



26.9.2017

POSITION IN THE FORM OF AMENDMENTS

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 a number of legal acts providing for the use of the regulatory
procedure with scrutiny to Articles 290 and 291 of the Treaty on the
Functioning of the European Union
(COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

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PA_Legam

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

Annex I – part VII – point 57 – paragraph 1 – indent 4

Text proposed by the Commission

- supplement that Regulation with the criteria for the measurement of quality;

Amendment

- supplement that Regulation with the criteria for the measurement of quality *of the variables*;

Justification

Alignment of the introductory (recital) text with amendment proposed for Article 10(5).

Amendment 2

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 2

Regulation (EC) No 1165/98

Article 4 – paragraph 2 – point d – subparagraph 2

Text proposed by the Commission

(2) in Article 4(2), the second subparagraph is replaced by the following:

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a *concerning* their approval and application.;

Amendment

(2) in *point (d) of* Article 4(2), the second subparagraph is replaced by the following:

“The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a *to supplement this Regulation by further specifying* their approval and application.”;

Justification

Following recent Court of Justice case law, it is advisable that the empowerment clearly specifies whether the power is to supplement or to amend the legal act. This has been consistently done throughout the text.

Amendment 3

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 3

Regulation (EC) No 1165/98

Article 10 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the criteria for the measurement of quality.;

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by specifying** the criteria for the measurement of quality **of the variables**.;

Justification

Amendment specifies empowerment (to supplement) and the precise subject of the delegated act.

Amendment 4

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 4 a (new)

Regulation (EC) No 1165/98

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(4a) in Article 18, paragraph 3 is deleted;

Justification

Paragraph 3 is a procedural provision relating to the Regulatory Procedure with Scrutiny (RPS), which is now redundant and thus deleted.

Amendment 5

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(3), Article **4(2)**,

2. The power to adopt delegated acts referred to in Article 3(3), Article **4(2)(d)**,

Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2. shall be conferred on the Commission for *an indeterminate* period of *time* *[from the* entry into force of this Omnibus].

second subparagraph, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 shall be conferred on the Commission for *a* period of *five years from ...* *[date of* entry into force of this amending 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.*

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The delegation of power is changed from an indefinite period to a period of five years consistent with the established practice in legislation in the area of ECON responsibilities and with the general Parliament approach. This is done consistently throughout the text.

Amendment 6

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3(3), Article **4(2)**, Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official

Amendment

3. The delegation of power referred to in Article 3(3), Article **4(2)(d)**, *second subparagraph*, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the

Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers.

Amendment 7

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(3), Article **4(2)**, Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 3(3), Article **4(2)(d)**, **second subparagraph**, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The scrutiny period is set at three months extendable once for further three months in line with the established practice in legislation in the area of ECON responsibilities. This is done consistently throughout the text.

Amendment 8

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point ii

Regulation (EC) No 1165/98

Annex A – point b – point 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 9

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point iii

Regulation (EC) 1165/98

Annex A – point c – point 2

Text proposed by the Commission

2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the conditions for assuring the necessary data quality.;

Amendment

2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the conditions for assuring the necessary data quality.;

Justification

Clarification of empowerment (to supplement).

Amendment 10

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point viii

Regulation (EC) No 1165/98

Annex A – point f – point 9

Text proposed by the Commission

9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into ***euro-zone and non-euro-zone***. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into ***euro-zone and non-euro-zone***. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the ***euro-zone and non-euro-zone***, the Commission is empowered to adopt delegated acts in accordance with Article 18a ***concerning the determination*** of the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from ***non-euro-zone*** countries. The distinction into the ***euro-zone*** and ***non-euro-zone*** for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

Amendment

9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into ***euro-area and non-euro-area***. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into ***euro-area and non-euro-area***. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the ***euro-area and non-euro-area***, the Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by determining*** the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from ***non-euro-area*** countries. The distinction into the ***euro-area*** and ***non-euro-area*** for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

Justification

The term ‘euro area’ is the official term for the group of countries that have adopted the euro as their single currency. Clarification of empowerment (to supplement).

