



Plenary sitting

A9-0187/2020

12.10.2020

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0085),
 - having regard to Article 294(2) and Article 291(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0034/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on International Trade, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Agriculture and Rural Development and the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Legal Affairs (A9-0187/2020),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

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

Amendment

(2) Regulation (EC) No 182/2011 has, overall, proven to work ***effectively*** in practice and struck an appropriate

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.

institutional balance as regards the roles of the Commission and the other actors involved. **The main elements of the system can** therefore continue to function unchanged. **However, the level of added-value provided by Regulation (EC) No 182/2011 as regards an appropriate decision-making process has not been entirely satisfactory.** Certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee **seem, therefore, to be necessary.** 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. **An additional objective of this amending act is to improve Union citizens' awareness of procedures related to implementing acts. In order to increase trust in the Union's institutions and bodies, it is essential not only to inform Union citizens about decision-making but also to explain the reasons behind the decisions of those institutions and bodies.**

Amendment 2

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. **In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed**

Amendment

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, **particularly in relation to genetically modified organisms, genetically modified food and feed and plant protection products**, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure

and plant protection products.

and thus no opinion was delivered.

Amendment 3

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) As a consequence, only a very limited number of cases have been referred to the appeal committee as provided for in Regulation (EU) No 182/2011 and are therefore concerned by this amending act.

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions.

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions, ***or to overcome the absence of opinions in the examination procedure.*** Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, ***leaving it to the Commission to determine on behalf of the Member States the need and how to ensure the effective implementation of the legislation.***

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion.

deleted

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) That discretion is, however, significantly reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

(6) That discretion is, however, significantly reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision. ***In this regard, the European Ombudsman pointed out in his decision on case 1582/2014 that the Commission must respect existing legal provisions regarding the deadlines set for the authorisation of genetically modified organisms.***

Amendment 7

Proposal for a regulation

Recital 7

Text proposed by the Commission

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***

(7) While the Commission ***has the competence*** to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also assume ***greater*** responsibility in the decision-making process. ***Where the basic act concerns the protection of the health or safety of humans, animals or plants, and*** Member States are not able to reach a qualified majority ***in favour of the draft***

moment of the vote.

implementing act providing for the grant of authorisation for a product or substance, that authorisation should be deemed to have been refused.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be *of a sufficiently high political level, such as* ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended. *However, such extension should be for a short period only.*

Amendment 9

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

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the *European Parliament and the* Council to indicate *their positions* and orientation on the wider implications of the absence of an opinion, including the institutional, legal, *economic*, political and international implications. The Commission should take account of any position expressed by the *European Parliament and by the* Council within 3 months after the referral. In duly

shorter deadline in the referral.

justified cases, *for reasons of urgency*, the Commission may indicate a shorter deadline in the referral. *The positions expressed by the European Parliament and by the Council should also be sent to the European Economic and Social Committee, and to the European Parliament and to the Council as appropriate, without undue delay.*

Amendment 10

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Where it appears that it would be difficult to obtain positive opinions from the Member States in relation to several similar draft implementing acts, consideration should be given to reviewing the implementing powers conferred on the Commission in the relevant basic acts.

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(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.

(11) Transparency on the votes of Member State representatives *throughout all stages of the advisory and examination procedures* should be increased and the individual Member State representatives' votes should be made public. *Where the act concerns particularly sensitive areas, such as the protection of consumers, the health or safety of humans, animals or plants, or the protection of the environment, case-specific detailed reasons for votes and abstentions should be given by each Member State representative. The Commission should*

also provide information on the composition of committees, including the persons present and the authorities and organisations to which those persons belong, as well as the agendas of the meetings and the documents and drafts of texts being discussed.

Amendment 12

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to enhance Union citizens' awareness and understanding of the procedure and enhance the visibility thereof, reasons should be given by each Member State representative for his or her vote or abstention or for any absence of that representative.

Amendment 13

Proposal for a regulation

Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The accessibility of the register should be further increased and changes to its content should be made in order to ensure that there is greater transparency concerning the decision-making process, in particular by adding more information as regards that process. Improving the search functions of the register to allow searches by policy area would be an essential element in that regard.

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Text proposed by the Commission

"Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.";

Amendment

"Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair **or a simple majority of the Member States** may decide that the appeal committee shall hold a further meeting, at **a sufficiently high political level, such as at** ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.";

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3a

Text proposed by the Commission

"3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for **an opinion** indicating **its views** and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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

"3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter **to the European Parliament and** to the Council for **opinions** indicating **their positions** and orientation on the wider implications of the absence of opinion, including the institutional, legal, **economic**, political and international implications **of the outcome of the vote in the appeal committee**. The Commission shall take account of any position expressed **by the European Parliament and** by the Council within 3 months after the referral. In duly justified cases, **for reasons of urgency**, the Commission may indicate a shorter deadline in the referral. **The positions expressed by the European Parliament and by the Council shall also be sent to the European Economic and Social Committee, and to the European Parliament and to the Council as**

appropriate, without undue delay.”;

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

“4a. By way of derogation from paragraph 3, where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act provides for the grant of authorisation for a product or substance, that authorisation shall only be granted if the vote in accordance with paragraph 1 results in a positive opinion.

The first subparagraph shall be without prejudice to the right of the Commission to propose a modified draft implementing act concerning the same subject matter.”;

Justification

Considering the legal pressure that not authorising sensitive products might cause on the Commission, in case of no opinion the current rules of appeal committees are leaving the Commission with no real other choice than adopting the implementing acts. For important acts that can impact health or safety of humans or animals, the authorisation should be deemed adopted only if there is a strong majority by Member States to support it.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b b (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

(bb) the following paragraph is inserted:

“4b. The Member State representatives shall provide reasons for their vote or abstention under paragraph 1 or for any absence from the vote.

Where the act concerns particularly sensitive areas, such as the protection of consumers, the health or safety of humans, animals or plants, or the environment, the Member State representatives shall provide case-specific detailed reasons for their vote or abstention.”;

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – point b

Present text

Amendment

(b) the agendas of committee meetings;

(-a) in paragraph 1, point (b) is replaced by the following:

“(b) the agendas of committee meetings, including drafts of the texts to be decided upon and documents to be discussed;”;

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – point c

Present text

Amendment

(c) the summary records, together with the lists of the authorities and organisations to which ***the*** persons designated by the Member States to represent them belong;

(-aa) in paragraph 1, point (c) is replaced by the following:

“(c) the summary records, together with the lists of the ***persons present at the meeting and the authorities and organisations to which ***those*** persons designated by the Member States to represent them belong;”;***

Amendment 20

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 each Member State representative and any abstentions, accompanied by the reasons for the vote or abstention as well as reasons for absence from the vote, and, where the act concerns particularly sensitive areas, such as the protection of consumers, the health or safety of humans, animals or plants, or the environment, the accompanying case-specific detailed reasons for the vote or abstention;***";

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 3

Present text

3. The European Parliament and the Council shall have access to the information referred to in paragraph 1 in accordance with the applicable rules.

