



**2017/0035(COD)**

19.6.2017

# **AMENDMENTS**

## **15 - 43**

**Draft opinion**  
**Pascal Durand**  
(PE 604.673 v01-00)

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing power

Proposal for a regulation  
(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))



**Amendment 15**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. ***That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.***

*Amendment*

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. ***Consequently, this may not be the best time to embark on amending*** specific aspects of procedure at the level of the appeal committee.

Or. pt

**Amendment 16**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political

*Amendment*

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accountability and ownership of politically sensitive implementing acts *without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.*

accountability and ownership of politically sensitive implementing acts.

Or. fr

## Amendment 17

Kazimierz Michał Ujazdowski, Morten Messerschmidt

### Proposal for a regulation

#### Recital 2

##### *Text proposed by the Commission*

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

##### *Amendment*

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee ***as well as the introduction of a right to call back implementing acts, inspired by work on the Convention on the Future of Europe and essential to any worthwhile scrutiny of the implementing powers conferred on the Commission.*** These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Or. fr

**Amendment 18**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*(2a) These amendments apply to a minority of examination procedures and are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.*

Or. pt

**Amendment 19**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered.

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, ***particularly in relation to genetically modified organisms, genetically modified food and feed and plant protection products***, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. ***Thus a very small percentage of the cases subject to the examination procedure are concerned.***

***In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed***

*and plant protection products.*

Or. pt

## **Amendment 20**

**Paulo Rangel**

### **Proposal for a regulation**

#### **Recital 4**

*Text proposed by the Commission*

(4) Experience has shown that, *in the vast majority of cases*, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions.

*Amendment*

(4) Experience has shown that, *sometimes*, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not *always* helped in providing clarity on Member State positions.

Or. pt

## **Amendment 21**

**Paulo Rangel**

### **Proposal for a regulation**

#### **Recital 6**

*Text proposed by the Commission*

(6) *That discretion is*, however, *significantly reduced* in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, *as* the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

*Amendment*

(6) However, in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Or. pt

## **Amendment 22**

**Paulo Rangel**

### **Proposal for a regulation**

#### **Recital 7**

*Text proposed by the Commission*

(7) While the Commission *is empowered* to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also *fully* assume their responsibility in the decision-making process. This, however, *is* not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.

*Amendment*

(7) While the Commission *has the competence* to decide in such cases, *which should be assumed at any event*, due to the particular sensitivity of the issues at stake, Member States should also assume their responsibility in the decision-making process. This, however, *may not be* the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.

Or. pt

**Amendment 23**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.

*Amendment*

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote. *The Commission, for its part, experiences great difficulties in assuming its decision-making powers and it is these difficulties that lie behind the proposition presented by the Commission.*

Or. fr

**Amendment 24**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing ***for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.***

*Amendment*

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing ***that it vote unanimously. In fact, as the matters discussed within this committee are extremely sensitive and neither the Commission nor the Member States wish to assume responsibility for certain decisions, a power the Commission no longer wants should be withdrawn while the Member States should be made to act in accordance with their prerogatives. Unanimity will ensure that in regard to extremely political issues Member States cannot have unwelcome rules imposed on them.***

Or. fr

**Amendment 25**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) ***In order to increase the added value of the appeal committee its role*** should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee ***should*** be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to

*Amendment*

(8) ***The role*** of the appeal committee should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee ***may*** be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.



deliver an opinion should be extended.

Or. pt

**Amendment 26**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) *The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.***

***deleted***

Or. fr

**Amendment 27**  
**Paulo Rangel**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

**(10) *The Commission should have the possibility, in specific cases, to ask the***

**(10) *In specific cases, at the request of the Commission, the Council may express***

Council *to indicate its views and orientation* on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. *The Commission shall take account of any position expressed by the Council* within 3 months after the *referral*. *In duly justified cases, the Commission may indicate a shorter deadline in the referral.*

*its opinion* on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. *That opinion will be optional in nature and will not be binding, and it should be issued* within 3 months after the *submission of the request, unless, in duly justified cases, another deadline has been set by the Commission.*

Or. pt

## **Amendment 28**

**Kazimierz Michał Ujazdowski, Morten Messerschmidt**

### **Proposal for a regulation**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should *take account of* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

##### *Amendment*

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should *endorse* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. fr

## **Amendment 29**

**Paulo Rangel**

### **Proposal for a regulation**

#### **Recital 11**

##### *Text proposed by the Commission*

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and

##### *Amendment*

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and

the individual Member State representatives' votes should be *made public*.

the individual Member State representatives' votes should be *disclosed*.