Amendment 11

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 7 – point i

Regulation (EC) No 1165/98

Annex B – point b – point 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

4. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 12

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point i

Regulation (EC) No 1165/98

Annex C – point b – point 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 13

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point iii

Regulation (EC) No 1165/98

Annex C – point c – point 4

Text proposed by the Commission

Amendment

(iii) in point (c) 4., the **last paragraph** is

(iii) in point (c)4, the **third**

deleted;

subparagraph is deleted;

Justification

Aligning the wording to the standards for legal drafting of Union legislation.

Amendment 14

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point v

Regulation (EC) No 1165/98

Annex C – point g – point 2

Text proposed by the Commission

Amendment

2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the terms of the allocation of a European sample scheme.;

2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the terms of the allocation of a European sample scheme.;

Justification

Clarification of empowerment (to supplement).

Amendment 15

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 9 – point i

Regulation (EC) No 1165/98

Annex D – point b – point 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to

2. The Commission is empowered to

adopt delegated acts in accordance with Article 18a ***concerning the use of*** other observation units.;

adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by providing for the possibility to use*** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 16

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 9 – point iv

Regulation (EC) No 1165/98

Annex D – point d – point 2

Text proposed by the Commission

2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a concerning the amendment of the list of variables to be transmitted in working-day adjusted form ***may be amended by the Commission.***

Amendment

2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a concerning the amendment of the list of variables to be transmitted in working-day adjusted form;

Amendment 17

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be

Amendment

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be

provided and the quality evaluation **criteria**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

provided and the **criteria for** quality evaluation **of the statistics**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Justification

Alignment with the amendment proposed for Article 10(3).

Amendment 18

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 1

Regulation (EC) No 530/1999

Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Justification

Clarification of empowerment (to supplement).

Amendment 19

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 3

Regulation (EC) No 530/1999

Article 10 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning the** quality evaluation **criteria**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying the criteria for** quality evaluation **of the statistics**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 20

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 4

Council Regulation (EC) No 530/1999

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this amending 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.**

Justification

Alignment of duration of empowerment to the established practice in legislation in the area of ECON responsibilities and to the general Parliament approach.

Amendment 21

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 4

Regulation (EC) No 530/1999

Article 10a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(3) and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 6(3) and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the duration of the scrutiny period to the established practice in legislation in the area of ECON responsibilities.

Amendment 22

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***supplement that Regulation by adopting measures regarding the provision of the data pursuant to the results of the feasibility studies.***

Justification

Alignment of introduction with proposed changes to Article 10(5).

Amendment 23

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 3

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the ***content of*** the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the ***structure and detailed arrangements for*** the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

Alignment of introduction with proposed changes to Article 8(2).

Amendment 24

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 1

Regulation (EC) No 450/2003

Article 2 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments to redefine the technical specification of the index and revise the weighting structure.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments ***of the Annex*** to redefine the technical specification of the index and revise the weighting structure.;

Justification

Precision of the empowerment.

Amendment 25

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 2

Regulation (EC) No 450/2003

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the amendments for the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies **defined** in Article 10.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the amendments for the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies **provided for** in Article 10.;

Justification

Precision of the empowerment. Article 10 establishes the drawing-up of feasibility studies, but does not define them.

Amendment 26

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the identification of the** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

Amendment

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation as regards the breakdown by** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 27

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the determination of** these economic activities, taking into account the feasibility studies **defined** in Article 10.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by determining** these economic activities, taking into account the feasibility studies **provided for** in Article 10.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 28

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the establishment of** the methodology for chaining the index.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by establishing** the methodology for chaining the index.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 29

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the definition of** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.

1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by defining** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.

Justification

Clarification of empowerment (to supplement).

