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Committee on Foreign Affairs

2010/0051(COD)

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AMENDMENTS

9 - 27

Draft opinion

Gabriele Albertini

(PE441.196v01-00)

on the proposal for a regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

Proposal for a regulation

(COM(2010)0083 – C7-0073/2010 – 2010/0051(COD))

AM_Com_LegOpinion

Amendment 9
Helmut Scholz

Proposal for a regulation
Title

Text proposed by the Commission

Regulation of the European Parliament and of the Council laying down the rules and general principles concerning ***mechanisms for control by Member States*** of the Commission's exercise of implementing powers

Amendment

Regulation of the European Parliament and of the Council laying down the rules and general principles concerning the Commission's exercise of ***its*** implementing powers ***under Article 291 of the Treaty on the Functioning of the European Union***

Or. de

Justification

The proposed regulation will cover the whole functioning of implementing powers according to Article 291 TFEU, not only the control of the Commission by Member States. In addition, the EP as co-legislator should be placed on an equal footing with the Council.

Amendment 10
Helmut Scholz

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Treaty on the Functioning of the European Union now requires the European Parliament and the Council to lay down the rules and general principles concerning ***mechanisms for control by Member States*** of the Commission's exercise of implementing powers.

Amendment

(3) The Treaty on the Functioning of the European Union now requires the European Parliament and the Council to lay down the rules and general principles concerning the Commission's exercise of ***its*** implementing powers.

Or. de

Justification

The proposed regulation will cover the whole functioning of implementing powers according to Article 291 TFEU, not only the control of the Commission by Member States. In addition,

the EP as co-legislator should be placed on an equal footing with the Council.

Amendment 11
Helmut Scholz

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that procedures for such control are clear, effective and proportionate to the nature of the implementing acts and that **they** reflect the institutional requirements of the Treaty as well as the experience gained and the common practice followed in the implementation of Decision 1999/468/EC.

Amendment

(4) It is necessary to ensure that procedures for control are clear, effective and proportionate to the nature of the implementing acts, **that the European Parliament is placed on an equal footing with the Council with regard to all acts adopted under the ordinary legislative procedure** and that **the procedures** reflect the institutional requirements of the Treaty, the fact, as well as the experience gained and the common practice followed in the implementation of Decision 1999/468/EC.

Or. de

Justification

Clarification on the basis of Article 291 of the Treaty on the Functioning of the European Union.

Amendment 12
Helmut Scholz

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Without prejudice to the procedure to be used for the adoption of implementing acts, which is determined in the basic act, the examination procedure should in principle be used for the adoption of general implementing measures, where

uniform conditions are needed.

Or. de

Justification

The decision on whether to use the advisory procedure, which gives more power to the Commission, or the examination procedure, where the Member States have more powers, should be left to the co-legislator of the basic act.

Amendment 13

Helmut Scholz

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The examination procedure should ***only apply for the adoption of measures of general scope designed to implement basic acts and specific measures with a potentially important impact. That procedure should*** provide for ***the*** control ***of the Member States*** in such a way that measures cannot be adopted if they are not in conformity with the opinion of the committee, except in very exceptional circumstances, where the Commission should be able, in spite of a negative opinion, to adopt and apply measures for a limited period of time. The Commission should be able to review the draft measures in the event that no opinion is delivered by the committee, taking into account the views expressed within the committee.

Amendment

(9) The examination procedure should provide for control in such a way that measures cannot be adopted if they are not in conformity with the opinion of the committee, except in very exceptional circumstances, where the Commission should be able, in spite of a negative opinion, to adopt and apply measures for a limited period of time. The Commission should be able to review the draft measures in the event that no opinion is delivered by the committee, taking into account the views expressed within the committee.

Or. de

Justification

The decision on whether to use the advisory procedure, which gives more power to the Commission, or the examination procedure, where the Member States have more powers, should be left to the co-legislator of the basic act.

Amendment 14
Sabine Lösing

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The examination procedure should ***only apply for the adoption of measures of general scope designed to implement basic acts and specific measures with a potentially important impact. That procedure should*** provide for the control ***of the Member States*** in such a way that measures cannot be adopted if they are not in conformity with the opinion of the committee, ***except in very exceptional circumstances, where the Commission should be able, in spite of a negative opinion, to adopt and apply measures for a limited period of time.*** The Commission should be able to review the draft measures in the event that no opinion is delivered by the committee, taking into account the views expressed within the committee.

Amendment

(9) The examination procedure should provide for the control in such a way that measures cannot be adopted if they are not in conformity with the opinion of the committee. The Commission should be able to review the draft measures in the event that no opinion is delivered by the committee, taking into account the views expressed within the committee.

Or. en

Amendment 15
Helmut Scholz

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The advisory procedure should apply in all other cases and where it is considered to be most appropriate.

Amendment

deleted

Or. de

Amendment 16
Sabine Lösing

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) With regard to implementing acts under the external financial assistance instruments, the European Parliament should be fully involved by the Commission at any stage during the process leading to the submission of drafts of such acts or any amended versions of such acts.

Or. en

Justification

The Commission should fully involve Parliament during the process leading to the submission of draft implementing acts to be adopted under the external financial assistance instruments.