Or. pt

**Amendment 30**  
**Richard Corbett**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) Where sustained difficulties arise in the implementation of a basic act, consideration should be given to reviewing the implementing powers conferred on the Commission in that act.*

Or. en

**Amendment 31**  
**Kazimierz Michał Ujazdowski, Morten Messerschmidt**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point -1 (new)**  
Regulation (EU) No 182/2011  
Article 3 – paragraph 3 – subparagraph 1

*Present text*

*Amendment*

3. The chair shall submit to the committee the draft implementing act to be adopted by the Commission.

*(-1) Paragraph 3 is replaced by the following:*

*"3. The chair shall submit to the committee the draft implementing act to be adopted by the Commission **or any other implementing act that a committee member has proposed be called back.**"*

Or. fr

**Amendment 32**  
**Kazimierz Michał Ujazdowski, Morten Messerschmidt**

## **Proposal for a regulation**

### **Article 1- paragraph 1 -point -1 a (new)**

Regulation (EU) No 182/2011

Article 3 – paragraph 3 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-1a) In paragraph 3 the following subparagraph is added:***

***"Any committee member may propose on duly justified grounds that an implementing act be called back in order to scrutinise the measures implemented and where necessary propose amendments to the act."***

Or. fr

## **Amendment 33**

**Paulo Rangel**

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 1**

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

*Text proposed by the Commission*

*Amendment*

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may ***decide*** that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may ***propose*** that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Or. pt

## **Amendment 34**

**Gerolf Annemans**

## **Proposal for a regulation**

### **Article 1 – paragraph 1 – point 1 a (new)**

*Present Text*

4. Where no opinion is delivered, the Commission *may* adopt the draft implementing act, *except in the cases provided for in the second subparagraph. Where the Commission does not adopt the draft implementing act, the chair may submit to the committee an amended version thereof.*

*Without prejudice to Article 7, the Commission shall not adopt the draft implementing act where:*

- (a) that act concerns taxation, financial services, the protection of the health or safety of humans, animals or plants, or definitive multilateral safeguard measures;*
- (b) the basic act provides that the draft implementing act may not be adopted where no opinion is delivered; or*
- (c) a simple majority of the component members of the committee opposes it.*

*In any of the cases referred to in the second subparagraph, where an implementing act is deemed to be necessary, the chair may either submit an amended version of that act to the same committee within 2 months of the vote, or submit the draft implementing act within 1 month of the vote to the appeal committee for further deliberation.*

*Amendment*

*(1a) In Article 5, paragraph 4 is replaced by the following:*

"4. Where no opinion is delivered, the Commission *shall not* adopt the draft implementing act.

*The Commission shall then conduct consultations with the Member States. Fourteen days at the earliest and one month at the latest after the committee meeting, the Commission shall inform the committee members of the results of those consultations and submit a draft implementing act to the **appeal** committee.*

Or. fr

**Amendment 35**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 1 b (new)**  
Regulation (EU) No 182/2011  
Article 5 – paragraph 5

*Present Text*

*Amendment*

**(1b)** *In Article 5, paragraph 5 is deleted.*

Or. fr

**Amendment 36**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point -a (new)**  
Regulation (EU) No 182/2011  
Article 6 – paragraph 1

*Present text*

*Amendment*

**(-a)** *Paragraph 1 is replaced by the following:*

1. The appeal committee shall deliver *its* opinion *by the majority provided for in Article 5(1)*.

"1. The appeal committee shall deliver *a unanimous* opinion."

Or. fr

**Amendment 37**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point a a (new)**  
Regulation (EU) No 182/2011  
Article 6 – paragraph 3 – subparagraph 2

*Present Text*

*Amendment*

*(aa) In paragraph 3, the second subparagraph is deleted:*

Or. fr

### **Amendment 38**

**Paulo Rangel**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

*Text proposed by the Commission*

3a. Where no opinion is delivered in the appeal committee, ***the Commission may refer the matter to the Council for an opinion indicating its views and orientation*** on the wider implications of the ***absence of opinion***, including the institutional, legal, political and international implications. ***The Commission shall take account of any position expressed by the Council*** within 3 months after the ***referral***. ***In duly justified cases, the Commission may indicate a shorter deadline in the referral.***

*Amendment*

3a. Where no opinion is delivered in the appeal committee, ***at the request of the Commission, the Council may express its opinion*** on the wider implications of the ***outcome of the vote***, including the institutional, legal, political and international implications. ***That opinion will be optional in nature and will not be binding, and it should be issued*** within 3 months after the ***submission of the request, unless, in duly justified cases, another deadline has been set by the Commission.***

Or. pt

### **Amendment 39**

**Kazimierz Michał Ujazdowski, Morten Messerschmidt**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – point b**

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

*Text proposed by the Commission*

3a. Where no opinion is delivered in

*Amendment*

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the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall *take account of* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall *endorse* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. fr

**Amendment 40**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point b a (new)**  
Regulation (EU) No 182/2011  
Article 6 – paragraph 4

*Present Text*

*Amendment*

*(ba) Paragraph 4 is deleted.*

Or. fr

**Amendment 41**  
**Gerolf Annemans**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2 – point b b (new)**  
Regulation (EU) No 182/2011  
Article 6 – paragraph 5

*Present Text*

*Amendment*

*(bb) Paragraph 5 is deleted.*

Or. fr

**Amendment 42**  
**Maite Pagazaurtundúa Ruiz, Charles Goerens**



**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EU) No 182/2011

Article 10 – paragraph 5

*Text proposed by the Commission*

5. *The references of* all documents referred to in *points (a) to (d), (f) and (g) of paragraph 1 as well as the information referred to in points (e) and (h) of that paragraph* shall be made public in the register.

*Amendment*

5. All documents *and information* referred to in paragraph 1 points (a) to (h) shall be made public in the register.

Or. en

**Amendment 43**

**Paulo Rangel**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall *not* apply to *pending* procedures *on which the appeal committee has already delivered an opinion on the date of* entry into force *of this Regulation*.

*Amendment*

This Regulation shall apply to procedures *begun after its* entry into force.

Or. pt