



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Economic and Monetary Affairs

2010/0051(COD)

15.6.2010

OPINION

of the Committee on Economic and Monetary Affairs

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers
(COM(2010)0083 – C7-0073/2010 – 2010/0051(COD))

Rapporteur: Antolín Sánchez Presedo

PA_Legam

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Implementing powers may adapt or update certain non-essential elements of a basic act, but cannot be extended to supplement or amend such elements, since in those cases Article 290 of the Treaty on the Functioning of the European Union applies.

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) In the context of the Treaty establishing the European Community, the exercise of implementing powers by the Commission was governed by Council Decision 1999/468/EC of 28 June 1999.

(2) In the context of the Treaty establishing the European Community, the exercise of implementing powers by the Commission was governed by Council Decision 1999/468/EC of 28 June 1999. ***This arrangement should be discontinued in order to meet the requirements laid down following the latest reform of the Treaties.***

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) The Treaty on the Functioning of the

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European Union now requires the European Parliament and the Council to lay down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

European Union now requires the European Parliament and the Council to lay down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. ***Such control does not preclude or restrict the democratic control resulting from the provisions regarding democratic principles, the conditions governing the functioning of the institutions and the application of the principles of subsidiarity and proportionality as laid down in, inter alia, Articles 5, 10, 11 and 13 of the Treaty on European Union and Protocol No 2 to the Treaties.***

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that procedures for ***such*** control are clear, effective and proportionate to the nature of the implementing acts and that they reflect the institutional requirements of the Treaty as well as the experience gained and the common practice followed in the implementation of Decision 1999/468/EC.

Amendment

(4) It is necessary to ensure that procedures for control are clear, effective and proportionate to the nature of the implementing acts and that they reflect the institutional requirements of the Treaty ***and the equal footing of the European Parliament and the Council with regard to all acts adopted under the ordinary legislative procedure,*** as well as the experience gained and the common practice followed in the implementation of Decision 1999/468/EC.

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) In those basic acts which require the control of the Member States for the adoption by the Commission of

Amendment

(5) In those basic acts which require the control of the Member States for the adoption by the Commission of

implementing acts, it is appropriate that for the purposes of such a control there should be instituted committees composed of the representatives of the Member States and chaired by the Commission.

implementing acts, it is appropriate that for the purposes of such control there should be instituted committees composed of the representatives of the Member States ***and observers from the Council and the European Parliament*** and chaired by the Commission.

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) ***The*** European Parliament and the Council should be ***kept*** informed of committee proceedings ***on a regular basis***.

Amendment

(12) ***In order to ensure that the functions of the*** European Parliament and the Council ***established in the Treaty on the Functioning of the European Union are fully respected, they*** should be ***promptly and fully*** informed of committee proceedings ***sufficiently far in advance of the adoption of each measure***.

Amendment 7

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) Decision 1999/468/EC should be repealed. In order to ensure the transition between the regime provided for in Decision 1999/468/EC and this Regulation, any reference in existing legislation to the procedures provided for in that Decision should, with the exception of the regulatory procedure with scrutiny provided for in Article 5a thereof, be understood as a reference to the corresponding procedures provided for in this Regulation. The effects of Article 5a of Decision 1999/468/EC should be maintained for the purposes of existing basic acts which refer to that

Amendment

deleted

Article.

Amendment 8

**Proposal for a regulation
Article 1**

Text proposed by the Commission

This Regulation lays down the rules and general principles governing the mechanisms which shall apply in cases where a legally binding Union act (hereafter "basic act") requires that the adoption of **binding** implementing acts by the Commission be subject to the control of Member States.

Amendment

This Regulation lays down the rules and general principles governing the mechanisms which shall apply in cases where a legally binding Union act (hereafter "basic act") ***identifies the need for uniform conditions of implementation and*** requires that the adoption or exercise of implementing acts by the Commission be subject to the control of Member States.

Amendment 9

**Proposal for a regulation
Article 1 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

In cases where non-legislative acts of general application are needed in order to supplement or amend certain non-essential elements of the basic act, Article 290 of the Treaty on the Functioning of the European Union shall apply.

Amendment 10

**Proposal for a regulation
Article 2 – paragraph 2 – introductory part**

Text proposed by the Commission

Amendment

2. The examination procedure ***may only*** apply for the adoption of:

2. The examination procedure ***shall*** apply for the adoption of:

Amendment 11

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. For all other implementing measures, and for implementing measures referred to in paragraph 2 where it is considered to be appropriate, the advisory procedure **shall** apply.

Amendment

3. For all other implementing measures, and for implementing measures referred to in paragraph 2 where it is considered to be appropriate, the advisory procedure **may** apply.

Amendment 12

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission.

Amendment

2. The Commission shall be assisted by a committee composed of the representatives of the Member States **and observers from the Council and the European Parliament** and chaired by a representative of the Commission.

Amendment 13

Proposal for a regulation

Article 3 – paragraph 5 –subparagraph 1

Text proposed by the Commission

5. The chairperson may obtain the committee's opinion by written procedure. He or she shall send the committee members the draft measures on which their opinion is sought and shall lay down a time-limit according to the urgency of the matter. Any committee member who does not explicitly oppose or abstain before the time-limit laid down expires is considered to have given their tacit agreement to the draft measures.

