



EUROPEAN PARLIAMENT

2009 - 2014

*Committee on Legal Affairs
The Chair*

10.7.2013

Mr Matthias Grootte
Chair
Committee on the Environment, Public Health and Food Safety
BRUSSELS

Subject: Opinion drawn up pursuant to Rule 37a of the Rules of Procedure on the use of delegated acts, in the context of Parliament's scrutiny of the Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (COM(2012)0788 – C7-0420/2012 – 2012/0366(COD))

Dear Mr Chair,

The Committee on Legal Affairs decided on 6 June 2013, pursuant to Rule 37a(3), to consider a number of questions concerning the use of delegated and implementing acts in the above proposal.

The committee considered the above questions at its meeting of 20 June 2013.

At its meeting of 9 July 2013 the Committee on Legal Affairs adopted the following opinion unanimously¹.

¹ The following were present: Raffaele Baldassarre (Vice-Chair), Luigi Berlinguer, Sebastian Valentin Bodu (Vice-Chair), Piotr Borys, Françoise Castex (Vice-Chair), Christian Engström, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne (Chair), Jörg Leichtfried (pursuant to Rule 187(2)), Eva Lichtenberger, Antonio López-Istúriz White, Jiří Maštálka, Bernhard Rapkay, Rebecca Taylor, Alexandra Thein, Axel Voss, Cecilia Wikström, Tadeusz Zwiefka, Anna Záborská (pursuant to Rule 187(2)).

Yours sincerely,

Klaus-Heiner Lehne

I - Background

The main purpose of the above-mentioned proposal for a Directive is to update and complete Directive 2001/37/EC of 5 June 2001 of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products.

The aim of the Proposal is to approximate the laws, regulations and administrative provisions of the Member States within five policy areas:

Smokeless tobacco products and extension of the product scope (i.e. nicotine containing products and herbal products for smoking);

1. Packaging and labeling;
2. Ingredients/additives;
3. Cross-border distance sales; and
4. Traceability and security features.

Whereas the 2001 directive only provided for implementing powers to the Commission when it came to measures concerning illustration of health consequences and adaptation to scientific and technical progress of measurement methods, the majority of the areas for which the Commission is suggesting delegated or implementing acts in the current proposal were governed by the following Article (emphasis added):

Article 11 **Report**

No later than 31 December 2004, and every two years thereafter, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Directive.

With a view to drafting the report referred to in the first paragraph, the Commission shall be assisted by scientific and technical experts in order to have all the necessary information available.

On submission of the first report, the Commission shall indicate in particular the features which should be reviewed or developed in the light of developments in scientific and technical knowledge, including the development of internationally agreed rules and standards on products, and shall pay special heed to:

- subsequent reduction of the maximum yields laid down in Article 3(1),*
- possible links between these yields,*
- improvements in health warnings, in terms of size, position and wording,*
- new scientific and technical information regarding labelling and the*

printing on cigarette packets of photographs or other illustrations to depict and explain the health consequences of smoking,
— *methodologies for more realistically assessing and regulating toxic exposure and harm,*
— *evaluation of the addictive effects of those ingredients which encourage addiction,*
— *evaluation of tobacco products which may have the potential to reduce harm,*
— *development of standardised testing methods to measure the yields of constituents in cigarette smoke other than tar, nicotine and carbon monoxide,*
— *toxicological data to be required from manufacturers on ingredients and the manner in which they should be tested in order to allow public health authorities to assess their use,*
— *development of standards concerning products other than cigarettes, in particular rolling tobacco.*

The report shall also examine the links between the labelling requirements laid down in Article 5 and consumer behaviour. That report shall be accompanied by any proposals for amendments to this Directive which the Commission deems necessary to adapt it to developments in the field of tobacco products, to the extent necessary for the establishment and operation of the internal market, and to take into account any new development based on scientific facts and developments on internationally agreed product standards.

II - Background to delegated and implementing acts

Please see Section II of the enclosed Opinion of the Committee on Legal Affairs of 27 April 2012 to the Committee on Agriculture concerning the regulation amending Regulation (EC) No 834/2007 on organic production and labelling of organic products, and the working document drawn up in the context of the follow-up on the delegation of legislative powers and the control by Member States of the Commission's exercise of implementing powers (rapporteur: József Szájer), which provide for an extensive background to both delegated and implementing acts.

