

AMENDING ACTS TRAINING FOR ENVI

January 2022

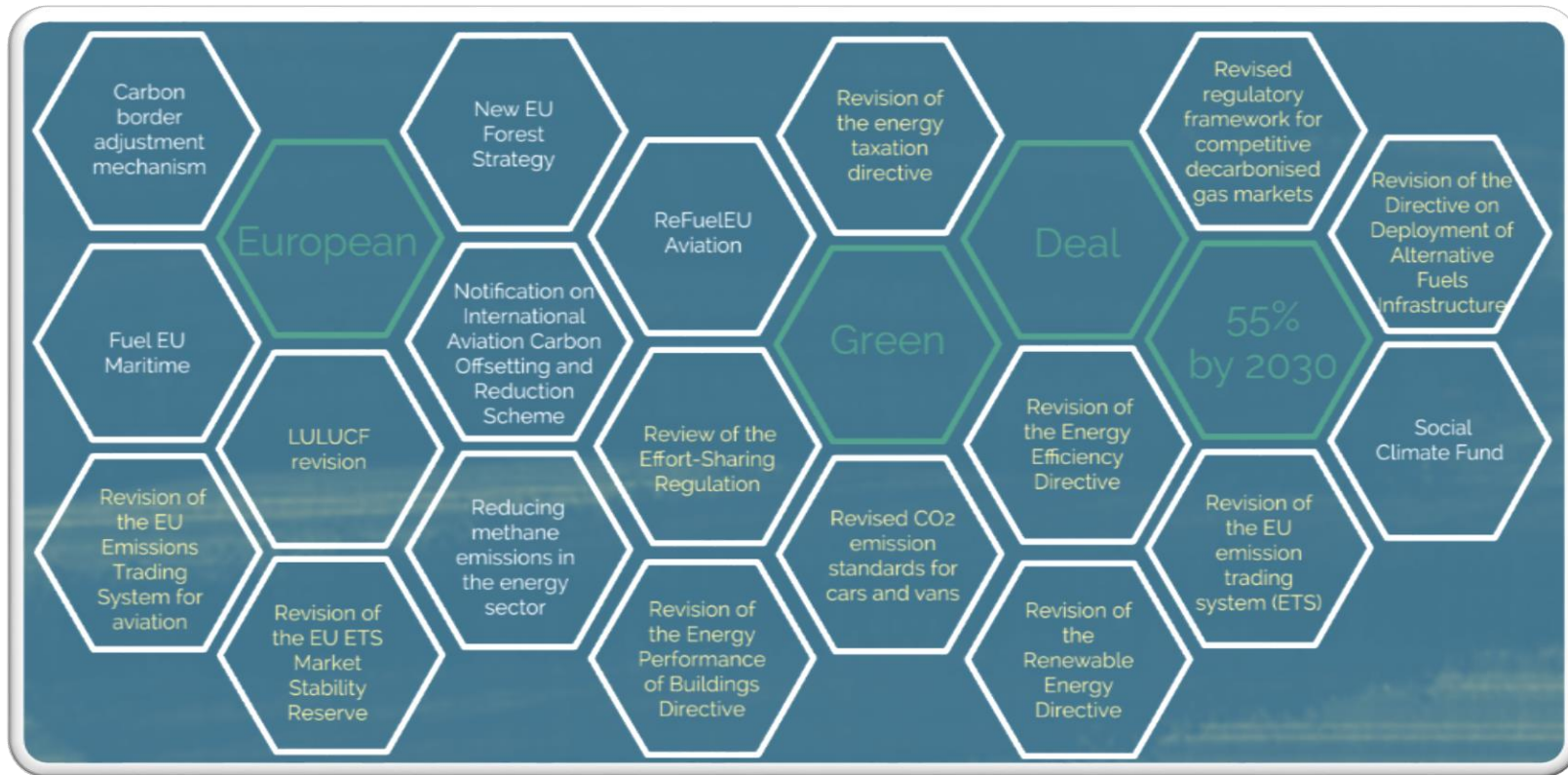
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European Parliament

OUTLINE

1. Background: Fit for 55
2. Fundamentals for amending acts
3. Relevant amendment types
4. Specific cases
5. Quiz
6. AT4AM/DST demonstration



FUNDAMENTALS – AMENDING AND BASIC ACTS

- Always at least two acts:
 - ✓ **Amending act:** the act (vehicle) containing modifications to existing act(s)
 - ✓ **Basic act(s):** the existing act(s) to be amended

Amending act = COM proposal

Basic acts

The image shows a screenshot of an official document from the European Commission. At the top left, there are the logos of the European Union and the European Commission. The text 'EUROPEAN COMMISSION' is visible. The document is dated 'Brussels, 14.7.2021' and has the reference 'COM(2021) 551 final' and '2021/0211 (COD)'. The main title is 'Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757'. Below the title, it says '(Text with EEA relevance)'. At the bottom, there are references to other documents: '{SEC(2021) 551 final} - {SWD(2021) 557 final} - {SWD(2021) 601 final} - {SWD(2021) 602 final}'. A green bracket on the left side of the document points to the title and the date, and a purple bracket points to the list of acts being amended.

