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**A7-0209/2012**

25.6.2012

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# **REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission  
(COM(2011)0918 – C7-0005/2012 – 2011/0453(COD))

Committee on International Trade

Rapporteur: Vital Moreira

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission (COM(2011)0918 – C7-0005/2012 – 2011/0453(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0918),
  - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0005/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade (A7-0209/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

5. In order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for that Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. It is of particular importance that the Commission carry 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.

##### *Amendment*

5. In order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for that Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. It is of particular importance that the Commission carry 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. ***The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.***

##### *Justification*

*In line with the Trade Omnibus I and II, the rapporteur proposes emphasizing the need for the European Parliament to be duly involved in preparation and implementation of delegated acts. This will facilitate the scrutiny of delegated acts and will ensure an efficient exercise of the delegation of power by avoiding objections from the European Parliament.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Article 1 – point -1 (new)**

Regulation (EC) No 2008/97

Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following recital is inserted:**

***"Whereas, in order to ensure uniform conditions for the adoption of certain measures for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\* OJ L 55, 28.2.2011, p. 13."***

*Justification*

*The Commission proposal did not address the recitals of the amended Regulations. The Rapporteur is of the view that it is necessary to amend the recitals of the basic acts in order to explain the use of implementing acts.*

## **Amendment 3**

### **Proposal for a regulation**

#### **Article 1 – point -1 a (new)**

Regulation (EC) No 2008/97

Recital 6

*Text proposed by the Commission*

*Amendment*

**-1a. Recital 6 is replaced by the following:**

***"Whereas in order to supplement or amend certain non-essential elements of this 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 respect of the adoption of the resulting adjustments necessary for this Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. It is of particular importance that the Commission carry 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 to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."*

#### *Justification*

*The Commission proposal did not address the recitals of the amended Regulations. The Rapporteur is of the view that it is necessary to amend the recitals of the basic acts in order to explain the use of delegated acts and to precisely define the objective, content and scope of the delegation.*



## Amendment 4

### Proposal for a regulation

#### Article 1 – point 1

Regulation (EC) No 2008/97

Article 7

#### *Text proposed by the Commission*

The Commission shall, by means of implementing acts, adopt measures necessary to implement the rules for the application of the special import arrangements laid down in this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in **Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]\***.

#### *Amendment*

The Commission shall, by means of implementing acts, adopt measures necessary to implement the rules for the application of the special import arrangements laid down in this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in **Article 7a(2)**.

#### *Justification*

*The COM proposal refers in case of all three Regulations to the committee procedure provided for the future aligned Regulation establishing a Common organisation of the markets in agricultural products. The rapporteur proposes deleting such references and inserting a provision on Committee procedure into each of the amended Regulations. This way, the modified application of the written procedure, brought about by the Trade Omnibuses, can be assured. Moreover, such change would assure the future involvement of the INTA Committee in the exercise of the Right of Scrutiny.*

## Amendment 5

### Proposal for a regulation

#### Article 1 – point 1

Regulation (EC) No 2008/97

Article 7 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**1. The following article is inserted:**

**"Article 7a**

**Committee procedure**

**1. The Commission shall be assisted by the .....Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of**

*the European Parliament and of the Council of ..... [aligned Single CMO Regulation]\*. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011\*\*.*

*2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

*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 majority of committee members so request.*

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*\* OJ L.....,....., p....*

*\*\* OJ L 55, 28.2.2011, p. 13."*

#### *Justification*

*Pursuant to Regulation (EU) No 182/2011 the chair of an advisory or examination committee can order a written procedure in simple cases. The Regulation lays down that, except if otherwise provided, the written procedure may not be applied if a Member State objects. In line with the Trade Omnibus I and II reports, the rapporteur proposes that the written procedure is to be terminated without result only if a qualified majority of Member States calls for this. It is important to encourage the use of the written procedure, which is significantly less costly and more efficient.*

#### **Amendment 6**

##### **Proposal for a regulation**

##### **Article 1 – point 2**

Regulation (EC) No 2008/97

Article 8a - paragraph 2

#### *Text proposed by the Commission*

2. The delegation of power referred to in Article 8 shall be conferred on the Commission for *an indeterminate* period of *time from [insert date of entry into force of this amending Regulation]*.