Amendment 30

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **content** of the reports shall be defined by the Commission by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).;

2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **structure and detailed arrangements for** the reports shall be defined by the Commission by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).;

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 31

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4 a (new)

Regulation (EC) No 450/2003

Article 9

Text proposed by the Commission

Amendment

(4 a) Article 9 is deleted.

Justification

Article 9 pertains to transposition periods and derogations which have expired in the meantime. The article is thus superfluous and should be deleted.

Amendment 32

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 5 – point a

Regulation (EC) No 450/2003

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt ***measures pursuant to the results of the feasibility studies by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure*** referred to in Article 12(2). Those ***measures*** shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents.;

5. The Commission shall ***be empowered to adopt delegated acts in accordance with Article 11a to supplement this Regulation concerning the provision of the data referred to in paragraph 2 of this Article pursuant to the results of the feasibility studies*** referred to in ***this*** Article. Those ***delegated acts*** shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents.;

Justification

It is not appropriate to for such measures to be adopted by means of implementing acts, as the empowerment goes beyond the setting ‘of uniform conditions for implementing legally binding Union acts’ as described in Article 291 TFEU. This empowerment must therefore be in the form of a delegated act.

Amendment 33

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2) and Article 4 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2), **Article 4(1), (2) and (3)** and Article 8(1) **and Article 10(5)** shall be conferred on the Commission for *a* period of **five years** from [date of entry into force of this amending 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.**

Justification

Alignment of references and duration of the empowerment.

Amendment 34

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2(4), Article 3(2) and **Article 4** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 2(4), Article 3(2), **Article 4(1), (2) and (3) and Article 8(1) and Article 10(5)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

Alignment of references.

Amendment 35

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(4), Article 3(2) and **Article 4** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 2(4), Article 3(2), **Article 4(1), (2) and (3), Article 8(1) and Article 10(5)** shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of references, scrutiny period and its extension.

Amendment 36

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 1 – indent 2

Text proposed by the Commission

- amend that Regulation to **adapt** the proportion of the Union total;

Amendment

- amend that Regulation to **adjust** the proportion of the Union total;

Justification

Alignment with the amendment proposed for Article 3(3).

Amendment 37

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 1 – point a

Regulation (EC) No 1161/2005

Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 7a **concerning** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and **any decision to require** a breakdown of the transactions listed in the Annex by counterpart sector. Any such **decision** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 7a **to supplement this Regulation by specifying** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and **by requiring** a breakdown of the transactions listed in the Annex by counterpart sector. Any such **delegated act** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 38

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 1 – point b a (new)

Regulation (EC) No 1161/2005

Article 2 – paragraph 5

Text proposed by the Commission

Amendment

(ba) paragraph 5 is deleted;

Justification

Paragraph 5 refers to transmission data in 2004 and is thus obsolete; it should be deleted.

Amendment 39

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 2

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article ***as regards*** the proportion of the Union total." ;

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article ***to adjust*** the proportion (***1%***) of the Union total." ;

Justification

Clarification of the (scope of the) empowerment.

Amendment 40

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 3

Regulation (EC) No 1161/2005

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***concerning the adoption of*** common quality standards.

1. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***to supplement this Regulation by establishing*** common quality standards.

Justification

Clarification of empowerment (to supplement).

Amendment 41

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this

force of this Omnibus].

amending 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.*

Justification

Alignment of the duration of the empowerment.

Amendment 42

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(1) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 43

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 1

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending ***the Annex*** to take account of technological or economic developments or to align it with other economic and social classifications.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending ***Annex I*** to take account of technological or economic developments or to align it with other economic and social classifications.;

Justification

Specification of the reference (as there is more than one Annex).

Amendment 44

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this amending 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.***

Justification

Alignment of the duration of the empowerment.

Amendment 45

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of scrutiny period and its extension.

Amendment 46

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates.

Amendment

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates **and common quality standards**.

Justification

More specific description of the empowerment, see also amendment to Article 6(3) of this Regulation.

Amendment 47

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 2

Regulation (EC) No 716/2007

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by determining** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

Justification

Clarification of empowerment (to supplement).

