility of applying an urgency procedure, which remains unchanged. The IMCO Committee can agree to these proposals.

In view of the above considerations, I would therefore be grateful if the Committee on Legal Affairs could include **amendments** in its draft report on **COM(2013)751 final** that move the relevant references **from Annex II to Annex I** (where the other RPS provisions of the Universal Service Directive and Directive on machinery are listed under points 2 and 8, in order for them to be replaced by delegated acts) and keep IMCO informed of any further developments.

Yours sincerely,

Malcolm Harbour CBE

ANNEX - LETTER OF THE COMMITTEE ON TRANSPORT AND TOURISM

TRAN/D/2013/59561

Mr Klaus-Heiner Lehne
Chairman
Committee on Legal Affairs
ASP 10E205
European Parliament

Subject: *Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU- 2013/0218(COD)*

Adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the TFEU - 2013/0220(COD)

Adaptation to Article 290 and 291 of the Treaty on the Functioning of the European Union of a number of legal acts providing for the use of the regulatory procedure with scrutiny - 2013/0365(COD)

Dear Chairman,

Thank you for your letter of 20 November showing your interest in receiving input from our Committee to the omnibuses adapting an important number of pieces of legislation to Articles 290 and 291 of the TFEU.

In this regard, I would be grateful if the Committee on Legal Affairs could take into consideration the following amendments:

- **To proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (2013/0218 (COD)):**

Amendment 1

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts shall

2. The power to adopt delegated acts shall

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be conferred on the Commission *for* an *indeterminate* period of *time*.

be conferred on the Commission for a period of five years *from the date of entry into force of this Regulation*.

The Commission shall draw up a report in the respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for period 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.

Or. [en]

- To proposal for a Regulation adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (2013/0365(COD)):

Amendment 1

Proposal for a regulation Recital 5

Text proposed by the Commission

Amendment

(5) It is necessary to adapt to Article 291 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny and which fulfil the criteria of Article 291(2) of the TFEU.

Deleted

Or. [en]

Amendment 2

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts shall be conferred on the Commission *for* an *indeterminate* period of *time*.

Amendment

2. The power to adopt delegated acts shall be conferred on the Commission for a period of five years *from the date of entry into force of this Regulation*.

The Commission shall draw up a report in the respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for period 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.

Or. [en]

Amendment 3

Proposal for a regulation Annex II – letter g

Text proposed by the Commission

Amendment

G. MOBILITY AND TRANSPORT

Deleted

18. *Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security*

*Article 10(3)***

19. *Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over*

Article 8(a) First indent

Or. [en]

Amendment 4

Proposal for a regulation
Annex I – letter h – point 27a (new)

Text proposed by the Commission

Amendment

27a (new) Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

*Article 10(3)***

Or. [en]

Amendment 5

Proposal for a regulation

Annex I – letter h – point 27b (new)

Text proposed by the Commission

Amendment

***27b(new) Council Directive 97/70/EC of
11 December 1997 setting up a
harmonised safety regime for fishing
vessels of 24 metres in length and over***

Article 8(a) First indent

Or. [en]

Due to the importance of this package, I would be grateful if you could keep my committee regularly informed about the process, if the negotiations with the Council were to start during this parliamentary term.

Yours sincerely,

Brian Simpson

Cc.: Legislative coordination

PROCEDURE

Title	Adaptation to Article 290 and 291 of the Treaty on the Functioning of the European Union of a number of legal acts providing for the use of the regulatory procedure with scrutiny			
References	COM(2013)0751 – C7-0386/2013 – 2013/0365(COD)			
Date submitted to Parliament	30.10.2013			
Committee responsible Date announced in plenary	JURI 18.11.2013			
Committee(s) asked for opinion(s) Date announced in plenary	INTA 18.11.2013	CONT 18.11.2013	ECON 18.11.2013	EMPL 12.12.2013
	ENVI 18.11.2013	IMCO 18.11.2013	TRAN 18.11.2013	LIBE 18.11.2013
Not delivering opinions Date of decision	INTA 27.11.2013	CONT 11.12.2013	ENVI 28.11.2013	IMCO 9.12.2013
	TRAN 14.11.2013	LIBE 5.12.2013		
Rapporteur(s) Date appointed	József Szájer 4.11.2013			
Discussed in committee	26.11.2013			
Date adopted	17.12.2013			
Result of final vote	+ : 22 - : 1 0 : 0			
Members present for the final vote	Raffaele Baldassarre, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka			
Substitute(s) present for the final vote	Eva Lichtenberger, József Szájer, Axel Voss			
Substitute(s) under Rule 187(2) present for the final vote	Silvia Costa, Jürgen Klute, Kay Swinburne			
Date tabled	8.1.2014			