III - Parliament's position on the delegation of legislative power

The demarcation between delegated and implementing acts has been the subject of some controversy in a number of legislative procedures following the entry into force of the Lisbon Treaty. The Council has insisted on the use of implementing acts in order better to influence the preparatory phase of such acts through the experts from the Member States sitting in the relevant committees provided for in the Implementing Acts Regulation. In the preparation of delegated acts there is no formal role for national experts. Furthermore, the role, influence and prerogatives of Parliament are far greater when it comes to delegated acts, with the possibility of objecting to a proposed delegated act and revoking a delegation being the strongest tools in its possession. When it comes to implementing acts, the powers of Parliament are limited to a right of scrutiny, and the Commission may adopt a proposed implementing act

notwithstanding any objection from Parliament.

The choice of the correct instrument has significant consequences not only for the possibility of Parliament to exercise its right of control or scrutiny, but also for the validity of the legal act itself. The President of the Commission, in a letter to the President of Parliament, has stressed that the delineation between implementing and delegated acts is not a matter of political choice, and that the starting point of any analysis therefore must be the legal criteria established in Articles 290 and 291 TFEU¹. The Commission has therefore sought clarification from the Court of Justice on the delineation issue in a case where it considered that the wrong kind of act had been chosen².

In order to establish a horizontal political position on the issue of delegated acts to protect Parliament's prerogatives and avoid further risk of legal challenges and the risk of annulment of legislative acts with an incorrect choice of delegated or implementing acts, the Conference of Presidents endorsed in 2012 the following 4-step approach with a view to ensuring that Parliament is capable of exercising to the full the powers conferred on it by the Lisbon Treaty³:

1. Choice of the right instrument;
2. Strengthening the Member States' role in the preparatory phase of delegated acts;
3. Inclusion in the basic act ("codecision");
4. Adoption of Parliament's position without a first reading agreement.

As a last step, where delegated acts could not be included in a particular file, although it had been established that they should, this approach calls for refusing to submit the file to the plenary as such, and that further horizontal negotiations with the Council would then be required.

IV - Analysis

In the absence of any case law from the Court of Justice on the question of the demarcation between delegated and implementing acts, the starting point for any analysis must be the wording of the Treaty itself. Article 290 TFEU only permits a delegation of legislative power for the adoption of "*non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act*" (emphasis added).

¹ Letter of 3 February 2012 from President Barroso to President Schulz.

² On 19 September 2012, the Commission brought an action to the Court of Justice against the Parliament and the Council seeking to annul an article in the Biocidal Products Regulation which provides for the adoption of measures establishing the fees payable to the European Chemicals Agency (ECHA) by an implementing act rather than by a delegated act. The Commission argues that since the article in question seeks to supplement certain non-essential elements of the legislative act, and with regard to the nature of the delegation and the purpose of the act to be adopted under those powers, such an act ought therefore to be adopted in accordance with the procedure laid down in Article 290 TFEU and not the procedures laid down in Article 291 TFEU. Case C-427/12, Commission v European Parliament and Council of the European Union.

³ *Political guidelines on a horizontal approach within Parliament on dealing with delegated acts* (Letter of 19 April 2012 from the Chair of the CCC to the President of Parliament).

To examine whether those criteria are fulfilled here, it is necessary to examine the nature of the power in question on a case-by-case basis. Please see the Annex.

V - Conclusion and recommendation

In light of the foregoing reasoning, the Committee on Legal Affairs should take the view that with the exception of the proposed provisions on delegated acts in Paragraphs 3 and 4 of Article 4 and Points (b) and (c) of Article 14(9) of the proposal concerning methods of measurement, none of the suggested provisions on delegated acts should be accepted by Parliament.

All other suggested provisions providing for the adoption of delegated acts should be deleted and the substantive content included in the basic act. In certain cases, delegated acts could be used to make determinations or implementing acts to provide uniform implementing conditions, but only where the criteria are further specified in the basic act. Alternatively, the Commission could be required to draw up a report within a certain time-span to the co-legislators, with possible accompanying proposals for amending legislative acts, as in the 2001 Directive.

The model recitals and articles from the Common Understanding and the Implementing Acts Regulation seem to have been respected. The current wording of Recital 37 does not however correspond to what the Commission is suggesting in Article 6(2) of the proposal.