- Replacement or modification of **complete units** of text (an article or a subdivision of an article) instead of:
 - ✓ the insertion or deletion of sentences;
 - ✓ the insertion or deletion of one or more terms, with the exception of dates and figures
- Include only the (logical) **minimum unit**

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a a (new)

Regulation (EC) No 810/2009

Article 9 – paragraph 3

Present text

~~In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.~~

Amendment

(aa) In Article 9, paragraph 3, the following subparagraph is added:

~~“In justified cases of urgency, the consulate may allow applicants to lodge their applications either without appointment, or an appointment shall be given immediately.~~

In an electronic procedure, in the event of failure to reply within one month of the submission of the application, provision shall be made for a remedy to enable the application to be examined in any event.”;

- No amendment of the recitals of a basic act
 - only through recast / codification
- Recitals should (only) explain the reasons for the changes made by the amending act
- Amendments should fit seamlessly into the basic act
- Consider consequences for references

➤ Every amendment of the basic act is introduced by **standard wording**

- Article X is replaced by the following:
- the following article* is **inserted:**
- in Article Y, the following paragraph* is **added:**
- in Article Z, paragraph Y is deleted.

To insert an element into a list, i.e. a new point **(ba)** where the existing list contains points (a) to (d).

To add an element to a list, i.e. a new point **(da)** where the existing list contains points (a) – (d).

* Numbers are only inserted in the case of complicated amendments.

2 lines (lines 1 and 2): Amendments modifying elements exclusive to COM proposal

4 lines (lines 1-4): Amendments modifying elements of the basic act

➤ In **bold** (lines 1 and 2) indicating the part of the amending act concerned (= COM proposal)

➤ « (new) » at the end of the second line, when inserting a new provision into the COM proposal

➤ In regular style (lines 3 and 4) indicating the *type* and *number* of the basic act and the *provision* concerned

➤ « (new) » at the end of the fourth line, if inserting a provision that is not included in either the basic act or the COM proposal

Amendment 33

Proposal for a regulation

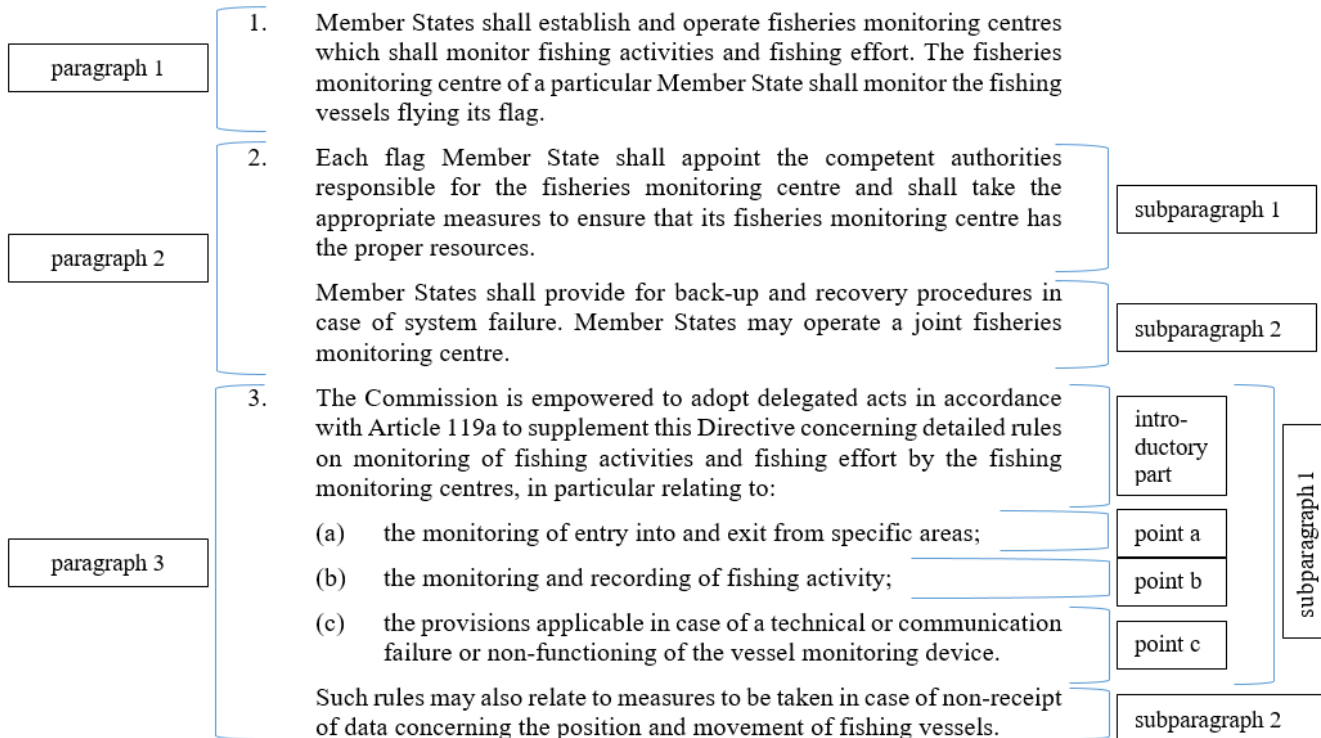
Article 1 – paragraph 1 – point 7 – point a