Amendment

(aa) paragraph 3 is replaced by the following:

“3. The European Parliament and the Council shall have access to the information referred to in paragraph 1 in accordance with applicable rules **and without undue delay.**”;

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EU) No 182/2011
Article 10 – paragraph 5

Text proposed by the Commission

"5. ***The references of*** all documents ***referred to in points (a) to (d), (f) and (g) of paragraph 1 as well as the*** information referred to in ***points (e) and (h) of that*** paragraph shall be made public in the register."

Amendment

"5. All documents ***and*** information referred to in paragraph ***1*** shall be made public in the register."

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is added:
“5a. The search functions of the register shall enable searches to be made by policy area.”;

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 3 a (new)

Regulation (EU) No 182/2011

Article 11

Present text

Amendment

Article 11

Right of scrutiny for the European Parliament and the Council

Where a basic act is adopted under the ordinary legislative procedure, either the European Parliament or the Council may at any time indicate to the Commission that, in its view, a draft implementing act

(3a) Article 11 is replaced by the following:

“Article 11

Right of scrutiny for the European Parliament and the Council

Where a basic act is adopted under the ordinary legislative procedure, either the European Parliament or the Council may at any time indicate to the Commission that, in its view, a draft implementing act

exceeds the implementing powers provided for in the basic act. In such a case, the Commission shall review the draft implementing act, taking account of the positions expressed, and shall inform the European Parliament and the Council whether it intends to maintain, amend or withdraw the draft implementing act.

exceeds the implementing powers provided for in the basic act, ***or is in conflict with the objectives of the basic act.*** In such a case, the Commission shall review the draft implementing act, taking account of the positions expressed, and shall inform the European Parliament and the Council whether it intends to maintain, amend or withdraw the draft implementing act.

In addition, where either the European Parliament or the Council considers it to be appropriate to review the conferral of implementing powers on the Commission in the basic act, it may, at any time, call on the Commission to submit a proposal to amend that basic act.”

Amendment 25

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

This Regulation shall ***not*** apply to ***pending*** procedures ***on which the appeal committee has already delivered an opinion on*** the date of entry into force ***of this Regulation.***

Amendment

This Regulation shall apply to procedures ***begun after*** the date of ***its*** entry into force.

EXPLANATORY STATEMENT

On 14 February 2017, the European Commission submitted a proposal (COM(2018)85final) to reform the EU comitology system (Regulation (EU) No 182/2011). It aims at enhancing the transparency and accountability of implementation of EU law in certain highly contentious policy areas by the following measures:

- changing the voting rules at the last stage of the comitology procedure (the so called Appeal Committee), so that only votes in favour or against an act are taken into account. The aim is to reduce the use of abstentions and the number of situations where the Committee is unable to take a position and the Commission is obliged to act without a clear mandate from the Member States.
- involving national Ministers by allowing the Commission to make a second referral to the Appeal Committee at Ministerial level if national experts do not take a position.
- increasing voting transparency at the Appeal Committee level.
- ensuring political input by enabling the Commission to refer the matter to the Council of Ministers for an Opinion if the Appeal Committee is unable to take a position.

Overall, the rapporteur welcomes the Commission's proposal but also would like to underline that in most cases the current system works properly so that the proposal of the Commission concerns only a minor, however sensitive segment of the cases submitted to the committees.

Nevertheless, examples from recent practice show that the current mechanism could be improved in order to increase certainty and transparency in the procedure. Environmental protection but also other fundamental issues such as health and food safety are crucial areas where Member States should show political accountability and must act transparently so that citizens are aware of not only their decisions but also of the reasons lying behind.

According to the Treaty of the European Union decisions shall be taken as openly and as closely as possible to the citizen. (Article 10(3) TEU). EU institutions shall aim to promote the European values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions (Article 13 TEU). The European Union builds on the fundamental principle of the rule of law – of which transparency is the core element – and institutions must be at the forefront of adhering to it.

We need to take steps to proactively deliver on increased transparency and accountability, in order to maintain and enhance the trust of European citizens in the processes of the EU institutions and in particular in the comitology procedure.

The rapporteur's aim is to improve the system in this regard. Therefore the rapporteur proposes the following elements, also taking into consideration the positions adopted by the opinion-giving committees of the European Parliament.

- There is a general need to improve citizens' awareness of procedures related to

implementing acts. In order to increase trust in the EU institutions it is instrumental not only to inform citizens about taking decisions but also to explain the reasons behind them.

- To this end, it is necessary that Member States accompany their vote - whether it is for or against - or abstention by a justification, irrespective of the outcome of the vote.
- Further meetings of the appeal committee called by its chair in case of no opinion should be held at a sufficiently high political level such as the ministerial level. The Rules of Procedure of the Appeal Committee already foresee the possibility of convening a meeting of the appeal committee at ministerial level (Article 1(5), second subparagraph). Moreover this amendment is also in accordance with Article 5 of the Rules of Procedure of the Appeal Committee.
- It is necessary to increase the accessibility of the comitology register and to apply changes to its content, which will allow citizens to know not only the formal elements of the procedure but also the reasons for the decisions of the Member States. Improving the search functions of the registry is essential in this regard.
- It is of utmost importance to ensure that the European Parliament is informed about each case when the Commission refers a matter to the Council of Ministers for an opinion in the absence of a clear position of the Appeal Committee. Political input provided by the Council of Ministers should be also shared with the European Parliament.

One important component of the political guidelines for the period 2019-2024 adopted by the new European Commission is to ensure greater transparency in the functioning of the institutions in order to increase citizens' faith in the Union. The rapporteur wishes to express his confidence that, in this spirit, the Commission will be able to promote some progress in the Council regarding the draft proposal.

19.3.2020

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Rapporteur: Sven Simon

SHORT JUSTIFICATION

The Committee on International Trade adopted the below opinion to the report of the Committee on Legal Affairs on 4 December 2017. However, the Committee on Legal Affairs did not finalise work on this proposal during the previous European Parliament legislature. On 21 October 2019, Parliament decided, in accordance with Rule 240, to resume business on this proposal. Therefore, the Committee on International Trade submits the below opinion again to the Committee on Legal Affairs. Comitology statistics referred to in this justification have been updated by the Rapporteur to include the latest information available for 2018.

In this proposal the Commission has put forward four amendments to Regulation (EU) No 182/2011¹ (“comitology regulation”) which address situations when during a comitology procedure the appeal committee is unable to deliver an opinion on Commission's draft proposed implementing act. Namely, it is proposed to:

- Remove abstaining committee members' votes from the calculation of a qualified majority in the appeal committee. Decisions of the appeal committee would only be valid if a simple majority of the Member States are participating members;
- Allow the appeal committee to hold a further meeting at ministerial level;
- Provide for a possibility that the Commission refers the matter to the Council for its views on an issue and the wider implications where no opinion is delivered in the appeal committee;

¹ 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, OJ L 55, 28.2.2011, p.13-18..

- Make public the record of votes of Member States in the appeal committee. This measure aims at increasing the transparency of the comitology procedures.