In view of the political guidance endorsed by the Conference of Presidents, the Committee on Legal Affairs therefore calls on the Committee on the Environment, Public Health and Food Security to take these recommendations into consideration when drawing up its report. If the Council takes a position contrary to these recommendations and favours delegated or implementing acts where the criteria therefore are not met, the Committee should inform the Council that the file will not be submitted to the plenary as such, and if the Council still persists, the Committee should recommend the adoption of Parliament's position without a first reading agreement.

Annex - Provisions containing delegated and implementing acts

Article	Relevant text	Objectives, content and scope	Recommendation
Recital 37	In order to ensure uniform conditions for the implementation of this Directive, in particular concerning the format of ingredients reporting, the determination of products with characterising flavours or with increased levels of toxicity and addictiveness and the methodology for determining whether a tobacco product has characterising flavour, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	<p>This statement is contrary to the own-initiative determinations which are suggested in Article 6(2) below concerning characterising flavour. The recital only mentions methodology.</p> <p>A recital justifying the choice of the examination procedure seems to be missing.</p>	<p>This recital corresponds to the correct template, but fails to state correctly what the Commission intends to do in Article 6(2). It must be adapted to the determinations below.</p> <p>A recital on either advisory or examination procedure should be added.</p>
Recital 38	In order to make this Directive fully operational and to keep up with technical, scientific and international developments in tobacco manufacture, consumption and regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission, in particular in respect of adopting and adapting maximum yields for emissions and their measurement methods, setting maximum levels for ingredients that increase toxicity, addictiveness or	The stated objective only covers "keep up with technical, scientific and international developments", whereas the majority of the provisions on delegated acts suggested below do not pertain to this objective, but rather to the too vague and broad objective of making the Directive "fully operational".	<p>The objective of making the Directive "fully operational" must be deleted, and the objectives of the delegation should be adapted to the determinations below.</p> <p>The content and scope</p>

	<p>attractiveness, the use of health warnings, unique identifiers and security features in the labelling and packaging, defining key elements for contracts on data storage with independent third parties, reviewing certain exemptions granted to tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products and reviewing the nicotine levels for nicotine containing products. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p>	<p>The standard recital in the Common Understanding does not include the words "in particular" when it comes to setting out the content and the scope. Important aspects are therefore left out.</p> <p>The sentence on expert consultations is not included in the standard recital in the Common Understanding.</p>	<p>must be set out in detail in relation to the determinations below.</p> <p>The sentence on expert consultations should be deleted, unless Parliament experts are explicitly mentioned.</p>
<p>Article 3 Maximum tar, nicotine, carbon monoxide and other yields</p>	<p>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.</p>	<p>In view of the public health aim, the question of level of harmful substances touches upon essential elements. The scope of potential prohibition is unlimited.</p>	<p>Delete, not appropriate to delegate. Should be specified in the basic act.</p>
	<p>3. Member States shall notify the Commission of the maximum yields that they set for other emissions of cigarettes and for emissions of tobacco products other than cigarettes. Taking into account internationally agreed standards, where available, and based on scientific evidence and on the yields notified by</p>	<p>Parliament would effectively be left out of setting the level of harmful substances, which touches upon essential elements. The scope of potential prohibition is unlimited.</p>	<p>Delete, not appropriate to delegate. Should be specified in the basic act.</p>

	Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adopt and adapt maximum yields for other emissions of cigarettes and for emissions of tobacco products other than cigarettes that increase in an appreciable manner the toxic or addictive effect of tobacco products beyond the threshold of toxicity and addictiveness stemming from the yields of tar, nicotine and carbon monoxide fixed in paragraph 1.		
Article 4 Measurement methods	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the methods of measurement of the tar, nicotine and carbon monoxide yields, taking into account scientific and technical developments and internationally agreed standards.	The purpose here is to adapt methods of measurement, which are only incidental to the obligation, which is contained in Article 3, and therefore constitute non-essential elements. Since those methods will apply equally to all manufacturers, the delegated acts will be of general application, and the Commission would be best placed to supplement or amend those elements. The word "adapt" should however not be used.	Delegated acts ok, but "supplement or amend" should be used rather than "adapt".
	4. Member States shall notify the Commission of the methods of measurement that they use for other	Same as for Article 4(3) above. Best practice from the Member	Delegated acts ok, but "supplement or amend"

