



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Development

2012/2323(INI)

23.9.2013

OPINION

of the Committee on Development

for the Committee on Legal Affairs

on follow-up on the delegation of legislative powers and the control by
Member States of the Commission's exercise of implementing powers
(2012/2323(INI))

Rapporteur: Gay Mitchell

PA_NonLeg

SUGGESTIONS

The Committee on Development calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to its legislative resolution of 1 December 2011 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1905/2006 establishing a financing instrument for development cooperation (PE-CONS 00059/2011 – C7-0379/2011 – 2010/0059(COD))¹,
- having regard to its resolution of 8 June 2011 on Regulation (EC) 1905/2006 establishing a financing instrument for development cooperation: lessons learned and perspectives for the future²,

On implementing acts

1. Recalls that, in the case of the Development Cooperation Instrument (DCI), as well as of other external financing instruments, Parliament has since 2006 practised a process of ‘democratic scrutiny’, alongside the formal scrutiny powers in place for implementing measures, in the form of a political dialogue with the Commission on draft measures; notes, however, that Parliament’s experience with this practice has been mixed, and that its influence over Commission decisions has been limited;
2. Points out that in the sphere of development cooperation implementing acts are often based on prior consultations with third parties, rendering changes at a late stage of the formal comitology procedure more difficult; stresses, therefore, that earlier notification of, and dialogue with, Parliament, as is currently being discussed by the institutions in anticipation of the new external financing instruments 2014-2020, would be an important step towards a more effective use of Parliament’s scrutiny powers;
3. Takes the view that the often very short timeline between the presentation of draft implementing measures and their adoption by the Commission is difficult to reconcile with Parliament’s working methods;

On delegated acts

4. With regard to external financing instruments, recalls its decision, in its legislative resolution of 1 December 2011 on the amendment of Regulation (EC) No 1905/2006, to insist on the use of delegated acts wherever strategic political decisions on financing and programming are involved; in anticipation of the DCI 2014-2020, reiterates that substantial policy choices, in particular those regarding priority areas and indicative financial allocations in broad terms, cannot be made at the level of implementing acts; underlines again the fact that involvement of the co-legislators in such choices cannot be viewed as micromanagement;

¹ OJ C 165 E, 11.6.2013, p. 109.

² OJ C 380 E, 11.12.2012, p. 51.

5. Holds that delegated acts are particularly useful in the sphere of external policy, as they combine enhanced democratic legitimacy with responsive, flexible decision making; stresses, however, that particularly in the case of broad and complex financing instruments such as the DCI, the potential areas of cooperation should be clearly defined in the basic act;
6. Objects to the argument advanced by the Commission in its Communication on the First Simplification Scoreboard for the MFF 2014-2020 (COM(2012)0 531), adopted on 20 September 2012, that the use of delegated acts, as proposed by the European Parliament for external financing instruments, would defeat the important objectives of efficiency, flexibility and simplification;
7. Notes that the absence of case law on Article 290 and on the criteria laid down therein has made it more difficult for co-legislators to agree on a delimitation between implementing and delegated acts in the case of external financing instruments, which do not have the classical features of legislation with a regulatory scope.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	17.9.2013
Result of final vote	+: 26 -: 0 0: 0
Members present for the final vote	Thijs Berman, Michael Cashman, Ricardo Cortés Lastra, Corina Crețu, Leonidas Donskis, Mikael Gustafsson, Filip Kaczmarek, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Maurice Ponga, Jean Roatta, Birgit Schnieber-Jastram, Michèle Striffler, Keith Taylor, Patrice Tirolien, Ivo Vajgl
Substitute(s) present for the final vote	Philippe Boulland, Enrique Guerrero Salom, Edvard Kožušník, Krzysztof Lisek, Isabella Lövin, Judith Sargentini
Substitute(s) under Rule 187(2) present for the final vote	Emma McClarkin, Jarosław Leszek Wałęsa, Elżbieta Katarzyna Łukacijewska