



2015/0027(COD)

27.1.2016

AMENDMENTS

3 - 7

Draft report
David Martin
(PE571.605v01-00)

Protecting against the effects of the extra-territorial application of legislation adopted by a third country and actions based thereon or resulting therefrom (recast)

Proposal for a regulation
(COM(2015)0048 – C8-0039/2015 – 2015/0027(COD))

Amendment 3
David Martin

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

Information which is by nature confidential or which is provided on a confidential basis shall be covered by the obligation of professional secrecy. It shall not be disclosed by the Commission without the express permission of the person providing it.

Amendment

Information which is by nature confidential or which is provided on a confidential basis shall be covered by the obligation of professional secrecy. It shall not be disclosed by the Commission **or by the competent authorities of the Member States** without the express permission of the person providing it.

Or. en

Justification

Clarification of the text. In accordance with Article 2, paragraph 3, the competent authorities of Member States can also receive confidential information.

Amendment 4
David Martin

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Persons **may be authorised, in accordance with Article 7(b) and the procedure referred to in Article 8**, to comply fully or partially **to the extent that non-compliance would seriously damage their interests or those of the Union** . **When** there is sufficient evidence that non-compliance would cause serious damage to a natural or legal person, the Commission shall expeditiously submit to the committee referred to in Article 8 (1) **a draft of the appropriate measures to be taken under**

Amendment

Where non-compliance would seriously damage the interests of persons referred to in Article 11 or those of the Union, the Commission shall adopt implementing acts authorising those persons to comply fully or partially with requirements, prohibitions or requests as referred to in the first paragraph of this Article. Those implementing acts shall be adopted by means of the examination procedure in accordance with Article 8(2). Where there is sufficient evidence that non-compliance would cause serious damage to a natural or

the terms of this Regulation.

legal person, the Commission shall expeditiously submit to the committee referred to in Article 8 (1) *the draft implementing act. When laying down the time limits with regard to the delivery by the Committee of its opinion, the Commission shall take fully into account the time limits which have to be complied with by the persons which are to be subject of an authorisation.*

Or. en

Justification

The contents of this provision is not modified, its text needs to be adapted to comply with the standard wording used for providing implementing powers to the Commission (first part of the amendment). This amendment adds the text from Article 7(b) (second part of the amendment) and a reference to the applicable procedure laid down in Article 8(2).

Amendment 5 **David Martin**

Proposal for a regulation **Article 7 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) grant authorisation under the conditions referred to in Article 5 and, when laying down the time limits with regard to the delivery by the Committee of its opinion, take fully into account the time limits which have to be complied with by the persons which are to be subject of an authorisation;

deleted

Or. en

Justification

This provision is deleted to avoid several levels of references to different provisions of this Regulation, the substance of this provision is inserted in Article 5, paragraph 2.

Amendment 6
David Martin

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. ***For the purpose of implementing Article 7(b)***, the Commission shall be assisted by the Committee on Extra-territorial Legislation. ***Implementing acts shall be adopted in accordance with the examination procedure referred to in paragraph 2 of this Article.*** That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission shall be assisted by the Committee on Extra-territorial Legislation. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Or. en

Justification

This provision is adapted to avoid several levels of references to different provisions of this Regulation and to use the standard wording on committee procedures. Follows from the amendment to Article 5, paragraph 2.

Amendment 7
David Martin

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 1 and in Article 5 shall be conferred on the Commission for a period of five years from ***20 February 2014***. 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

Amendment

2. The power to adopt delegated acts referred to in Article 1 and in Article 5 shall be conferred on the Commission for a period of five years from ***the date of entry into force of this Regulation***. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such

months before the end of each period.

extension not later than three months
before the end of each period.

Or. en

Justification

As a new regulation is adopted, the period for the delegation of powers cannot start at a date in the past.