	emissions of cigarettes and for emissions of tobacco products other than cigarettes. Based on these methods, and taking into account scientific and technical developments as well as internationally agreed standards the Commission shall be empowered to adopt <u>delegated acts</u> in accordance with Article 22 to adopt and adapt methods of measurement.	States could be helpful for the Commission. The word "adapt" should however not be used, and "adopt" cannot be used.	should be used rather than "adopt and adapt".
Article 5 Reporting of ingredients and emissions	3. The Commission shall, by means of <u>implementing acts</u> , lay down and if necessary update the format for the submission and dissemination of the information specified in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	This is a question of providing uniform conditions for implementation.	Implementing acts ok.
Article 6 Regulation of ingredients	2. The Commission shall at the request of a Member State or may on its own initiative determine by means of <u>implementing acts</u> whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21. The Commission shall adopt by means of <u>implemeting acts</u> uniform rules on the procedures for determining whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred	This proposed text has nothing to do with uniform conditions for implementation. The Commission is rather giving itself an unlimited margin for appreciation. The wording is furthermore imprecise and touches upon essential elements.	Delete, not appropriate to use implementing acts. More detailed criteria should be specified in the basic act, and determinations could be made through delegated acts (see also JURI opinion on organic products).

	to in Article 21.		
	3. In case the experience gained in the application of paragraphs 1 and 2 shows that a certain additive or a combination thereof typically impart a characterising flavour when it exceeds a certain level of presence or concentration the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to set maximum levels for those additives or combination of additives that cause the characterising flavour.	The Commission is giving itself an unlimited margin for appreciation concerning essential elements.	Delete, not appropriate to delegate. Better to set a date for a review by the Commission with a report to the co-legislators, possibly accompanied by proposals for amending legislative acts.
	8. The Commission shall at the request of a Member State or may on its own initiative determine by means of an implementing act whether a tobacco product falls within the scope of paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21 and shall be based on the latest scientific evidence.	Imprecise, could touch upon essential elements.	Delete, the obligation in Paragraph 7 is already clear.
	9. In case scientific evidence and the experience gained in the application of paragraphs 7 and 8 shows that a certain additive or a certain quantity thereof amplify in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to set maximum	The Commission is giving itself an unlimited margin for appreciation concerning essential elements.	Delete, not appropriate to delegate. Either specify in basic act or provide for future report with possible accompanying legislative proposals.

	levels for those additives.		
	10. Tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products shall be exempted from the prohibitions laid down in paragraphs 1 and 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to withdraw this exemption if there is a substantial change of circumstances as established in a Commission report.	The Commission is giving itself an unlimited margin for appreciation concerning essential elements.	Delete, not appropriate to delegate. Either specify in basic act or provide for future report with possible accompanying legislative proposals.
Article 8 Text warnings for tobacco for smoking	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 22: (a) to adapt the wording of the health warnings laid down in paragraphs 1 and 2 to scientific and market developments;	The wording of the warning text, which is proposed to be specified in the basic act, clearly touches upon essential elements.	Delete, not possible to delegate.
	(b) to define the position, format, layout and design of the health warnings laid down in this Article, including their font type and background colour.	The positioning of health warning is proposed to be specified in the basic act.	The content of this point should be governed by the Directive itself.
Article 9 Combined health warnings for tobacco for	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to: (a) adapt the text warnings listed in Annex I to this	The wording of the warning text, which is proposed to be specified in the basic act, clearly touches upon essential elements.	Delete, not possible to delegate.

smoking	Directive taking into account scientific and technical developments;		
	(b) establish and adapt the picture library referred to in point (a) of paragraph 1 of this Article taking into account scientific and market developments;	The warning pictures clearly touch upon essential elements.	Delete, not possible to delegate.
	(c) define the position, format, layout, design, rotation and proportions of the health warnings;	The positioning of health warning is proposed to be specified in the basic act.	The content of this point should be governed by the Directive itself.
	(d) by way of derogation from Article 7(3), lay down the conditions under which health warnings may be broken during unit packet opening in a manner that ensures the graphical integrity and visibility of the text, photographs and cessation information.	The positioning of health warning is proposed to be specified in the basic act.	The content of this point should be governed by the Directive itself.
Article 10 Labelling of tobacco for smoking other than cigarettes and roll-your-own tobacco	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22, to withdraw the exemption laid down in paragraph 1 if there is a substantial change of circumstances as established in a Commission report.	The Commission can not be given the power to withdraw an exception, unless the criteria have been sufficiently specified. Here, the Commission is giving itself an unlimited margin for appreciation concerning essential elements.	Delete, not possible to delegate.