These proposed modifications only concern procedures at the level of appeal committee where no opinion is delivered. In practical terms, the proposal addresses cases that form only around 2% of all draft implementing acts submitted to committees.

As regards the common commercial policy that falls in the competence of the Committee on International trade (INTA), there are 14 existing comitology committees (in 2018²) and the majority of implementing acts adopted concern the field of trade defence instruments (“TDI”), that is, anti-dumping and countervailing measures (to illustrate: in 2018 of 52 total implementing acts adopted in the common commercial policy field 44 concerned the TDI). The comitology regulation only started applying to TDI measures from February 2014, following the adoption of Regulation (EU) No 37/2014³. Since then the appeal committee procedure for the TDI measures has been triggered twice, in 2017 relating to the “solar panels” case⁴ and “certain iron products”⁵.

The INTA committee is also responsible for implementing acts adopted in other fields, such as relating to macro-financial assistance to third countries or external aspects of customs.

Overall, the rapporteur welcomes the Commission’s proposal. Examples from the current practice show that more precise mechanisms should be put in place to increase certainty and transparency on Member States’ positions taken in the framework of comitology procedures. It should however be ensured that the comitology procedures at appeal committee level, nor at the referral to the Council level do not negatively affect the adoption of necessary TDI measures that are often subject to great time pressure.

In general, the rapporteur would like to underline that procedures within the European Union (“EU”) must be optimized and executed in a time-efficient manner. It is very important that the EU delivers on its promises, goals and obligations in a time of growing global economic competition, so it can remain competitive and set the standards regarding its high economic, social and environmental targets.

Therefore the rapporteur proposes that with regard to meetings of the appeal committee (at the ministerial level, as well as the initial meeting) and the referral of the matter to the Council, it should be specified that in cases where the respective basic acts provide for a fixed time-frame for the procedures to be concluded, it should always be possible for the Commission to shorten the deadlines.

² Report from the Commission on the working of Committees during 2018, COM(2019) 638 final of 16.12.2019.

³ Regulation (EU) No 37/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures, OJ L 18, 21.1.2014, p. 1–51.

⁴ Commission Implementing Regulation (EU) 2017/367 of 1 March 2017 imposing a definitive anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People’s Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council and terminating the partial interim review investigation pursuant to Article 11(3) of Regulation (EU) 2016/1036, OJ L 56, 03.03.2017, p.131-207.

⁵ Commission Implementing Regulation (EU) 2017/1795 of 5 October 2017 imposing a definitive anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Brazil, Iran, Russia and Ukraine and terminating the investigation on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Serbia, OJ L 258 6.10.2017, p. 24.

It is also proposed to lay down a specific time limit within which the European Parliament and the Council can exercise their right of scrutiny. This time limit existed before the current comitology regulation was adopted and the rapporteur considers it unfortunate that it was not included in the current comitology regulation. Therefore this modification of the current comitology regulation should be seen as a good opportunity to establish a time limit that would provide more certainty for the European Parliament to exercise its right of scrutiny. Appropriate exceptions should also be laid down for urgent cases, as it is in no way intended to hinder the efficiency of the comitology regime

AMENDMENTS

The Committee on International Trade calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Where Union legislative acts provide for the Commission to conduct an investigation based on a complaint made by a natural or legal person, such as in the case of anti-dumping and countervailing proceedings, the Commission is required to take decisions within specific deadlines and in the light of findings made during the investigation.

Amendment 2

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial

level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended, ***except when statutory deadlines laid down in the relevant basic acts have to be respected, such as in the case of anti-dumping and countervailing measures. In order to ensure that procedures at appeal committee level do not entail delays, the Commission should also be allowed, in duly justified cases, to shorten the deadlines before which the appeal committee has to deliver an opinion.***

Amendment 3

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. ***Shorter deadlines should apply when the Commission is bound by fixed statutory deadlines laid down in the relevant basic acts, such as in the case of anti-dumping and countervailing measures.***

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

(1) in Article 3(7), the following **sixth subparagraph** is added:

"Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral. “;

Amendment

(1) in Article 3(7), the following **subparagraphs are** added:

"Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral **as laid down in the third subparagraph of this paragraph. Where applicable, the Commission shall set a shorter deadline in order to comply with the deadlines laid down in the relevant basic acts.**

The Commission may in duly justified cases decide to set a shorter deadline than the deadlines mentioned in this paragraph. “;

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3a

Text proposed by the Commission

"3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by the Council within 3

Amendment

"3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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.”

months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral. ***Where applicable, the Commission shall set a shorter deadline in order to comply with the deadlines laid down in the relevant basic acts.***”

Amendment 6

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, the following paragraph is added:

“The European Parliament and the Council shall have one month to give the indication as referred to in the first paragraph, beginning on the date of receipt of the final draft implementing act in the language versions submitted to the committee concerned. The time limit of one month shall not apply in urgent cases or in the case of implementing acts relating to day-to-day administrative matters and/or having a limited period of validity.”

Justification

The right of scrutiny by the European Parliament cannot efficiently be implemented if the time limit for its exercise is not known. The time limit of one month for the right of scrutiny existed under the previous comitology framework of Council Decision 1999/468/EC, it was laid down in the interinstitutional agreement of 2008 between the EP and the Commission on comitology procedures. This time period should be laid down in the current Regulation 182/2011.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers	
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)	
Committee responsible Date announced in plenary	JURI 1.3.2017	
Opinion by Date announced in plenary	INTA 1.3.2017	
Resumption of Business Date announced in plenary	21.10.2019	
Rapporteur Date appointed	Sven Simon 05.03.2020	
Discussed in committee	30.8.2017	12.10.2017
Date adopted	4.12.2017	18.7.2019 (confirmed)
Result of final vote	+: -: 0:	23 0 3
Members present for the final vote	Maria Arena, Tiziana Beghin, Karoline Graswander-Hainz, Nadja Hirsch, Yannick Jadot, Jude Kirton-Darling, Bernd Lange, David Martin, Emma McClarkin, Anne-Marie Mineur, Alessia Maria Mosca, Franz Obermayr, Artis Pabriks, Viviane Reding, Inmaculada Rodríguez-Piñero Fernández, Tokia Saïfi, Helmut Scholz, Joachim Schuster, Hannu Takkula, Iuliu Winkler	
Substitutes present for the final vote	Bendt Bendtsen, Edouard Ferrand, Fernando Ruas, Lola Sánchez Caldentey, Jarosław Wałęsa	
Substitutes under Rule 200(2) present for the final vote	Maurice Ponga	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

23	+
ALDE	Nadja Hirsch, Hannu Takkula
ECR	Emma McClarkin
EFDD	Tiziana Beghin
GUE/NGL	Lola Sánchez Caldentey, Helmut Scholz
PPE	Bendt Bendtsen, Artis Pabriks, Maurice Ponga, Viviane Reding, Fernando Ruas, Tokia Saïfi, Jarosław Wałęsa, Iuliu Winkler
S&D	Maria Arena, Karoline Graswander-Hainz, Jude Kirton-Darling, Bernd Lange, David Martin, Alessia Maria Mosca, Inmaculada Rodríguez-Piñero Fernández, Joachim Schuster
VERTS/ALE	Yannick Jadot

0	-

3	0
ENF	Edouard Ferrand, Franz Obermayr
GUE/NGL	Anne-Marie Mineur

Key to symbols:

+ : in favour

- : against

0 : abstention

15.5.2020

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

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

Rapporteur for opinion: Stanislav Polčák

SHORT JUSTIFICATION

The Committee on the Environment, Public Health and Food Safety adopted the below opinion to the report of the Committee on Legal Affairs on 27 February 2018. However, the Committee on Legal Affairs did not finalise work on this proposal during the previous European Parliament legislature. On 21 October 2019, Parliament decided, in accordance with Rule 240, to resume business on this proposal. Therefore, the Committee on the Environment, Public Health and Food Safety submits the below opinion again to the Committee on Legal Affairs.