Regulation (EC) No 810/2009

Article 9 – paragraph 1

Article 9

Fisheries monitoring centres



RELEVANT AMENDMENT TYPES

1. AM **modifying** a **recital** of the COM proposal
2. AM **modifying** the **changes to the basic act introduced in the COM proposal**
3. AM **restoring** the **basic act** (if the amending act proposes to delete/modify a part of the basic act)

Modifying text in the amending act (COM proposal)

4. AM **inserting** a **new provision in the basic act**
 - not considered in the COM proposal
 - going beyond what is in the COM proposal
5. AM **modifying** a **part of the basic act not modified by the COM proposal**
6. AM **deleting** a **part of the basic act**
 - considered in the COM proposal
 - not considered in the COM proposal

Modifying text in the basic act (further than the COM proposal)

1. AM MODIFYING A RECITAL OF THE COM PROPOSAL

Amendment 9

Proposal for a regulation
Recital 6

Reference to amending
act

Text proposed by the Commission

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality and integrity of the examination of visa applications. The amount of the visa fee should be revised *on a two-yearly basis* on the basis of objective criteria.

Amendment

(6) The visa fee should ensure that sufficient financial resources are available to cover the expenses of visa processing, including appropriate structures and sufficient staff to ensure the quality, *speed* and integrity of the examination of visa applications. The amount of the visa fee should be revised *every two years* on the basis of objective *assessment* criteria.

Changes in *bold italics*

2. AM MODIFYING THE CHANGES TO THE BASIC ACT INTRODUCED IN THE COM PROPOSAL

Amending act

Article 1

Regulation (EC) No 810/2009 is amended as follows:

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

“1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period.”;

Amendment 23

Proposal for a regulation
Article 1 – paragraph 1 – point 1
Regulation (EC) No 810/2009
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period.;

Amendment

1. This Regulation establishes the conditions and procedures for issuing visas for intended stays on the territory of the Member States not exceeding 90 days in any 180-days period, **and intended stays by Sport and Culture Professionals for up to one year without staying more than 90 days in any 180-day period in any single Member State.**

Amending act

Amendment

Article 1

Regulation (EC) No 810/2009 is amended as follows:

[...]

(11) Article 15 is amended as follows:

(a) paragraph 1 is replaced by the following:

“1. Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses that might arise in connection with repatriation for medical reasons, urgent medical attention and emergency hospital treatment or death, during their intended stay on the territory of the Member States.”;

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a

Regulation (EC) No 810/2009

Article 15 – paragraph 1

Text proposed by the Commission

(a) *paragraph 1 is replaced by the following:*

“1. *Applicants for a uniform visa for one entry shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses that might arise in connection with repatriation for medical reasons, urgent medical attention and emergency hospital treatment or death, during their intended stay on the territory of the Member States.*”

Amendment

deleted

4. AM INSERTING A NEW PROVISION INTO THE BASIC ACT (NOT CONSIDERED IN COM PROPOSAL)

Amending act

Amendment

Article 1

Regulation (EC) No 810/2009 is amended as follows:

(7) Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

“Applications may be lodged no more than six months, and for seafarers in the performance of their duties, no more than nine months before the start of the intended visit and, as a rule, no later than 15 calendar days before that start.”;

(b) paragraph 4 is replaced by the following:

Amendment 34

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point a a (new)

Regulation (EC) No 810/2009
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(aa) *the following paragraph is inserted:*

“3a. *In an electronic procedure, in the event of failure to reply within one month of the submission of the application, provision shall be made for a remedy to enable the application.”;*

4. AM INSERTING A NEW PROVISION IN THE BASIC ACT (GOING BEYOND COM PROPOSAL)

15

Amending act

Amendment

Article 1

Regulation (EC) No 810/2009 is amended as follows:

[...]

(2) Article 2 is amended as follows:

[...]

(d) The following point is added:

“(12) ‘seafarer’ means any person who is employed, engaged or works in any capacity on board a seagoing ship or a ship navigating in international inland waters.”;

(3) in Article 3(5) points (b) and (c) are replaced by the following:

As another point is added, the introductory phrase would require a slight modification:

“The following **points** are added:”

This will be done as a technical change during finalisation and should not be tabled as a separate amendment.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point d

Regulation (EC) No 810/2009

Article 2 – point 12 a (new)

Text proposed by the Commission

Amendment

(12a) *Sport and Culture Professionals: Third-country nationals who are not citizens of the Union within the meaning of Article 20(1) of the Treaty, and belong to the following categories: performing artists and their support staff, elite sports persons and their support staff and, where applicable, family members of those categories, who have been able to demonstrate clearly the administrative and logistical obstacles to organising a tour or a competition in several Member States in the Schengen area lasting more than three months.*

5. AM MODIFYING A PART OF THE BASIC ACT NOT MODIFIED BY THE COM PROPOSAL

16

Amending act

Amendment

Article 1

Regulation (EC) No 810/2009 is amended as follows:

(13) Article 17 is amended as follows:

- (a) The first sentence of paragraph 1 is replaced by the following:
“A service fee may be charged by an external service provider referred to in Article 43.”;
- (b) paragraph 3 is deleted;
- (c) the following new paragraph 4a is inserted:
“4a. By derogation from paragraph 4, the service fee shall not exceed the amount of the visa fee, in third countries whose nationals are subject to the visa requirement where no Member State has a consulate for the purpose of collecting visa applications.”;
- (d) paragraph 5 is deleted;

(14) Article 21 is amended as follows:

- (a) in paragraph 3, point (e) is replaced by the following :

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point 13 a (new)

Regulation (EC) No 810/2009

Article 19 – paragraph 4

Present text

- 4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds *or* for reasons of national interest.

Amendment

(13a) in Article 19, paragraph 4 is replaced by the following:

- 4. By way of derogation, an application that does not meet the requirements set out in paragraph 1 may be considered admissible on humanitarian grounds, for reasons of national interest *or because of international obligations*.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02009R0810-20200202&qid=1642089043685>)

For this amendment type, provide the link to the basic act following the AM table.

6. AM DELETING A PART OF THE BASIC ACT (CONSIDERED IN COM PROPOSAL)

17

Amending act

Amendment

Article 1

Regulation (EC) No 810/2009 is amended as follows:

[...]

(14) Article 21 is amended as follows:

- (a) in paragraph 3, point (e) is replaced by the following :
 - “(e) that the applicant is in possession of adequate and valid travel medical insurance, where applicable, covering the period of the intended stay, or, if a uniform visa for multiple entry is applied for, the period of the first intended visit.”;
- (b) paragraph 4 is replaced by the following:
 - “4. [...]”;
- (c) paragraph 8 is replaced by the following:
 - “8. [...]”;

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point 14 – point a

Regulation (EC) No 810/2009

Article 21 – paragraph 3

Text proposed by the Commission

Amendment

(a) *in paragraph 3, point (e) is replaced by the following :*

(a) paragraph 3 is *deleted*;

“(e) that the applicant is in possession of adequate and valid travel medical insurance, where applicable, covering the period of the intended stay, or, if a uniform visa for multiple entry is applied for, the period of the first intended visit.”;

6. AM DELETING A PART OF THE BASIC ACT (NOT CONSIDERED IN COM PROPOSAL)

Amending act

Article 1

Regulation (EC) No 810/2009 is amended as follows:

[...]

