



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2012/2323(INI)

6.5.2013

AMENDMENTS

1 - 8

Draft opinion
Matthias Groote
(PE507.927v01-00)

Follow-up on the Delegation of Legislative Powers and the Control by Member States of the Commission's Exercise of Implementing Powers
(2012/2323(INI))

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PE510.673v01-00

EN

United in diversity

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AM_Com_NonLegOpinion

Amendment 1
Anna Rosbach

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises that the delegation of power is a choice for Parliament as a co-legislator, which it should exercise with care on a case-by-case basis having regard to the need to *safeguard its prerogatives and to ensure transparency* in EU law-making;

Amendment

2. Emphasises that the delegation of power is a choice for Parliament as a co-legislator, which it should exercise with care on a case-by-case basis having regard to the need to *ensure transparency, consistency and legal certainty* in EU law-making;

Or. en

Amendment 2
Satu Hassi

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2 a. Recalls that it is 'clear from the provisions of Articles 290 and 291 of the Treaty that delegated acts and implementing acts are answering different needs and therefore cannot be substituted by one for another' (Handbook on Delegated Acts/Implementing Acts, DG IPOL, February 2012, page 4);

Or. en

Amendment 3
Satu Hassi

Draft opinion
Paragraph 3

Draft opinion

3. **Believes** that, in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should become delegated ***rather than*** implementing acts, unless exceptionally justified;

Amendment

3. **Insists** that, in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should ***clearly*** become delegated ***acts, and not*** implementing acts, ***as delegated acts are foreseen for exactly the same purpose as measures subject to the regulatory procedure with scrutiny (to adopt measures of general scope/application designed to supplement or amend certain non-essential elements of the legislative act)***, unless exceptionally justified;

Or. en

Amendment 4
Toine Manders

Draft opinion
Paragraph 3

Draft opinion

3. Believes that, in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should become delegated rather than implementing acts, unless exceptionally justified;

Amendment

3. Believes that, in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should become delegated rather than implementing acts, unless exceptionally justified; ***this justification should be evaluated within a reasonable amount of time.***

Or. en

Amendment 5
Satu Hassi

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Strongly criticises the Council for systematically trying not only to avoid delegated acts at all costs in new legislation, but even to roll back on the pre-Lisbon alignment by unduly trying to turn measures subject to the regulatory procedure with scrutiny into implementing acts in post-Lisbon alignment acts; calls on the Council to respect the provisions of the Treaty as regards the clearly distinct nature of delegated acts compared to implementing acts;

Or. en

**Amendment 6
Satu Hassi**

**Draft opinion
Paragraph 3 b (new)**

Draft opinion

Amendment

3 b. Considers that choosing not to delegate certain non-essential elements but to keep any changes thereto in the ordinary legislative procedure may be an appropriate solution in some cases that respects the prerogatives of both Council and Parliament, but would not be appropriate in other cases where it would be disproportionate to the nature of the non-essential element to be amended and would thus de facto act as a break on what may well be important adaptations;

Or. en

**Amendment 7
Chris Davies**

Draft opinion
Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Requests the Secretary-General to prepare a study on the outcome of legislative negotiations between Parliament and the Council involving the issue of delegated and implementing acts, with a view to providing advice and best-practice guidelines for rapporteurs and others involved in future negotiations.

Or. en

Amendment 8
Anna Rosbach

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Is of the opinion that ***the*** current arrangements concerning ***its*** oversight of implementing acts are ***inadequate*** and should ***not be*** limited to draft acts; ***calls for Article 11 of the implementing acts Regulation to be amended so that (in principle and with the exception of acts adopted for reasons of urgency) Parliament has the right to scrutinise an implementing act within a period of one month following its adoption.***

6. Is of the opinion that current arrangements concerning ***the European Parliament's*** oversight of implementing acts are ***sufficient*** and should ***remain*** limited to draft acts¹;

¹ ***1 Article 291 TFEU does not provide for any involvement of the European Parliament, so amending the implementing acts regulation to provide for Parliament oversight would be contrary to the wording of the Treaty and indeed the concept of 'implementing' acts.***