The Commission is proposing to Parliament and the Council an amendment of Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers in order to address the problem of the absence of a decision on the part of the Member States on issues which are sensitive and often political.

President Jean-Claude Juncker, in his State of the Union address to Parliament in September 2016, said that on certain issues the Member States had to accept their responsibilities. The rapporteur shares this analysis and welcomes the proposals made concerning:

- the method used to calculate a qualified majority. The votes of abstaining Member States will no longer be taken into account for the purpose of calculating a qualified majority in the appeal committee;
- a further referral to the appeal committee, as well as a possible referral to the Council by the Commission;
- the disclosure of votes.

The rapporteur stresses that in most cases the current system works, and works well. The

proposed changes apply only to procedures at the appeal committee level when no opinion has been delivered. In practical terms, the proposal should only concern around 2% of all draft implementing acts submitted to committees. Consequently, it is important not to change the comitology framework as such. The rapporteur's aim is therefore, whilst maintaining the current general framework, to improve the system to avoid repeats of the deadlocks encountered since the procedure was introduced in 2011, whether on issues already dealt with or on others which may emerge.

As far as the rapporteur is concerned, one aspect which still needs to be improved in this proposal is transparency. On sensitive issues, such as tax, consumer health, food safety and environmental protection, Member States must not only assume their responsibilities but, above all, make citizens aware of them. It is only through greater transparency and better information about the EU decision-making process that we will maintain the trust of European citizens.

This will be achieved not only by disclosure of votes both in committees and in the appeal committee, with an explanation of the Member States' reasons, but also through broad information campaigns about the procedures, the analysis of risks and the division of roles between official scientific bodies in the EU, the European agencies and institutions and the Member States.

The rapporteur believes that the disclosure of votes and asking Member States to provide reasons for them will also make it possible for Member States which were present but wanted to abstain to explain their position since their vote will no longer count in calculating the qualified majority. As far as the rapporteur is concerned, there is a fundamental difference between not taking a seat in a committee and abstaining. An abstention can be a political choice for which it should be possible to provide an explanation, without, however, paralysing the system, as is currently the case.

Lastly, the rapporteur believes it is important that, in the interests of democracy, Parliament should always be properly informed at the same time as the Council of the adoption of basic acts. Similarly, in the case of a referral to the Council, as provided for in the Commission proposal, Parliament must be informed of its conclusions.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The system established by Regulation (EC) No 182/2011 has, overall,

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 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.

proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. ***However, it displays signs of weakness in those cases in which Member States are unable to reach the majorities required in the committees set up by the basic acts and deliver "no opinion" instead of taking a position. In such cases, the Commission is called upon to adopt decisions that are often problematic on politically sensitive matters. Such decisions are especially problematic when they have a direct impact on citizens and businesses.*** That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of ***the advisory procedure and examination procedure, including the*** procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership, ***in particular by the Member States***, of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011, ***while maintaining decision-making based on sound, objective and non-discriminatory scientific evidence, in accordance with the procedures laid down in Union legislation and the most up-to-date scientific standards and methods.***

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been

Amendment

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been

seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products.

seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to *particularly sensitive sectors, such as tax, consumer health, food safety, environmental protection and, more specifically*, genetically modified organisms and genetically modified food and feed and plant protection products.

Justification

It is important to specify all the particularly sensitive sectors and not focus solely on some of them. We do not know what might be a future source of deadlock.

Amendment 3

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It is important to point out that only a very limited number of cases have been referred to the appeal committee as provided for in Regulation (EU) No 182/2011.

Justification

In the majority of cases the current system works well. Procedures at appeal committee level where no opinion has been delivered concern only around 2% of the total number of draft implementing acts submitted to the committees.

Amendment 4

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) That discretion is, however,

(6) That discretion is, however,

significantly reduced in cases relating to the authorisation of products or substances, **such as in the area of genetically modified food and feed**, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

significantly reduced in cases relating to the authorisation of products or substances in **particularly sensitive areas**, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Justification

It makes more sense to move the detail regarding sensitive sectors to recital 3, and also so as not to focus only on certain sectors as we do not know what might be a future source of deadlock.

Amendment 5

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 assume **greater** responsibility in the decision-making process. **Where the act concerns the protection of the health or safety of humans, animals or plants, greater weight should be given to political accountability.** This, however, is not the case when Member States are not able to reach a qualified majority, due to **a variety of reasons including** a significant number of abstentions or non-appearances at the moment of the vote.

Amendment 6

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) In order to increase the added value of the appeal committee its role should

Amendment

(8) In order to increase the added value of the appeal committee, its role should

therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The **appropriate** level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

therefore be strengthened by providing for the possibility, **in exceptional circumstances**, of holding a further meeting of the appeal committee, **at the earliest opportunity**, whenever no opinion is delivered. The level of representation at the further meeting of the appeal committee should be **at an appropriate political level, such as at** ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Amendment 7

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) **At the request of** the Commission, in specific cases, the Council **should have the possibility to give** its views on the wider implications of the absence of an opinion, including the institutional, legal, political, **financial** 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 informed as soon as possible of the outcome of the referral to the Council.**

Justification

In the interests of democracy, it is important for Parliament to be informed of the conclusions of the referral to the Council.

Amendment 8

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 ***throughout the entire advisory and examination procedures, both*** at the committee level ***and at the appeal committee level, including with regard to information on how*** Member State representatives ***vote, should be increased. The*** votes of each ***Member State*** should be made public ***and be accompanied by a justification, whether it is for a vote for or against or an abstention.***

Amendment 9

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to increase transparency, to better inform Union citizens and to enhance their confidence in the Union decision-making process, the Commission and the Member States should work on a joint communication on risk assessment, in particular as far as sensitive subjects are concerned, as well as on Union decision-making processes and the division of responsibilities between official scientific bodies in the Union, the agencies and institutions of the Union, and the Member States.