Amendment 48

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 3

Regulation (EC) No 716/2007

Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** common quality standards.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing** common quality standards **referred to in paragraph 1.**;

Justification

Clarification of empowerment (to supplement) and scope, to make it more specific.

Amendment 49

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 4 – point a – point ii

Regulation (EC) No 716/2007

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) defining the **contents** and periodicity of the quality reports.;

Amendment

(c) defining the **structure, detailed arrangements** and periodicity of the quality reports **referred to in Article 6(2).**;

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 50

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for **an indeterminate** period of **time** [from the entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in **the second paragraph of** Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for **a** period of **five years from** [date of entry into force of this amending 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.**

Justification

Alignment of the duration of the empowerment.

Amendment 51

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2, Article 5(4) and Article 6(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in ***the second paragraph of*** Article 2, Article 5(4) and Article 6(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

Technical correction.

Amendment 52

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2, Article 5(4) and Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of ***two*** months of notification of that act to the European Parliament and the Council or if, before the expiry of that

Amendment

6. A delegated act adopted pursuant to ***the second paragraph of*** Article 2, Article 5(4) and Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of ***three*** months of notification of that act to the European Parliament and the Council or if, before the

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

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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 53

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 1

Regulation (EC) No 1445/2007

Article 3 – paragraph 1 a

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions *set out in the first paragraph* and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.;

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 54

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 2 – point a

Regulation (EC) No 1445/2007

Article 7 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 10a *concerning* common criteria on which the quality control is based.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 10a *to supplement this Regulation by establishing* common criteria on which

the quality control *referred to in paragraph 1* is based.;

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 55

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 2 – point b

Regulation (EC) No 1445/2007

Article 7 – paragraph 5

Text proposed by the Commission

5. The Commission shall **adopt** the structure **of** the quality reports, as specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).;

Amendment

5. The Commission shall **set out** the structure **and detailed arrangements for** the quality reports, as **referred to in paragraph 3 and** specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).;

Justification

The frame of the empowerment needs to be clearly defined.

Amendment 56

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3 and Article 7(4) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in **the second paragraph of** Article 3 and Article 7(4) shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this amending 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.

Justification

Alignment of the duration of the empowerment.

Amendment 57

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3 and Article 7(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in *the second paragraph of* Article 3 and Article 7(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

Technical correction.

Amendment 58

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3 and Article 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to **the second paragraph of** Article 3 and Article 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 59

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common quality **standards** and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted

Amendment

In order to adapt Regulation (EC) No 177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common **standards for the quality of business registers** and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level,

in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Justification

Alignment with proposed amendment in Article 6(3).

Amendment 60

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 1

Regulation (EC) No 177/2008

Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 15a determining the extent to which enterprises with less than half a person employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.;

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by** determining the extent to which enterprises with less than half a person employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.;

Justification

Clarification of empowerment (to supplement).

Amendment 61

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** common **quality** standards.

The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** common standards **for the quality of business registers as referred to in paragraph 1**.

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 62

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall adopt decisions concerning the **content** and periodicity of the quality reports by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).

The Commission shall adopt decisions concerning the **structure, detailed arrangements** and periodicity of the quality reports **referred to in paragraph 2** by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 63

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 4

Regulation (EC) No 177/2008

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** the rules for updating registers.;

3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** the rules for updating registers.;

Justification

Clarification of empowerment (to supplement).

Amendment 64

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 6

Regulation (EC) No 177/2008

Article 15a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **an indeterminate** period of **time [from the entry into force of the Omnibus]**.

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **a** period of **five years from [date of entry into force of this amending 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.**

Justification

Alignment of the duration of the empowerment.

Amendment 65

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 66

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 1

Regulation (EC) No 295/2008

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning its** scope, list of characteristics, reference period, activities to be covered and quality requirements. The delegated act shall be adopted at least 12 months before the beginning of the reference period.

