

# EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

**2008/0005(COD)**

5.5.2008

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on textile names (recast)  
(COM(2007)0870 – C6-0024/2008 – 2008/0005(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

(Recast – Rule 80a of the Rules of Procedure)

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

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

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council on textile names (recast)

(COM(2007)0870 – C6-0024/2008 – 2008/0005(COD))

(Codecision procedure - recast)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0870),
  - having regard to Articles 251(2) and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0024/2008),
  - having regard to the Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>1</sup>,
  - having regard to Rules 80a and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A6-0000/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Approves the Commission proposal as adapted in line with the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 77, 28.3.2002, p. 1.

## EXPLANATORY STATEMENT

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup> was amended by Council Decision 2006/512/EC of 17 July 2006<sup>2</sup>. Article 5a of amended Decision 1999/468/EC introduced the new 'regulatory procedure with scrutiny' (RPS) for '*measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with codecision, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements*'.

Following the screening of the existing legislation and on-going procedures<sup>3</sup>, the European Commission presented inter alia this recast proposal, transformed from a codification in order to incorporate the amendments necessary for the alignment to RPS.

In its decision of 12 December 2007 the Conference of Presidents designated the Committee on Legal Affairs as the lead Committee to deal with this 'comitology alignment' and the specialised committees as opinion-giving committees. The Conference of Committee Chairs agreed on 15 January 2008 on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

In view of the fact that the proposed alignment to RPS is complete, and having consulted the sectoral committee responsible for this dossier, the Rapporteur does not suggest any amendments, apart from the technical adaptations suggested by the Consultative Working Party of the Legal Services.

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<sup>1</sup> OJ C 203, 17.7.1999, p. 1.

<sup>2</sup> OJ L 200, 22.7.2006, p. 11.

<sup>3</sup> COM(2007)0740.

**ANNEX: OPINION IN LETTER FORM OF THE LEGAL SERVICES'  
CONSULTATIVE WORKING PARTY**

Brussels, 11 February 2008

**OPINION**

**FOR THE ATTENTION OF      THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council on textile names  
COM(2007) 870 final of 11.1.2008 - 2008/0005 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 22 January 2008 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on textile names resulted in the Consultative Working Party's establishing, by common accord, that the wording used in Article 19 ("This Directive shall enter into force on 3 February 2008") should be replaced by the standard wording generally used in codification proposal, which reads "This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

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Jurisconsult

C.-F.DURAND  
actg. Director General

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<sup>1</sup> The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.