Justification

This proposal aims to enhance European citizens' confidence in the EU's decision-making process. To do this, extensive information campaigns are essential.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1
Regulation (EU) No 182/2011
Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Amendment

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, ***at the appropriate political level, such as*** at ministerial level, ***and at the earliest possible opportunity***. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

The Commission may decide in exceptional and duly justified cases to reduce the time limits provided for in this paragraph.

Amendment 11

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b
Regulation (EU) No 182/2011
Article 6 – paragraph 3 a

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission ***may refer the matter to the Council for an opinion indicating its views and orientation*** on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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

3a. Where no opinion is delivered in the appeal committee, ***the Council, at the request of*** the Commission, ***may give its opinion*** on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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 shall be informed as soon as possible of the outcome of the referral to the Council.***

Justification

In the interests of democracy, it is important for Parliament to be informed as soon as possible of the conclusions of the referral to the Council.

Amendment 12

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 ***reflecting the position expressed by the representative of each Member State both in the committees and in*** the appeal committee, ***accompanied by a justification, whether for a vote in favour or against or an abstention;***

(This amendment applies throughout the text and will necessitate corresponding changes throughout the text.)

Justification

More transparency is needed to restore the confidence of European citizens in the EU's decision-making process. This requires disclosure of votes both at committee level and in the appeal committee, with an explanation of the Member States' reasons. Member States must assume their responsibilities.

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 3 a (new)

Regulation (EU) No 182/2011

Article 11 – paragraph 1

Present text

Where a basic act is adopted under the ordinary legislative procedure, either the

Amendment

(3a) in Article 11, the first paragraph is replaced by the following:

Where a basic act is adopted under the ordinary legislative procedure, either the

European Parliament or the Council may at any time indicate to the Commission that, in its view, a draft implementing act *exceeds* the implementing powers *provided for* in the basic act. In such a case, the Commission shall review the draft implementing act, taking account of the positions expressed, and shall inform the European Parliament and the Council whether it intends to maintain, amend or withdraw the draft implementing act.

European Parliament or the Council, *which have been informed about the implementing act simultaneously and as soon as possible*, may at any time indicate to the Commission that, in its view, a draft implementing act *or measure goes beyond* the implementing powers *conferred* in the basic *legislative* act *or is not consistent with Union law in other respects*. In such a case, the Commission shall review the draft implementing act, taking account of the positions expressed, and shall inform the European Parliament and the Council whether it intends to maintain, amend or withdraw the draft implementing act.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)
Committee responsible Date announced in plenary	JURI 1.3.2017
Opinion by Date announced in plenary	ENVI 1.3.2017
Rapporteur Date appointed	Stanislav Polčák 18.2.2020
Date adopted	5.3.2020

27.4.2020

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Rapporteur for opinion: Ville Niinistö

SHORT JUSTIFICATION

Article 291 of the Treaty of Lisbon provides that legislative acts shall grant implementing powers to the Commission where uniform conditions of execution are needed. How Member States control the exercise of these implementing powers and the adoption of related implementing acts is set out in Regulation 182/2011, hereby proposed for revision.

In many cases, the existing procedure has been functioning well. However, there are cases, in particular under the "examination procedure", that are more problematic, raising questions of responsibility and ownership of the decisions made by the Member States, especially in politically sensitive areas, such as in the field of health and safety of humans, animals and plants.

According to the "examination procedure", a qualified majority in favour of the implementing act proposed by the Commission is necessary to adopt the act. If this majority is not reached, the Commission may appeal to an Appeal Committee. And if no majority is established in the Appeal Committee neither for nor against the implementing act ("no-opinion" situation), the Commission may decide to adopt or to reject the act on its own.

To address this problem, the Commission proposes in its revision to:

- Make the voting positions of individual Member State representatives in the Appeal Committee public;
- Introduce additional levels of appeal at the ministerial level and possibly further refer the matter to Council level for orientation;
- Not count abstentions and introduce a new quorum to participate in the votes (simple majority of Member States).

Your rapporteur for opinion fully supports the proposal to improve transparency and suggest

further similar measures throughout the procedure, including requiring Member States to provide justifications for adopting or rejecting an implementing act. On the other hand, your rapporteur for opinion believes that proposed additional levels of appeal would likely not be helpful, as experience shows that outcomes of votes in appeal committees are rarely different to outcomes in the standing committees. Your rapporteur for opinion is also strongly opposed to the proposed change in quorum and vote counting practices, unacceptable from a democratic point of view.

To resolve the problem arising to situations of “no-opinion”, the proposal is to distinguish cases according to the area and the nature of the decision. For products and substances in the fields of health, animals and plants, the Commission would be required to prohibit the substance if there is no qualified majority in favour of granting its authorisation. This procedure would remove the case-by-case choice of the Commission and ensure more legal certainty as the obligation to not authorise the substance in case of absence of majority would be enshrined in this Regulation.

In addition, in cases involving the same basic act, there are systematically situations in which the Member States do not deliver an opinion. In these cases, provision should be made for the Commission to consider a revision of the basic act on that precise point.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The European Parliament has set up a special committee to look into the Union’s authorisation procedure for pesticides in the Union in order to identify possible conflicts of interest in the approval procedure and to look at the role of Union agencies, and examine whether they are staffed and financed to a level that is adequate for them to fulfil their obligations. The final report of its factual findings and recommendations, to be approved by the Parliament sitting in plenary, should be taken into account to improve the system established by Regulation (EU) No 182/2011.

Justification

The special committee installed by the European Parliament will deal with some of the very specific procedures of this proposal. Its outcome might therefore change our approach and should be taken into consideration from the beginning.

Amendment 2

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 (**EU**) 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 ***the examination procedure, advisory procedure and the*** procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership, ***in particular by the Member States***, of politically sensitive implementing acts ***and to take greater account of the precautionary principle*** without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been

Amendment

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been

seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products.

seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products, ***which are issues in relation to which the opinions and decision-making of Member States are of utmost importance.***

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions.

Amendment

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions, ***and such situations of ambiguity in turn decelerate the decision-making process in the Union on very significant matters.***

Amendment 5

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

Amendment

(7) While the Commission is ***currently*** empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should assume ***greater*** responsibility in the decision-making process. ***Therefore, it is of the utmost importance that Member States be***

reach a qualified majority, *due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.*

incentivised to take a clear decision, in favour or against, and actively take part during voting sessions by at least being present. Where the draft implementing act concerns the protection of the health or safety of humans, animals or plants, the precautionary principle should prevail. When, in such cases, Member States are not able to reach a qualified majority in favour of proposals to grant authorisation for a product or substance, that authorisation should be deemed to have been refused.

Amendment 6
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) *In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.*

deleted

Amendment 7

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(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*

deleted

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 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.