Article 11 Labelling of smokeless tobacco products	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the requirements in paragraphs 1 and 2 taking into account scientific and market developments.	The wording of the warning text, which is proposed to be specified in the basic act, clearly touches upon essential elements.	Delete, not possible to delegate.
Article 13 Appearance and content of unit packets	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to define more detailed rules for the shape and size of unit packets in so far as these rules are necessary to ensure the full visibility and integrity of the health warnings before the first opening, during the opening and after reclosing of the unit packet.	The Commission is giving itself an unlimited margin for appreciation concerning essential elements, in particular by the wording "define more detailed rules". This is a rather a question of providing uniform conditions for implementation, based on criteria set in the basic act.	Delete, not possible to delegate. Alternatively implementing acts if further specified criteria in the basic act.
	4. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to make either cuboid or cylindric shape mandatory for unit packets of tobacco products other than cigarettes and roll-your-own tobacco if there is a substantial change of circumstances as established in a Commission report.	The Commission is giving itself an unlimited margin for appreciation concerning essential elements, in particular by the wording "make ... mandatory". This is a rather a question of providing uniform conditions for implementation, based on criteria set in the basic act.	Delete, not possible to delegate. Alternatively implementing acts if further specified criteria in the basic act.
Article 14 Traceability and	9. The Commission shall be empowered to adopt delegated acts in accordance with Article 22:	The Commission is giving itself an unlimited margin for	Delete, not possible to delegate. Alternatively

security features	(a) to define the key elements (such as duration, renewability, expertise required, confidentiality) of the contract referred to in paragraph 6, including its regular monitoring and evaluation;	appreciation concerning essential elements, in particular by the wording "define the key elements". This is a rather a question of providing uniform conditions for implementation, based on criteria set in the basic act.	implementing acts if further specified criteria in the basic act.
	(b) to define the technical standards to ensure that the systems used for the unique identifiers and the related functions are fully compatible with each other across the Union and	These issues constitute non-essential elements of the proposal.	Delegated acts ok.
	(c) to define the technical standards for the security feature and their possible rotation and to adapt them to scientific, market and technical development.	These issues concern non-essential elements of the proposal.	Delegated acts ok.
Article 18 Nicotine-containing products	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to update the nicotine quantities set out in paragraph 1 taking into account scientific developments and marketing authorisations granted to nicotine- containing products pursuant to Directive 2001/83/EC.	In view of the public health aim, the question of level of harmful substances touches upon essential elements. The scope of potential prohibition is unlimited.	Delete, not appropriate to delegate. Should be specified in the basic act.
	5. The Commission shall be empowered to adopt	The wording of the warning text,	Delete, not appropriate

	delegated acts in accordance with Article 22 to adapt the requirements in paragraphs 3 and 4 taking into account scientific and market developments and to adopt and adapt the position, format, layout, design and rotation of the health warnings.	which is proposed to be specified in the basic act, clearly touches upon essential elements.	to delegate.
Article 21 Committee procedure	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</p>	<p>Parliament could take the position that the advisory procedure in Article 4 of Regulation (EU) No 182/2011 should be used instead of the examination procedure in Article 5.</p> <p>The majority of committee members required in Paragraph 3 could be changed.</p>	<p>This article corresponds to the correct template.</p> <p>Parliament is free to change the procedure and required majority.</p>
Article 22 Exercise of the delegation	<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>2. The power to adopt delegated acts referred to in Articles 3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5)</p>	Parliament could opt for a set duration in Paragraph 3, for instance a number of years, coupled with reporting requirements (option 2 in the Common Understanding).	The Article corresponds to the model Article in the Common Understanding, but it should be adapted to the determinations above.

	<p>shall be conferred on the Commission for an indeterminate period of time from [<i>Office of Publications: please insert the date of the entry into force of this Directive</i>].</p> <p>3. The delegation of powers referred to in Articles 3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p> <p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act pursuant to Articles 3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not</p>	<p>The objection period in Paragraph 5 is the standard 2+2 months, which Parliament is free to make longer or shorter.</p>	<p>Parliament is free to change the timeframes.</p>
--	---	--	---

	object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		
--	---	--	--