Amendment

The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing the scope of the flexible module, its** list of characteristics, reference period, activities to be covered and quality requirements. The delegated act shall be adopted at least 12 months before the beginning of the reference period.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 67

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 2

Regulation (EC) No 295/2008

Article 4 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the measures necessary on the basis of the evaluation of the pilot studies.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by defining** the measures necessary on the basis of the evaluation of the pilot studies.;

Justification

Clarification of empowerment (to supplement).

Amendment 68

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 3

Regulation (EC) No 295/2008

Article 7 – paragraph 2

Text proposed by the Commission

2. ***In order that*** Union aggregates ***may be compiled***, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b.;

Amendment

2. ***For the purposes of compiling*** Union aggregates, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b ***supplementing this Regulation by determining the relevant levels of NACE Rev. 2.***;

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required

under Article 290 of the Treaty.

Amendment 69

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 4 – point a

Regulation (EC) No 295/2008

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j) **and this** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time starting from the end of the reference period **which shall be laid down** in accordance with **that procedure** for the modules provided for in Article 3(2)(a) to (g) **and** shall be no longer than 10 months.

Amendment

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by specifying** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j), **which** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time starting from the end of the reference period. **The Commission is empowered to adopt delegated acts** in accordance with **Article 11b to supplement this Regulation by specifying that period** for the modules provided for in Article 3(2)(a) to (g), **which period** shall be no longer than 10 months.

Justification

Clarification of empowerment (to supplement). The wording "...that procedure..." referred to the Regulatory Procedure with Scrutiny, hence the wording is aligned to refer to Delegated Acts (DA).

Amendment 70

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 4 – point b

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the review of** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by reviewing** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.;

Justification

Clarification of empowerment (to supplement).

Amendment 71

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII , Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall be conferred on the Commission for ***an indeterminate*** period of ***time*** ***[from the*** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII , Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall be conferred on the Commission for ***a*** period of ***five years*** ***from [date of*** entry into force of this amending 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 72

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11b – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.”

Amendment

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall enter into force only if no objection has been expressed either by the European Parliament or by 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.”

Justification

Alignment of the scrutiny period and its prolongation.

Amendment 73

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 5 – paragraph 1

Text proposed by the Commission

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article

Amendment

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article

11b **concerning** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66 are to be compiled.

11b **to supplement this Regulation by establishing** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66 are to be compiled.

Justification

Clarification of empowerment (to supplement).

Amendment 74

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 6 – paragraph 1

Text proposed by the Commission

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the key characteristics.

Amendment

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 75

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point b – point i

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 1

Text proposed by the Commission

1. The results are to be transmitted within 18 months of the end of the calendar

Amendment

1. The results are to be transmitted within 18 months of the end of the calendar

year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.;

year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.;

Justification

Clarification of empowerment (to supplement).

Amendment 76

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point b – point ii

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the division 66 of NACE Rev. 2**, the transmission of preliminary results or estimates.;

Amendment

These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission of preliminary results or estimates **for division 66 of NACE Rev. 2.**;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 77

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 9

Regulation (EC) No 295/2008

Annex II – section 6

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 78

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 10

Regulation (EC) No 295/2008

Annex III – section 6– paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 79

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 11

Regulation (EC) No 295/2008

Annex IV – section 6 – paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 80

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 12

Regulation (EC) No 295/2008

Annex VI – section 7 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.;

Justification

Clarification of empowerment (to supplement).

Amendment 81

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 13 – point a

Text proposed by the Commission

Amendment

On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning the changing of*** the lower limit.;

On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b ***to amend this Regulation by changing*** the lower limit ***of the reference population.***;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 82

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 13 – point b

Regulation (EC) No 295/2008

Annex VIII – section 4 – paragraphs 2 and 3 – table

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning the determination of*** product breakdown.;

The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by establishing the*** product breakdown.;

(This amendment concerns the table ‘Breakdown of turnover by product type’, the sentence in the column ‘Comment’.)

Justification

Clarification of empowerment (to supplement).