Amendment 8

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.*

deleted

Amendment 9

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) *Transparency on the votes of Member State representatives at the appeal committee level should be increased*

(11) *Transparency should be increased throughout the entire advisory, examination and appeal committee*

and the individual Member State representatives' *votes* should be made public.

procedure. In particular, the votes of individual Member State representatives, including their voting intentions where no formal vote takes place, should be made public. Such requirements should apply to votes at the appeal committee, the examination committee and throughout the advisory procedure. More detailed information on the composition of expert committees should be made public.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Amendment

(1) in Article 3(7), the following sixth subparagraph is added:

deleted

“Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.”;

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EU) No 182/2011

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

(a) in paragraph 1, the following second subparagraph is added:

deleted

“However, only members of the appeal committee who are present or represented at the time of the vote, and do not abstain

from voting, shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.”;

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b
Regulation (EU) No 182/2011
Article 6 – paragraph 3a

Text proposed by the Commission

Amendment

(b) the following paragraph 3a is inserted: **deleted**

“3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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 13

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)
Regulation (EU) No 182/2011
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

“4a. By way of derogation from paragraph 3, where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act involves granting authorisation for a product or a substance, in the absence of a positive opinion voted by the majority provided for in Article 5(1), the Commission shall not adopt that draft implementing act and the authorisation shall be deemed to have been refused.”;

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – introductory part

Present text

1. The Commission shall keep a register of committee proceedings which shall contain:

Amendment

(-a) in paragraph 1, the introductory part is replaced by the following:

“1. The Commission shall keep a **public** register of committee proceedings, which **shall be available for access via the internet. That public register** shall contain.”;

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – point c

Present text

(c) the summary records, together with the lists of the authorities and organisations to which **the** persons **designated by the Member States to represent them** belong;

Amendment

(-aa) in paragraph 1, point (c) is replaced by the following:

“(c) the summary records, together with the lists of **persons present and** the authorities and organisations to which **those** persons belong.”;

Amendment 16

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, *both in the committees and* in the appeal committee, *accompanied by a justification, including the cases of abstentions*;

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

(aa) paragraph 3 is deleted;

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a b (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

(ab) paragraph 4 is deleted;

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EU) No 182/2011

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

(b) paragraph 5 is replaced by the following:

deleted

“5. The references of all documents referred to in points (a) to (d), (f) and (g) of paragraph 1 as well as the information referred to in points (e) and (h) of that paragraph shall be made public in the register.”

Amendment 20

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, the following paragraph is added:

"In addition, where either the European Parliament or the Council considers that the conferral of implementing powers on the Commission in the basic act needs to be reviewed, it may, at any time, call on the Commission to submit a proposal to amend that basic act."

Justification

Where it appears difficult to obtain a positive opinion of the Member States in similar cases, it may be opportune to review the implementing powers conferred to the Commission.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)
Committee responsible Date announced in plenary	JURI 1.3.2017
Opinion by Date announced in plenary	ITRE 1.3.2017
Rapporteur Date appointed	Ville Niinistö 18.2.2020
Date adopted	18.2.2020

17.6.2020

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

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

Rapporteur for opinion: Bronis Ropé

SHORT JUSTIFICATION

This draft opinion responds to the legislative proposal by the European Commission to change the rules on 'comitology', the process by which expert committees - represented by Member State experts from Ministries and chaired by the relevant department of the European Commission - establish secondary EU law, notably implementing and delegated acts. We as the Parliament can then, in the case of Delegated Acts, either accept or reject them, but cannot amend them. In this draft opinion your rapporteur aims to do the following:

- Increase democracy and the democratic legitimacy of the decisions made through comitology;
- Increase transparency at every stage of the comitology process, making it more accountable;
- Incentivise the Member States to become more responsible and accountable in the key role they play;
- Ensure that important decisions are not left to a small number of Member States, which would be the case if abstentions were not to be counted, as now proposed in the Commission's proposal.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

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 appeal committee, ***the functioning of which is unsatisfactory***. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts, ***in particular regarding animal health and welfare, food safety, environmental protection, climate change, and take account of the precautionary principle***, without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011. ***These amendments should allow a science-based approach to be maintained in risk assessment and the decision-making process.***

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not ***helped*** in providing clarity on Member State

Amendment

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not ***carried out its function*** in providing clarity on Member

positions.

State positions, *leaving the Commission to decide in many cases.*

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion.

Amendment

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases, ***to ensure effective implementation of the legislation***, adopt the draft implementing act, thus giving the Commission discretion.

Amendment 4

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) That discretion is, however, significantly reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment

(6) That discretion is, however, significantly reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision. ***The European Ombudsman has pointed out in his decision on case 1582/2014 that the Commission must respect existing legal provisions regarding the deadlines set for the authorisation of genetically modified organisms.***

Amendment 5

Proposal for a regulation

Recital 7

Text proposed by the Commission

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.***

(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.

Justification

When the Commission proposal was published, there was a significant number of abstentions and absences at the time it was put to the vote. That situation has changed a lot since the beginning of 2019.

Amendment 6

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by ***providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.***

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by holding ***it at ministerial level, to ensure a political discussion.***

Amendment 7

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Risk assessors should take into account a socio-economic analysis of product authorisations, since any amendments proposed during the vote in the appeal committee can delay the decision-making process, especially in highly sensitive cases.

Amendment 8

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(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 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.

deleted

Amendment 9

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The Commission should have the

deleted

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

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 *throughout the process, including with regard to publicly available information on how* Member State representatives *vote*, should be increased. *Substantive reasons for* individual Member State representatives' votes should be made public. *Detailed information should be given, including on the composition and attendance at committees, on the Member State authorities represented, on the agendas of the meetings and the documents and texts being discussed.*

Amendment 11

Proposal for a regulation

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

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 1

Present text

(7) Where applicable, the control mechanism shall include referral to an

Amendment

(-1) in Article 3(7), subparagraph 1 is amended as follows:

"(7) Where applicable the control mechanism shall include referral to an

appeal committee.

appeal committee *at ministerial level;*"

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

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6 (new)

Text proposed by the Commission

Amendment

(1) in Article 3(7), the following sixth subparagraph is added: **deleted**

“Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.”

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EU) No 182/2011

Article 6 – paragraph 1 – subparagraph 2 (new)

Text proposed by the Commission

Amendment

(a) in paragraph 1, the following second subparagraph is added: **deleted**

“However, only members of the appeal committee who are present or represented at the time of the vote, and do not abstain from voting, shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States

are participating members.”

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(b) the following paragraph 3a is inserted: **deleted**

“3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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 15

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

“4a. By way of derogation from paragraph 3, where no opinion is delivered in spite of a positive risk assessment which confirmed that a product submitted for authorization is at least as safe as a comparable product or substance which is already on the market, the Commission shall adopt the draft

implementing act."

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

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – introductory part

Present text

Amendment

1. The Commission shall keep a register of committee proceedings which shall contain:

(-a) the first paragraph is amended as follows:

“1. The Commission shall keep a **public** register of committee proceedings which shall contain.”