#### *Amendment*

2. The delegation of power referred to in Article 8 shall be conferred on the Commission for *a* period of *five years from ...\**. *The Commission shall draw up a report in respect of the delegation of*

*power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

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*\* OJ: Please insert the date of entry into force of this Regulation.*

*Justification*The rapporteur deems it appropriate to limit in time the conferral of powers on the Commission. Such limitation brings about more parliamentary control, obliging the Commission to draw up a report in respect of the delegation of power not later than nine months before the end of the established period. On the other hand, tacit extension of the delegation for a period of identical duration prevents overburdening of the legislators and facilitates the implementation of the Common commercial policy. This reflects the changes brought about by the two Trade Omnibuses.

## **Amendment 7**

### **Proposal for a regulation**

#### **Article 1 – point 2**

Regulation (EC) No 2008/97

Article 8a - paragraph 5

#### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 object. That period shall be extended by **2 months** at the initiative of the European Parliament or the Council.

#### *Amendment*

5. A delegated act adopted pursuant to Article 8 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 object. That period shall be extended by **four months** at the initiative of the European Parliament or the Council.

### *Justification*

*Considering the dynamics of the Parliamentary work, internal procedures and deadlines, it is important to assure that the legislator is given sufficient time-frame to duly scrutinise a delegated act. This reflects the changes brought about by the two Trade Omnibuses.*

### **Amendment 8**

#### **Proposal for a regulation**

#### **Article 2 – point -1 (new)**

Regulation (EC) No 779/98

Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***-1. The following recital is inserted:***

***"Whereas, in order to ensure uniform conditions for the adoption of certain measures for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*."***

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***\* OJ L 55, 28.2.2011, p. 13."***

### **Amendment 9**

#### **Proposal for a regulation**

#### **Article 2 – point 1**

Regulation (EC) No 779/98

Article 1

*Text proposed by the Commission*

*Amendment*

The Commission shall, by means of implementing acts, adopt rules necessary

The Commission shall, by means of implementing acts, adopt rules necessary

for the application of the import regime for products listed in Annex I to the Treaty on the Functioning of the European Union which originate in Turkey and which are imported into the Union under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council. Those implementing acts shall be adopted in accordance with the examination procedure referred to in **Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]\***.

for the application of the import regime for products listed in Annex I to the Treaty on the Functioning of the European Union which originate in Turkey and which are imported into the Union under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council. Those implementing acts shall be adopted in accordance with the examination procedure referred to in **Article 2a(2)**.

## **Amendment 10**

**Proposal for a regulation**  
**Article 2 – point 1 a (new)**  
Regulation (EC) No 779/98  
Article 2 a (new)

*Text proposed by the Commission*

*Amendment*

**1a. The following article is inserted:**

**"Article 2a**

**Committee procedure**

**1. The Commission shall be assisted by the ..... Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of .....[aligned Single CMO Regulation]\*. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011\*\*.**

**2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**

**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 majority of**

*committee members so request.*

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*\* OJ L ..., ..., p.*

*\*\* OJ L 55, 28.2.2011, p. 13."*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 3 – point -1 (new)**

Regulation (EC) No 1506/98

Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

**-1. The following recital is inserted:**

***"Whereas, in order to ensure uniform conditions for the adoption of certain measures for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers\*.***

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***\* OJ L 55, 28.2.2011, p. 13."***

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 3 – point 1**

Regulation (EC) No 1506/98

Article 3

*Text proposed by the Commission*

*Amendment*

The Commission shall, by means of an implementing act, confirm the termination of the suspension referred to in Article 2

The Commission shall, by means of an implementing act, confirm the termination of the suspension referred to in Article 2

once the barriers to the preferential exports from the Union to Turkey have been lifted. That implementing act shall be adopted in accordance with the examination procedure referred to in *Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]\**.

once the barriers to the preferential exports from the Union to Turkey have been lifted. That implementing act shall be adopted in accordance with the examination procedure referred to in *Article 3a(2)*.

## **Amendment 13**

### **Proposal for a regulation**

#### **Article 3 – point 1 a (new)**

Regulation (EC) No 1506/98

Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The following article is inserted:***

***"Article 3a***

***Committee procedure***

***1. The Commission shall be assisted by the .....Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of .....[aligned Single CMO Regulation]\*. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011\*\*.***

***2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.***

***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 majority of committee members so request.***

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***\* OJ L ..., ..., p.***

**\*\* *OJ L 55, 28.2.2011, p. 13.***



## EXPLANATORY STATEMENT

The objective of the Commission proposal consists in aligning three Council Regulations in the field of imports of olive oil and other agricultural products from Turkey with the post-Lisbon regime of implementing acts and delegated acts (Art. 290 and 291 TFEU).

It is proposed to delegate the Commission the power to adopt acts in accordance with Article 290 of the Treaty in order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, in particular as regards the amounts of duty reduction, or where a new agreement is concluded with Turkey.

Council Regulations (EC) No 2008/97 confers powers on the Commission allowing it to adopt measures necessary to implement the rules for the application of the special arrangements for imports of olive oil and other agricultural products originating in Turkey. It also confers powers on the Commission to adopt adjustments to this Regulation, should the detailed rules provided for in the relevant Association Agreement be amended.

Council Regulation (EC) No 779/98 of 7 April 1998 on the import into the Community of agricultural products originating in Turkey confers powers on the Commission allowing it to adopt implementing measures for the application of the import regime for products listed in Annex I to the Treaty which originate in Turkey and which are allowed for importation into the Union under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council.

Council Regulation (EC) No 1506/98 of 13 July 1998 establishing a concession in the form of a Community tariff quota for Turkey in 1998 in respect of hazelnuts and suspending certain concessions confers powers on the Commission allowing it to repeal the measures referred to in Article 2 of that Regulation, once the barriers to preferential exports from the Union to Turkey have been lifted.

A bulk of legislation in the field of the Common Commercial Policy is currently being aligned to Articles 290 and 291 TFEU by means of two Trade Omnibuses, i.e. Trade Omnibus I - *Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures* (COD 2011/0039) and Trade Omnibus II - *Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures* (COD 2011/0153). Both dossiers are ongoing and will be subject to negotiations between the two co-legislators.

For the sake of consistency of the trade legislation, the rapporteur proposes amendments to the Commission proposal which reflect the changes brought about by two Trade Omnibuses, namely with respect to the:

- insertion of new recitals on implementing acts/delegated acts into the basic legal acts;

- involvement of the European Parliament during the preparation of delegated acts;
- limitation of the conferral of the delegated powers on the Commission to the period of 5 years, tacitly extendable by a period of identical duration;
- extension of possible prolongation of the period for objection to a draft delegated act from 2 to 4 months, thereby extending the period of scrutiny from 4 months (2+2) to 6 months (2+4);
- changing the modalities of the application of the written procedure whereby such procedure shall be terminated without result only if the majority of the Member States so request (contrary to the usual practice where objection of 1 Member State suffices).

The Commission proposal refers in case of all three Regulations to the committee procedure provided for the future aligned Regulation establishing a Common organisation of the markets in agricultural products (Single CMO Regulation). The rapporteur proposes deleting such references and inserting a provision on Committee procedure into each of the amended Regulations. This way, the modified application of the written procedure, brought about by the Trade Omnibuses, can be assured.

Moreover, the three amended Regulations and not the Single CMO Regulation will become basic acts for the future implementing acts. Consequently the Right of Scrutiny concerning such implementing acts will stay with the Committee on International Trade and not the Committee on Agriculture. The rapporteur is strongly convinced that this is the correct way of following-up the implementation of legislation in the field of the Common Commercial Policy, having Article 207 TFEU as the legal basis.

## PROCEDURE

<b>Title</b>	Amendment of Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission
<b>References</b>	COM(2011)0918 – C7-0005/2012 – 2011/0453(COD)
<b>Date submitted to Parliament</b>	21.12.2011
<b>Committee responsible</b> Date announced in plenary	INTA 17.1.2012
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AGRI 17.1.2012
<b>Not delivering opinions</b> Date of decision	AGRI 12.1.2012
<b>Rapporteur(s)</b> Date appointed	Vital Moreira 25.1.2012
<b>Discussed in committee</b>	29.5.2012
<b>Date adopted</b>	21.6.2012
<b>Result of final vote</b>	+: 26 –: 0 0: 1
<b>Members present for the final vote</b>	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, John Attard-Montalto, Maria Badia i Cutchet, Daniel Caspary, María Auxiliadora Correa Zamora, Marielle de Sarnez, Yannick Jadot, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Paul Murphy, Cristiana Muscardini, Franck Proust, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Peter Šťastný, Gianluca Susta, Iuliu Winkler, Paweł Zalewski
<b>Substitute(s) present for the final vote</b>	Amelia Andersdotter, George Sabin Cutaş, Albert Deß, Salvatore Iacolino, Syed Kamall, Maria Eleni Koppa, Elisabeth Köstinger, Marietje Schaake, Konrad Szymański
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Françoise Castex, Marielle Gallo
<b>Date tabled</b>	25.6.2012