Amendment 83

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning some results that***

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation***

shall also be broken down into size classes to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

by establishing that some results shall also be broken down into size classes to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

Justification

Clarification of empowerment (to supplement).

Amendment 84

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b *concerning some results that* shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b *to supplement this Regulation by establishing that some results* shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

Justification

Clarification of empowerment (to supplement).

Amendment 85

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point b

Regulation (EC) No 295/2008

Annex IX – section 10 – paragraph 2 – subsection "Special aggregates"

Text proposed by the Commission

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is

Amendment

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is

empowered to adopt delegated acts in accordance with Article 11b **concerning** a number of special aggregates of the NACE Rev. 2 to be transmitted..

empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** a number of special aggregates of the NACE Rev. 2 to be transmitted..

Justification

Clarification of empowerment (to supplement).

Amendment 86

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 1

Regulation (EC) No 451/2008

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex:

(a) to take account of technological or economic developments;

(b) to align it with other economic and social classifications.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex to take account of technological or economic developments and to align it with other economic and social classifications.

Justification

Alignment of wording as (a) and (b) is not necessary.

Amendment 87

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 2

Regulation (EC) No 451/2008

Article 6a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for **an**

Amendment

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for **a** period

indeterminate period of *time* from [date of entry into force of this Omnibus].

of *five years* from ... [date of entry into force of this amending 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.*

Justification

Alignment of the duration of the empowerment.

Amendment 88

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 2

Regulation (EC) No 451/2008

Article 6a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of *two* 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 *two* months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 89

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 – point a
Regulation (EC) No 1606/2002
Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 5a **concerning** the applicability within the Union of international accounting standards.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 5a **to supplement this Regulation by establishing** the applicability within the Union of international accounting standards (**hereafter referred to as ‘adopted international accounting standards’**).

Justification

Clarification of empowerment (to supplement) and the links to the provisions in the other paragraphs of the legal act.

Amendment 90

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 – point a
Regulation (EC) No 1606/2002
Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the case of possible imminent risks to the stability of financial markets, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this paragraph.;

Amendment

deleted

Justification

The use of the urgency procedure does not seem justified. If necessary, European Parliament and Council can declare an early non-objection (see proposed amendment to delete Article 5b).

Amendment 91

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 a (new)

Present text

“For each financial year starting on or after 1 January 2005, companies governed by the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)* if, at their balance sheet date, their securities are admitted to trading on a regulated market *of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (1)*.”

Amendment

(1 a) in Article 4, paragraph 1 is replaced by the following:

"For each financial year starting on or after 1 January 2005, companies governed by the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with **Article 3(1)**, if, at their balance sheet date, their securities are admitted to trading on a regulated market **as defined in point (21) of Article 4(1)** of Directive 2014/65/EU.”

Justification

There is no need to refer to 'of a Member State' as the definition of a regulated market in Article 44 MiFID includes only those authorised in the EU.

Amendment 92

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 b (new)

Regulation (EC) No 1606/2002

Article 5

Present text

"Article 5

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred

Amendment

(1 b) Article 5 is replaced by the following:

"Article 5

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred

to in Article 4 to prepare their consolidated accounts and/or their annual accounts, in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)*.”

to in Article 4 to prepare their consolidated accounts and/or their annual accounts, in conformity with the international accounting standards adopted in accordance with *Article 3(1)*.”

Justification

Alignment of the applicable procedure (Article 6 is deleted; empowerment for adoption of delegated acts is now in Art. 3).

Amendment 93

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for *an indeterminate* period of *time* [from the entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for *a* period of *five years from* [date of entry into force of this amending 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.*

Justification

Alignment of the duration of the empowerment.

Amendment 94

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** 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 **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 3(1) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its extension.

Amendment 95

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5b

Text proposed by the Commission

Amendment

Article 5b

deleted

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 5a(6) In such a case, the Commission shall repeal the act

immediately following the notification of the decision to object by the European Parliament or by the Council.