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

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – point b

Present text

Amendment

(b) the agendas of committee meetings;

(-aa) in paragraph 1, point (b) is amended as follows:

“(b) the agendas of committee meetings, **including drafts of text to be decided upon and documents being discussed;**”

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

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

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) ***a list of those voting, the voting result, explanations of the vote or abstention from*** each Member State, ***and the reason for any absence;***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)
Committee responsible Date announced in plenary	JURI 1.3.2017
Opinion by Date announced in plenary	AGRI 1.3.2017
Rapporteur Date appointed	Bronis Ropè 18.9.2019
Date adopted	11.6.2020
Result of final vote	+ : 19 - : 13 0 : 15
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Álvaro Amaro, Attila Ara-Kovács, Carmen Avram, Benoît Biteau, Mara Bizzotto, Daniel Buda, Isabel Carvalhais, Asger Christensen, Angelo Ciocca, Ivan David, Paolo De Castro, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Luke Ming Flanagan, Dino Giarrusso, Francisco Guerreiro, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Gilles Lebreton, Norbert Lins, Chris MacManus, Mairead McGuinness, Marlene Mortler, Ulrike Müller, Maria Noichl, Juozas Olekas, Maxette Pirbakas, Eugenia Rodríguez Palop, Bronis Ropè, Bert-Jan Ruissen, Anne Sander, Petri Sarvamaa, Simone Schmiedtbauer, Annie Schreijer-Pierik, Veronika Vrecionová, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Franc Bogovič, Francesca Donato, Lena Düpont, Fredrick Federley, Valter Flego, Emmanouil Fragkos, Claude Gruffat, Anja Hazekamp, Pär Holmgren, Ivo Hristov, Jan Huitema, Peter Jahr, Zbigniew Kuźmiuk, Elena Lizzi, Benoît Lutgen, Tilly Metz, Dan-Ștefan Motreanu, Christine Schneider, Michaela Šojdrová, Marc Tarabella, Irène Tolleret, Ruža Tomašić

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
ECR	Mazaly Aguilar, Emmanouil Fragkos, Krzysztof Jurgiel, Veronika Vrecionová
ID	Ivan David
PPE	Álvaro Amaro, Daniel Buda, Salvatore De Meo, Herbert Dorfmann, Jarosław Kalinowski, Norbert Lins, Marlene Mortler, Anne Sander, Petri Sarvamaa, Simone Schmiedtbauer, Christine Schneider, Annie Schreijer-Pierik, Juan Ignacio Zoido Álvarez
S&D	Clara Aguilera

13	-
GUE/NGL	Luke Ming Flanagan, Eugenia Rodríguez Palop
RENEW	Jérémy Decerle
S&D	Eric Andrieu, Adrian-Dragoş Benea, Isabel Carvalhais, Maria Noichl, Juozas Olekas
Verts/ALE	Benoît Biteau, Francisco Guerreiro, Claude Gruffat, Pär Holmgren, Bronis Ropė

15	0
GUE/NGL	Chris MacManus
ID	Mara Bizzotto, Angelo Ciocca, Gilles Lebreton, Maxette Pirbakas
NI	Dino Giarrusso
RENEW	Atidzhe Alieva-Veli, Asger Christensen, Martin Hlaváček, Ulrike Müller, Irène Tolleret
S&D	Attila Ara-Kovács, Carmen Avram, Paolo De Castro, Pina Picierno

Key to symbols:

+ : in favour

- : against

0 : abstention

29.4.2020

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Rapporteur for opinion: Pascal Durand

SHORT JUSTIFICATION

The Committee on Constitutional Affairs adopted the below opinion to the report of the Committee on Legal Affairs on 24 May 2018. However, the Committee on Legal Affairs did not finalise work on this proposal during the previous European Parliament legislature. On 21 October 2019, Parliament decided, in accordance with Rule 240, to resume business on this proposal. Therefore, the Committee on Constitutional Affairs submits the below opinion again to the Committee on Legal Affairs.

AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

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

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. ***Hence, this is***

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.

not the best time to embark on a substantial reform of the system. That system should therefore continue to function unchanged except for certain targeted amendments concerning ***the transparency of the proceedings and specific aspects of procedure at the level of the appeal committee.*** These amendments ***concern a minority of examination procedures and*** 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

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. ***In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products.***

Amendment

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, ***particularly in relation to genetically modified organisms, genetically modified food and feed and plant protection products,*** the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. ***Thus, a very small percentage of the cases subject to the examination procedure are concerned.***

Amendment 3

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) ***That discretion is***, however, ***significantly reduced*** in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, ***as*** the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment 4

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 5

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) ***In order to increase the added value*** of the appeal committee ***its role*** should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee ***whenever no opinion is delivered.*** The appropriate level of representation at the further meeting of the appeal committee

Amendment

(6) However, in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment

(7) While the Commission ***has the competence*** to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also assume ***greater*** responsibility in the decision-making process. ***Where the act concerns the protection of the health or safety of humans, animals or plants, and when, in such cases,*** Member States are not able to reach a qualified majority ***in favour of proposals to grant authorisation for a product or substance, that authorisation should be deemed to have been refused.***

Amendment

(8) ***The role*** of the appeal committee should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should ***preferably*** be ministerial level, to

should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Amendment 6

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(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 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.*

deleted

Justification

The change in the voting rules seems inspired by bringing about certain statistical effects rather than increasing Member States' responsibility. Member State representatives may have valid reasons to abstain when voting.

Amendment 7

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) *The Commission should have the*

(10) In specific cases, *at the request of*

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 Commission, the European Parliament and the Council may decide to express their views on the wider implications of the *outcome of the vote in the appeal committee*, including the institutional, legal, political and international implications. *In such cases, those views should be expressed* within 3 months.

Amendment 8

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 *should be increased throughout the entire legislative process. In particular*, the votes of individual Member State representatives should be made public. *Where a basic act concerns the protection of the health or safety of humans, animals or plants, and the draft implementing act for which the basic act provides involves proposing to grant authorisation for a product or a substance, substantive reasons for those votes should be given by each Member State representative. More detailed information should also be given on the composition of committees.*

Justification

Transparency should be increased throughout the whole legislative process. Moreover, substantive reasons should be given for certain votes in the interest of a reasoned decision-making process, to increase Member States' political responsibility and bearing in mind possible legal claims.

Amendment 9

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Where sustained difficulties arise in the implementation of a basic act, consideration should be given to reviewing the implementing powers conferred on the Commission in that act.

Amendment 10

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Amendment

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), ***or in the absence of a positive opinion resulting from a vote in the appeal committee pursuant to Article 6(4a)*** the chair may decide that the appeal committee shall hold a further meeting, ***preferably*** at ministerial level. In such cases, the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Amendment 11

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EU) No 182/2011

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

(a) in paragraph 1, the following second subparagraph is added:

deleted

“However, only members of the appeal committee who are present or represented at the time of the vote, and do not abstain from voting, shall be considered as participating members of the appeal committee. The majority referred to in

Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.”

