

**Question for written answer E-002650/2022
to the Commission**

Rule 138

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Subject: Respect of the Council and Parliament's decision-making prerogatives in the amendment of essential elements of legislative acts

According to Article 290 of the Treaty on the Functioning of the European Union (TFEU), the Commission is empowered to adopt non-legislative acts of general application to supplement or amend non-essential elements of a legislative act, while leaving its essential elements unchanged and respecting the limits of the delegation of power conferred by the legislative act.

Over recent years, the use of delegated and implementing acts has increased significantly. In the Commission's proposal for a delegated directive to amend Directive 2014/40/EU, it introduced new specific definitions, thus modifying essential elements of the legislative act. This clearly exceeds the mandate provided for in Article 290 TFEU.

In the light of this:

1. Can the Commission ensure the respect of the Council and Parliament's decision-making prerogatives, when essential elements of a legislative act are being amended?
2. Can it address concerns over the legitimacy of introducing new specific definitions by means of delegated directives, in the light of the delegated power conferred pursuant to Article 290 TFEU?