Justification

The use of the urgency procedure does not seem justified. If necessary, European Parliament and Council can declare an early non-objection.

Amendment 96

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 3

Regulation (EC) No 1606/2002

Article 6

Text proposed by the Commission

Amendment

(3) ***Articles 6 and 7 are*** deleted.

(3) ***Article 6 is*** deleted.

Justification

Article 6 is deleted because there is no longer comitology procedure.

Amendment 97

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 3 a (new)

Regulation (EC) No 1606/2002

Article 7

Present text

Amendment

“Article 7

Reporting and coordination

1. The Commission shall ***liaise*** on a regular basis ***with the Committee*** about the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

(3 a) Article 7 is replaced by the following:

“Article 7

Reporting and coordination

1. The Commission shall ***inform*** on a regular basis ***the European Parliament and the Council*** about the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

2. The Commission shall duly report to the **Committee** in a timely manner if it intends not to propose the adoption of a standard.”

2. The Commission shall duly report to the **European Parliament and the Council** in a timely manner if it intends not to propose the adoption of a standard.”

Justification

It is appropriate to establish certain reporting to the Parliament and the Council as regards the preparation of draft international accounting standards. This would be in line with requests by Parliament (Stolojan report) and the text agreed in Article 9(6a) of the EFRAG Financing report.

Amendment 98

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 1

Text proposed by the Commission

In order to adapt Directive 2009/110/EC to take account of inflation or technological and market developments, and to ensure a convergent application of certain exemptions set out in that Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

Directive 2009/110/EC includes in Article 14 an empowerment for the Commission to adopt measures which are necessary to update the provisions of the Directive "in order to take account of inflation or technological and market developments" in accordance with the regulatory procedure with scrutiny. Such empowerment, if adapted to an empowerment for the adoption of delegated acts without further changes, would not satisfy the requirements of Article 290 TFEU regarding the necessary specification of objectives, content and scope of the delegation of power. Taking into account that the Commission has not used the empowerment to date, it should be deleted.

Justification

Explanation why the empowerment in this Directive is deleted entirely.

Amendment 99

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 2 – point 1

Directive 2009/110/EC

Article 14

Text proposed by the Commission

Amendment

(1) Article 14 is *replaced by the following:*

(1) Article 14 is *deleted*.

Article 14

Delegated acts

The Commission is empowered to adopt delegated acts in accordance with Article 14a:

a) amending this Directive in order to take account of inflation or technological and market developments;

b) amending Article 1(4) and (5) to ensure the convergent application of the exemptions referred to in those provisions.;

Justification

The empowerment is too broad to be appropriate for a delegated act under Article 290 TFEU and it has not been used so far. Therefore, it should be deleted.

Amendment 100

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 2 – point 2

Directive 2009/110/EC

Article 14a

Text proposed by the Commission

Amendment

(2) *the following Article 14a is inserted:*

deleted

‘Article 14a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for an indeterminate period of time [from the entry into force of this Omnibus].*
- 3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.*
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*
- 6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.*

Justification

There are no longer provisions that empower the COM to adopt Delegated Acts; therefore, this procedural provision should be deleted.

Amendment 101

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for *an indeterminate* period of *time* from [*the* entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for *a* period of *five years* from [*date of* entry into force of this amending 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.*

Justification

Alignment of the duration of the empowerment.

Amendment 102

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 19(5) shall enter into force only if

Amendment

6. A delegated act adopted pursuant to Article 19(5) shall enter into force only if

no objection has been expressed either by the European Parliament or by the Council within a period of *two* 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 *two* months at the initiative of the European Parliament or of the Council.

no objection has been expressed either by the European Parliament or by 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.

Justification

Alignment of the scrutiny period and its prolongation.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the EU
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)
Committee responsible Date announced in plenary	JURI 13.3.2017
Opinion by Date announced in plenary	ECON 13.3.2017
Rapporteur Date appointed	Roberto Gualtieri 24.1.2017
Discussed in committee	30.8.2017
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