Justification

The change in the voting rules seems inspired by bringing about certain statistical effects rather than increasing Member States' responsibility. Member State representatives may have valid reasons to abstain when voting.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

Text proposed by the Commission

3a. Where no opinion *is* delivered *in* the appeal committee, the Commission may *refer the matter* to the Council *for an opinion indicating its views and orientation* on the wider implications of *the absence of opinion, including the institutional, legal, political and international implications. The Commission shall 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

3a. Where no opinion *has been* delivered *by* the appeal committee, the Commission may *ask the European Parliament and* the Council *to express their* views on the wider implications of the *outcome of the vote in the appeal committee. Those expressions of views shall be delivered within three months.*

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

“4a. By way of derogation from paragraph 3, where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act for which the basic act provides involves proposing to grant authorisation for a product or substance, the Commission shall, in the absence of a positive opinion resulting from a vote by the majority provided for in Article 6(1), , not adopt that draft implementing act and the authorisation shall be deemed to have been refused. This is without prejudice to the right of the Commission to propose a modified draft implementing act concerning the same subject matter.”

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)

Regulation (EU) No 182/2011

Article 10 – paragraph 1 – point c

Present text

Amendment

(c) the summary records, together with the lists of the authorities and organisations to which ***the persons designated by the Member States to represent them*** belong;

(- a) in paragraph 1, point (c) is replaced by the following:

"(c) the summary records, together with the lists of ***the persons present and*** the authorities and organisations to which ***those*** persons belong;"

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32011R0182>)

Justification

Transparency should be increased throughout the entire legislative process. More detailed information should be given on the composition of committees.

Amendment 15

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, ***broken down by*** representative of each Member State, ***as well as a record of the substantive reasons given by each Member State representative for their vote where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act for which the basic act provides involves proposing to grant authorisation for a product or a substance;***

Justification

Transparency should be increased also at the level of the standing committee. Moreover, substantive reasons should be given for votes in the interest of a reasoned decision-making process, to increase Member States' political responsibility and bearing in mind possible legal claims.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EU) No 182/2011

Article 10 – paragraph 5

Text proposed by the Commission

5. ***The references of*** all documents referred to in ***points (a) to (d), (f) and (g) of paragraph 1 as well as the information referred to in points (e) and (h) of that paragraph*** shall be made public in the register.

Amendment

5. All documents ***and information*** referred to in paragraph 1, points ***(a) to (h)***, shall be made public in the register.

Amendment 17

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

(3 a) In Article 11, the following paragraph is added:

“In addition, where either the European Parliament or the Council considers that the conferral of implementing powers on the Commission in a basic act needs to be reviewed, it may, at any time, call on the Commission to submit a proposal to amend that basic act.”

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32011R0182>)

Justification

Where it appears difficult to obtain a positive opinion of the Member States in similar cases, it may be opportune to review the implementing powers conferred on the Commission.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

This Regulation shall ***not*** apply to ***pending*** procedures ***on which the appeal committee has already delivered an opinion on the date of*** entry into force ***of this Regulation.***

Amendment

This Regulation shall apply to procedures ***begun after the date of its*** entry into force.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)
Committee responsible Date announced in plenary	JURI 1.3.2017
Opinion by Date announced in plenary	AFCO 1.3.2017
Rapporteur Date appointed	Pascal Durand 20.3.2017
Discussed in committee	3.5.2017 30.5.2017
Date adopted	24.5.2018
Result of final vote	+: 10 -: 8 0: 2
Members present for the final vote	Mercedes Bresso, Richard Corbett, Pascal Durand, Danuta Maria Hübner, Diane James, Ramón Jáuregui Atondo, Jo Leinen, Maite Pagazaurtundúa Ruiz, Markus Pieper, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Țapardel, Kazimierz Michał Ujazdowski
Substitutes present for the final vote	Martina Anderson, Jérôme Lavrilleux, Jiří Pospíšil, Rainer Wieland
Substitutes under Rule 200(2) present for the final vote	Agnieszka Kozłowska-Rajewicz, Fernando Ruas

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

10	+
ALDE	Maite Pagazaurtundúa Ruiz
GUE/NGL	Martina Anderson, Barbara Spinelli
S&D	Mercedes Bresso, Richard Corbett, Ramón Jáuregui Atondo, Jo Leinen, Pedro Silva Pereira, Claudia Țapardel
VERTS/ALE	Pascal Durand

8	-
PPE	Danuta Maria Hübner, Agnieszka Kozłowska-Rajewicz, Jérôme Lavrilleux, Markus Pieper, Jiří Pospíšil, Fernando Ruas, György Schöpflin, Rainer Wieland

2	0
NI	Diane James, Kazimierz Michał Ujazdowski

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers			
References	COM(2017)0085 – C8-0034/2017 – 2017/0035(COD)			
Date submitted to Parliament	14.2.2017			
Committee responsible Date announced in plenary	JURI 1.3.2017			
Committees asked for opinions Date announced in plenary	AFET 1.3.2017	DEVE 1.3.2017	INTA 1.3.2017	ECON 1.3.2017
	EMPL 1.3.2017	ENVI 1.3.2017	ITRE 1.3.2017	IMCO 1.3.2017
	TRAN 1.3.2017	REGI 1.3.2017	AGRI 1.3.2017	PECH 1.3.2017
	CULT 1.3.2017	LIBE 1.3.2017	AFCO 1.3.2017	FEMM 1.3.2017
Not delivering opinions Date of decision	AFET 6.11.2019	DEVE 28.9.2020	ECON 22.7.2019	EMPL 17.10.2019
	IMCO 22.1.2020	TRAN 28.9.2020	REGI 12.6.2019	PECH 1.7.2019
	CULT 22.3.2017	LIBE 11.4.2017	FEMM 22.11.2019	
Rapporteurs Date appointed	József Szájer 24.7.2019			
Discussed in committee	9.1.2020	18.2.2020	15.6.2020	
Date adopted	1.10.2020			
Result of final vote	+: –: 0:	21 2 0		
Members present for the final vote	Manon Aubry, Gunnar Beck, Geoffroy Didier, Angel Dzhambazki, Ibán García Del Blanco, Jean-Paul Garraud, Esteban González Pons, Mislav Kolakušić, Gilles Lebreton, Karen Melchior, Jiří Pospíšil, Franco Roberti, Marcos Ros Sempere, Stéphane Séjourné, Raffaele Stancanelli, József Szájer, Marie Toussaint, Adrián Vázquez Lázara, Axel Voss, Tiemo Wölken, Javier Zarzalejos			
Substitutes present for the final vote	Patrick Breyer, Pascal Durand, Evelyne Gebhardt			
Date tabled	12.10.2020			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

21	+
EPP	Geoffroy Didier, Jiří Pospíšil, Axel Voss
S&D	Ibán García Del Blanco, Evelyne Gebhardt, Franco Roberti, Marcos Ros Sempere, Tiemo Wölken
RENEW	Pascal Durand, Karen Melchior, Stéphane Séjourné, Adrián Vázquez Lázara
ID	Gunnar Beck, Jean-Paul Garraud, Gilles Lebreton
VERTS/ALE	Patrick Breyer, Marie Toussaint
ECR	Angel Dzhambazki, Raffaele Stancanelli
GUE/NGL	Manon Aubry
NI	Mislav Kolakušić

2	-
EPP	Esteban González Pons, Javier Zarzalejos

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention