



2017/0035(COD)

26.10.2017

AMENDMENTS

7 - 20

Draft opinion

Wim van de Camp

Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

Proposal for a regulation

(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Amendment 7
France Jamet

Proposal for a regulation
Citation 3

Text proposed by the Commission

After transmission of the draft legislative act to the national parliaments,

Amendment

After transmission of the draft legislative act to the national parliaments **and pending the adoption of a clear position by those national parliaments,**

Or. fr

Amendment 8
Emmanuel Maurel

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure **wider** political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Amendment

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the **committees and the** appeal committee. These amendments are intended to ensure **the widest** political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Or. en

Amendment 9
Emmanuel Maurel

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.

Amendment

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote, ***both in committees and in appeal committee.***

Or. en

Amendment 10
Emmanuel Maurel

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple

Amendment

(9) The voting rules for ***both the committees and*** the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be

majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

considered valid if a simple majority of the Member States are participating members of the *committees and the* appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Or. en

Amendment 11
France Jamet

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral. ***This approach can only be valid if it is validated by all Member States.***

Or. fr

Amendment 12
Heidi Hautala

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral. ***The European Parliament should be given the possibility to express its views within set deadlines.***

Or. en

Justification

The right of scrutiny by the European Parliament is undermined if the Commission does not await the deadline provided to Parliament for expressing its opinion when issuing an Implemented Act, as has happened in some recent Anti-Dumping cases. This principle should be upheld independently from the discretion given to the Commission to accelerate procedures in due cases.

Amendment 13 Emmanuel Maurel

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and the individual Member State representatives' votes should be made public.

Amendment

(11) Transparency on the votes of Member State representatives at ***the committee and*** the appeal committee level should be increased and the individual Member State representatives' votes should be made public.

Or. en

Amendment 14

Emmanuel Maurel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 5

Present text

Amendment

The chair shall set the date of the appeal committee meeting in close cooperation with the members of the committee, in order to enable Member States and the Commission to ensure *an* appropriate level of representation. ***By 1 April 2011, the Commission shall convene the first meeting of the appeal committee in order to adopt its rules of procedure***

(1a) In Article 3 paragraph 7, the fifth subparagraph is replaced by the following:

"

The chair shall set the date of the appeal committee meeting in close cooperation with the members of the committee, in order to enable Member States and the Commission to ensure ***the highest*** appropriate level of representation.

"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0182&from=EN>)

Amendment 15

Emmanuel Maurel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 b (new)

Regulation (EU) No 182/2011

Article 5 – paragraph 1

Present text

Amendment

(1b) In Article 5, paragraph 1 is replaced by the following:

Where the examination procedure applies, the committee shall deliver its opinion by the majority laid down in Article 16 (4) and (5) of the Treaty on European Union and, where applicable, Article 238(3) TFEU, for acts to be adopted on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in those Articles.

”

Where the examination procedure applies, the committee shall deliver its opinion by the majority laid down in Article 16 (4) and (5) of the Treaty on European Union and, where applicable, Article 238(3) TFEU, for acts to be adopted on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in those Articles.

However, only members of the committee who are present or represented at the time of the vote, and do not abstain from voting, shall be considered participating members of the committee.

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0182&from=EN>)

Amendment 16 **Emmanuel Maurel**

Proposal for a regulation
Article 1 – paragraph 1 – point 1 c (new)
Regulation (EU) No 182/2011
Article 5 – paragraph 4 – point c

Present text

Amendment

a simple majority of the ***component*** members of the committee

(1c) In Article 5 paragraph 4, point (c) is replaced by the following:

”

a simple majority of the **voting** members of the committee.

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0182&from=EN>)

Amendment 17
Emmanuel Maurel

Proposal for a regulation
Article 1 – paragraph 1 – point 1 d (new)
Regulation (EU) No 182/2011
Article 5 – paragraph 5 – subparagraph 1

Present text

Amendment

By way of derogation from paragraph 4, the following procedure shall apply for the adoption of draft definitive anti-dumping or countervailing measures, where no opinion is delivered by the committee and a simple majority of its **component** members oppose the draft implementing act

(1d) In Article 5 paragraph 5, first subparagraph is replaced by the following:

”

By way of derogation from paragraph 4, the following procedure shall apply for the adoption of draft definitive anti-dumping or countervailing measures, where no opinion is delivered by the committee and a simple majority of its **voting** members oppose the draft implementing act.

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0182&from=EN>)

Amendment 18
Emmanuel Maurel

Proposal for a regulation

Article 1 – paragraph 1 – point 1 e (new)

Regulation (EU) No 182/2011

Article 5 – paragraph 5 – subparagraph 2

Present text

The Commission shall conduct consultations with the Member States. **14** days at the earliest and **1 month** at the latest after the committee meeting, the Commission shall inform the committee of the results of those consultations and submit a draft implementing act to the appeal committee. By way of derogation from Article 3 (7), the appeal committee shall meet **14** days at the earliest and **1 month** at the latest after the submission of the draft implementing act. The appeal committee shall deliver its opinion in accordance with Article 6. The time limits laid down in the paragraph shall be without prejudice to the need to respect the deadlines laid down in the relevant basic acts.

Amendment

(1e) *In Article 5 paragraph 5, second subparagraph is replaced by the following:*

"

The Commission shall conduct consultations with the Member States. **10** days at the earliest and **21 days** at the latest after the committee meeting, the Commission shall inform the committee of the results of those consultations and submit a draft implementing act to the appeal committee. By way of derogation from Article 3 (7), the appeal committee shall meet **10** days at the earliest and **21 days** at the latest after the submission of the draft implementing act. The appeal committee shall deliver its opinion in accordance with Article 6. The time limits laid down in the paragraph shall be without prejudice to the need to respect the deadlines laid down in the relevant basic acts. ***The European Parliament shall be***

informed about the decision adopted.

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0182&from=EN>)

Amendment 19
Emmanuel Maurel

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EU) No 182/2011
Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) the voting results including, *in the case of the appeal committee*, the votes expressed by the representative of each Member State; ;

Amendment

(e) the voting results including the votes expressed by the representative of each Member State;

Or. en

Amendment 20
Heidi Hautala

Proposal for a regulation
Article 1 – paragraph 1 – point 3 a (new)
Regulation (EU) No 182/2011
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(3a) In Article 11, after paragraph 1, a new paragraph is inserted:

1a. The European Parliament and the Council shall have one month, from the date of receipt by the Committee concerned of the final draft implementing act in all the language versions, to give the indication as referred to in the first paragraph. The Commission shall not adopt the implementing act until that

period for the European Parliament to indicate its view has passed.

Or. en

Justification

The time period of one month for the right of scrutiny should be laid down in the current Regulation 182/2011. The right of scrutiny by the European Parliament is, however, undermined, if the Commission does not await the deadline provided to Parliament for expressing its opinion when issuing an Implemented Act, as has happened in some recent Anti-Dumping cases.