Amendment 17
Helmut Scholz

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

This Regulation lays down the rules and general principles governing the mechanisms which shall apply in cases where a legally binding Union act (hereafter "basic act") requires that the adoption of binding implementing acts by the Commission be subject to the control of Member States.

This Regulation lays down the rules and general principles governing the mechanisms which shall apply in cases where a legally binding Union act (hereafter "basic act") requires ***uniform conditions of implementation and provides*** that the adoption of binding implementing acts by the Commission be subject to the control of Member States.

Or. de

Justification

Clarification

Amendment 18
Helmut Scholz

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The examination procedure **may only** apply for the adoption of:

(a) Implementing measures of general scope;

(b) Other implementing measures relating to:

i) common agricultural and common fisheries policies;

ii) environment, security and safety or protection of the health or safety of humans, animals or plants;

iii) common commercial policy.

Amendment

2. The examination procedure ***shall in principle*** apply for the adoption of ***general implementing measures where uniform conditions are needed.***

Or. de

Justification

The decision on whether to use the advisory procedure, which gives more power to the Commission, or the examination procedure, where the Member States have more powers, should be left to the co-legislator of the basic act. Moreover, it is highly questionable whether to apply the examination procedure to policy fields that fall under the exclusive competence of the Union.

Amendment 19
Helmut Scholz

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. For all other implementing measures, and for implementing measures referred

Amendment

deleted

to in paragraph 2 where it is considered to be appropriate, the advisory procedure shall apply.

Or. de

Justification

The decision on whether to use the advisory procedure, which gives more power to the Commission, or the examination procedure, where the Member States have more powers, should be left to the co-legislator of the basic act.

Amendment 20

Helmut Scholz

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Objections to draft implementing measures

If the European Parliament or the Council express objections to draft implementing measures, the adoption of which is contemplated and which have been submitted to a committee pursuant to a basic act adopted under Article 294 of the Treaty, on the grounds that those measures would negate the intention of the legislator as expressed in the basic act, the Commission shall re-examine the draft measures.

Taking the reasons for the objections into account and within the time-limits of the procedure under way, the Commission may submit new draft measures to the committee or submit a proposal to the European Parliament and the Council in accordance with the Treaty.

The Commission shall inform the European Parliament, the Council and the committee of the action which it intends to take and of its reasons for

doing so.

Or. de

Justification

The current right of scrutiny of the EP should be maintained. Article 8 of Decision 99/468/EC should therefore be included in the regulation.

Amendment 21
Sabine Lösing

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

***Implementing acts under the external
financial assistance instruments***

***To ensure the right of scrutiny of the
European Parliament the Commission
shall involve the European Parliament
fully when it adopts implementing acts
under the external financial assistance
instruments, during the process leading to
the submission of drafts of such acts or
any amended versions of such acts.***

Or. en

Justification

Parliament should have the opportunity to contribute to the process leading to the definition of the content of draft implementing acts to be adopted under the external financial assistance instruments and has to keep its right of scrutiny.

Amendment 22
Helmut Scholz

Proposal for a regulation
Article 8 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the positions, and the reasons for those positions, of the representatives of the Member States,

Or. de

Justification

The positions of the Member States' representatives should be accessible to the European Parliament (which holds all sittings and committee meetings in public).

Amendment 23

Helmut Scholz

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The European Parliament **and** the Council shall have access to the information referred to in paragraph 1.

2. The European Parliament, the Council **and the Member States** shall have **equal** access to the information referred to in paragraph 1. ***To that end, the European Parliament and the Council shall be sent, at the same time as the members of the committees and on the same terms, all the information referred to in paragraph 1.***

Or. de

Justification

The amendment clarifies the procedures for transmission of information by taking over the relevant provisions of the Agreement (OJ C 143, 10.6.2008, p. 1) between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as amended by Decision 2006/512/EC of 3 June 2008.

Amendment 24
Anneli Jäätteenmäki

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The European Parliament **and** the Council shall have access to the information referred to in paragraph 1.

Amendment

2. The European Parliament, the Council **and the national parliaments** shall have access to the information referred to in paragraph 1

Or. fi

Amendment 25
Sabine Lösing

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Representatives and members of all groups of the European Parliament shall have access to committee meetings as observers.

Or. en

Justification

The committee meetings shall be accessible to observers of the European Parliament.

Amendment 26
Helmut Scholz

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Representatives of the European Parliament shall have the right to attend committee meetings as observers.

Justification

The committee meetings shall be accessible to observers of the European Parliament (which holds all sittings and committee meetings in public).

Amendment 27

Helmut Scholz

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Time limit for review

The Commission shall examine the Union legislation in force and submit the necessary legislative proposals for its alignment with the provisions of the Treaty of Lisbon, particularly with Articles 290 and 291 of the Treaty on the Functioning of the European Union, before...*

**** Six months after the date of entry into force of this Regulation.***

Justification

Alignment of the acquis to the current provisions on delegated acts and implementing acts is of vital importance for those policy areas in which such acts were not adopted by the codecision procedure before entry into force. A case by case assessment of those provisions should be undertaken as a matter of urgency.