



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Regional Development

2010/0051(COD)

20.5.2010

DRAFT OPINION

of the Committee on Regional Development

for the Committee on Legal Affairs

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

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

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AMENDMENTS

The Committee on Regional Development calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

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 such control are clear, **transparent**, effective and proportionate to the nature of the implementing acts and that they **duly** reflect the **new** institutional **framework and** requirements of the Treaty **on the Functioning of the European Union** as well as the experience gained and the common practice followed in the implementation of Decision 1999/468/EC.

Or. en

Justification

Clarification as to the new institutional framework introduced by the Treaty of Lisbon.

Amendment 2

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The new institutional framework reinforces the European Parliament's role as co-legislator, putting it on an equal footing with the Council in the context of the ordinary legislative procedure. In this context, it is appropriate to give the European Parliament and the Council the possibility to have their views taken into consideration on an equal basis where either of them consider that a draft

measure submitted to a committee exceeds the implementing powers conferred on the Commission by the basic act.

Or. en

Justification

Reference to the enhanced role of the Parliament as co-legislator in the new institutional framework.

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In those basic acts which require ***the control of the Member States*** for the adoption by the Commission of implementing acts, it is appropriate that for the purposes of ***such a*** control there should be instituted committees composed of the representatives of the Member States and chaired by the Commission.

Amendment

(5) In those basic acts which require the adoption by the Commission of implementing acts, it is appropriate that for the purposes of control ***by the Member States as provided for by Article 291 of the Treaty on the Functioning of the European Union*** there should be instituted committees composed of the representatives of the Member States and chaired by the Commission.

Or. en

Justification

The requirement of control by Member States stems in general from the Treaty and not from the basic acts themselves.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Criteria should be laid down to determine the procedure to be used for the adoption of implementing acts. In order to achieve greater consistency and ***in order to ensure that procedural requirements are***

Amendment

(8) Criteria should be laid down to determine the procedure to be used for the adoption of implementing acts, in order to achieve greater consistency and ***predictability as*** to the nature of the

proportionate to the nature of the implementing acts to be adopted, those criteria should be **binding**.

implementing acts to be adopted. **However**, those criteria should be **of a non-binding nature and the procedure to be used should be determined in each basic act**.

Or. en

Justification

The choice of the procedure should be left to the legislator on a case-by-case basis, so that the legislator has the opportunity to assess the possible implications of the nature of the procedure chosen as regards each individual legislative act.

Amendment 5

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, where appropriate, be followed as regards** measures of general scope designed to implement basic acts and specific measures with **substantial implications, including of a budgetary nature**. 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.

Or. en

Justification

Clarification of the non-binding nature of the procedures, while reserving the examination procedure (which confers more powers on the Member States) for more important measures.

Amendment 6

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) The European Parliament and the Council should be *kept* informed of committee proceedings *on a regular basis*.

Amendment

(12) The European Parliament and the Council should be informed of *any* committee proceedings *and related documentation at the same time and on the same terms as the committees*.

Or. en

Justification

The rights of the Parliament regarding information in due time and in due form should be preserved.

Amendment 7

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Decision 1999/468/EC should be repealed. In order to ensure the transition between the regime provided for in Decision 1999/468/EC and this Regulation, any reference in existing legislation to the procedures provided for in that Decision should, with the exception of the regulatory procedure with scrutiny provided for in Article 5a thereof, be understood as a reference to the corresponding procedures provided for in this Regulation. The effects of Article 5a of Decision 1999/468/EC should be maintained for the purposes of existing basic acts which refer to that Article.

Amendment

(14) Decision 1999/468/EC should be repealed. In order to ensure the transition between the regime provided for in Decision 1999/468/EC and this Regulation, *a transitional scheme should apply whereby* any reference in existing legislation to the procedures provided for in that Decision should, with the exception of the regulatory procedure with scrutiny provided for in Article 5a thereof, be understood as a reference to the corresponding procedure provided for in this Regulation. The effects of Article 5a of Decision 1999/468/EC should be maintained for the purposes of existing basic acts which refer to that Article. *That transitional scheme should be without prejudice to the legislator's discretion as to the procedure to be chosen for any future legislative acts.*

Justification

Any alignment context should be considered as transitional and should not impinge on the legislator's rights to decide what kind of acts and procedures to provide for in the future.

Amendment 8**Proposal for a regulation****Article 1***Text proposed by the Commission*

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.***

Amendment

This Regulation lays down the rules and general principles governing the ***procedures and the mechanisms of control*** which shall apply in cases where a legally binding Union act (hereafter "basic act") ***confers*** implementing ***powers on*** the Commission ***where uniform conditions for implementing that act are needed.***

Or. en

Justification

Adjustment of the text to Article 291 of the Treaty on the Functioning of the European Union.

Amendment 9**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:***

Amendment

2. ***Without prejudice to paragraph 1,*** the examination procedure ***shall, where appropriate,*** apply for the adoption of implementing measures of general scope ***and specific measures with substantial implications, including of a budgetary nature.***

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.

Or. en

Amendment 10

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

3. For all other implementing measures, and for implementing measures referred to in paragraph 2 where it is considered to be appropriate, *the advisory procedure shall apply.*

Amendment

3. Without prejudice to paragraph 2, *the advisory procedure shall be applied in any case* where it is considered to be appropriate.

Or. en

Amendment 11

Proposal for a regulation Article 3 – paragraph 6 a (new)

Text proposed by the Commission

6a. *Where a vote is taken in the committee, the chairperson shall not vote.*

Or. en

Amendment 12

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 and the Council shall *be informed of any committee proceedings and of* the information referred to in paragraph 1 *at the same time and on the same terms as the committees.*

Or. en

Amendment 13

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Monitoring rights of the European Parliament and of the Council

If the European Parliament or the Council consider that a draft measure submitted to a committee pursuant to a basic act adopted under Article 294 of the Treaty on the Functioning of the European Union would exceed the implementing powers provided for in the basic act, the Commission shall be informed and shall re-examine the draft measure. Taking the objection into account and within the time limits of the procedure under way, the Commission may submit new draft measures to the committee, continue with the procedure or submit a proposal to the European Parliament and the Council on the basis of the Treaty on the Functioning of the European Union.

The Commission shall inform the European Parliament, the Council and

the Committee of the action it intends to take on the objection and its reasons for doing so.

Or. en

Justification

The right to oppose to any measures adopted under a legislative act should remain with the legislator.

Amendment 14

Proposal for a regulation
Article 10 - title

Text proposed by the Commission

Article 10

Adaptation of existing basic acts

Amendment

Article 10

Transitional provisions

Or. en

Amendment 15

Proposal for a regulation
Article 10 - paragraph 1 - point d

Text proposed by the Commission

(d) references to Articles 7 and 8 of Decision 1999/468/EC shall be understood as references to *Article 8* of this Regulation.

Amendment

(d) references to Articles 7 and 8 of Decision 1999/468/EC shall be understood as references, *respectively*, to *Articles 8 and 8a* of this Regulation.

Or. en

Amendment 16

Proposal for a regulation

Article 10 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The transitional scheme provided for in points (a) to (c) of paragraph 1 shall be without prejudice to the legislator's discretion as to the procedure to be applied in any future basic acts.

Or. en