(22) Article 32 is amended as follows:

- (a) In paragraph 1, point a, the following point is inserted:
“(iia) [...]”;
- (b) paragraph 3 is replaced by the following:
“3. [...]”;
- (c) paragraph 4 is deleted;

Amendment

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 22 – point a a (new)

Regulation (EC) No 810/2009

Article 32 – paragraph 2

Text proposed by the Commission

Amendment

(aa) *paragraph 2 is deleted;*

SPECIFIC CASES – AMENDMENT APPLYING THROUGHOUT THE TEXT

Option A

To change a term throughout the amending act
(COM proposal)

<p>Amendment XX</p> <p>Proposal for a regulation</p> <p>...</p> <p>Regulation (xx) .../...</p> <p>...</p>	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Proposal for a recommendation on the health and safety of workers</p>	<p>Proposal for a regulation on the health and safety of workers</p> <p><i>(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)</i></p>

Option B

To change a term throughout the amending act
(COM proposal) and unamended parts of the
basic act

<p>Amendment XX</p> <p>Proposal for a regulation</p> <p>... point X (new)</p> <p>Regulation (xx) .../...</p> <p>...</p>	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p><i>(X) Throughout the Regulation, the term 'XYZ' is replaced by 'QED' and any necessary grammatical changes are made.</i></p>

When an amendment seeks to delete

- a piece of text > 2 500 characters (incl. spaces)
- an entire annex (any length)

Then:

- Left-hand column: “[...]”
- Right-hand column: “deleted”

Amendment XX	
Proposal for a regulation Article 1 – paragraph 13 Regulation (EC) No 810/2009 Annex XI	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
[...]	<i>deleted</i>

Ensure that the identifier section is correct, as it is the only way of knowing which part of the text is deleted.

- Justifications are **generally optional**
- But **mandatory in a recast** for amendments which concern „**white parts**“ of the COM Proposal (i.e. parts of the text in force that are not substantially amended but only codified)

Amendment 36

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive concerns the quality of water intended for human consumption.

Amendment

1. This Directive concerns the quality of water intended for human consumption **for all in the Union.**

Justification

Necessary for reasons related to the internal logic of the text. The introduction of the access to water (Article 13) was not reflected in Article 1 of the COM Proposal.

Necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments”

Rule 110(3), third subparagraph of RoP

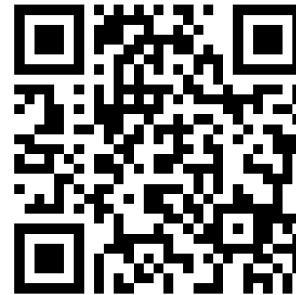
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THANK YOU!



Insertion:

- The following article is inserted [in Chapter VI of Regulation ...]
- [In Article 3] [of Regulation ...], the following indent is inserted [after the [second] indent/before the first indent]:

Replacement:

- Article [3] [of Regulation...] is replaced by the following:
- In Article [3] [of Regulation...] [paragraph .../the [first] [sub]paragraph/the introductory part/wording/...] is replaced by the following:
- In [Article 3] [of Regulation...], the date "... " is replaced by "... ".

Addition:

- In Article [3] [of Regulation ...], the following [paragraph/subparagraph/...] is added:

Deletion:

- [In Regulation ...,] Article [3] is deleted.
- In Article [3] [of Regulation ...], [paragraph .../the [first] [sub]paragraph/...] is deleted.

- Start with the most general element and end with the specific element you are amending – each element is separated by a dash: [Article 1 – paragraph 2 – introductory part](#) / [Article 1 – paragraph 2 – point a](#) / [Article 1 – paragraph 2 – subparagraph 1](#)
- Number the provisions in the heading even if they are not numbered in the legislative act ([for example subparagraphs](#))
- In the identifier section, do not use round brackets for the reference numbers or letters: [point \(a\) – this is wrong, it should be point a \(see example above\)](#)
- For amendments inserting a new provision, insert a space before « a », « b », « c » etc.: [Article 1 – paragraph 2 a \(new\)](#), not [Article 1 – paragraph 2a \(new\)](#)
- Put « (new) » at the end of the second line when inserting a new provision into the COM proposal
- Only put « (new) » at the end of the fourth line, if inserting a provision that is not included in either the basic act or the COM proposal
- When inserting a new provision before the first provision of a given category, use « - 1 (new) », « - 1 a (new) », « - 1 b (new) » and so on: [Article 1 – paragraph -1 \(new\)](#)
- The « a », « b » and « c » system should also be used when adding a provision at the end of a series of provisions, [such as the last paragraph of an article](#)