Amendment

5. The chairperson may obtain the committee's opinion by written procedure. He or she shall send the committee members **and observers** the draft measures on which their opinion is sought and shall lay down a time-limit according to the urgency of the matter. Any committee member who does not explicitly oppose or abstain before the time-limit laid down expires is considered to have given their tacit agreement to the draft measures.

Amendment 14

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Objection to draft implementing measures

1. If the European Parliament or the Council expresses its objection to draft implementing measures the adoption of which is contemplated and which have been submitted to a committee pursuant to a basic act adopted under Article 294 of the Treaty on the Functioning of the European Union, on the grounds that those measures would exceed the implementing powers conferred in the basic act, the Commission shall re-examine the draft measures.

2. Taking the reasons for objections into account and within the time-limits of the procedure under way, the Commission shall submit either new draft measures for consideration by the committee or a proposal to the European Parliament and the Council on the basis of the Treaty on the Functioning of the European Union.

3. The Commission shall inform the European Parliament, the Council and the committee of the action which it intends to take and of its reasons for doing so.

Amendment 15

Proposal for a regulation Article 8 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the positions of the members of the committee and statements of the reasons therefor,

Amendment 16

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The European Parliament and the Council shall have access to the information referred to in paragraph 1.

Amendment

2. The European Parliament and the Council shall have ***equal*** access to the information referred to in paragraph 1. ***To that end, the European Parliament and the Council shall be sent all information referred to in paragraph 1 at the same time and on the same terms as it is sent to the committee members.***

Amendment 17

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Annual report on the exercise of implementing powers

The Commission shall each year submit to the Member States a report on the exercise of implementing powers conferred on the Commission pursuant to Article 291 of the Treaty on the Functioning of the European Union. The Member States may also submit their remarks to be annexed to the report.

The annual report, together with the annex, shall be sent to the European Parliament, the national parliaments, the European Council and the Council, and shall also be forwarded to the European Economic and Social Committee and the Committee of the Regions.

Amendment 18

Proposal for a regulation Article 8 b (new)

Text proposed by the Commission

Amendment

Article 8b

Alignment of the acquis

By [date] at the latest, the Commission shall review basic acts adopted before the entry into force of this Regulation with a view to adapting those acts to the new rules on delegated and implementing powers set out in Articles 290 and 291 of the Treaty on the Functioning of the European Union. The Commission shall regularly report to the European Parliament and to the Council on the progress of that review. Where appropriate, such reports shall be accompanied by legislative proposals.

Amendment 19

Proposal for a regulation Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Repeal of Decision 1999/468/EC

Decision 1999/468/EC shall be repealed.

The effects of Article 5a of the repealed Decision shall be maintained for the purposes of existing basic acts making reference thereto.

Amendment 20

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Adaptation of existing basic acts

1. Where basic acts adopted before the entry into force of this Regulation provide for the exercise of implementing powers by the Commission in accordance with Decision 1999/468/EC, the following rules shall apply:

(a) references to Article 3 of Decision 1999/468/EC shall be understood as references to Article 4 of this Regulation;

(b) references to Articles 4 and 5 of Decision 1999/468/EC shall be understood as references to Article 5 of this Regulation;

(c) references to Article 6 of Decision 1999/468/EC shall be understood as references to Article 6 of this Regulation;

(d) references to Articles 7 and 8 of Decision 1999/468/EC shall be understood as references to Article 8 of this Regulation.

2. Articles 3 and 7 of this Regulation shall apply to all existing committees.

Amendment 21

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Review

Within three years of the entry into force of this Regulation, and taking into account the input provided by Member

Sates, the Commission shall present a general report on the procedures laid down in this Regulation and, if appropriate, put forward a new legislative proposal.

Amendment 22

**Proposal for a regulation
Article 12 –paragraph 2**

Text proposed by the Commission

Amendment

Article 10 of this Regulation shall apply from 1 December 2010.

deleted

PROCEDURE

Title	Control by Member States of the Commission's exercise of implementing powers
References	COM(2010)0083 – C7-0073/2010 – 2010/0051(COD)
Committee responsible	JURI
Opinion by Date announced in plenary	ECON 24.3.2010
Rapporteur Date appointed	Antolín Sánchez Presedo 27.4.2010
Discussed in committee	20.5.2010 14.6.2010
Date adopted	14.6.2010
Result of final vote	+: 38 –: 1 0: 0
Members present for the final vote	Burkhard Balz, Sharon Bowles, Udo Bullmann, Pascal Canfin, Nikolaos Chountis, George Sabin Cutaş, Leonardo Domenici, Diogo Feio, Markus Ferber, Elisa Ferreira, Vicky Ford, José Manuel García-Margallo y Marfil, Jean-Paul Gauzès, Sven Giegold, Sylvie Goulard, Enikő Győri, Liem Hoang Ngoc, Gunnar Hökmark, Othmar Karas, Wolf Klinz, Werner Langen, Hans-Peter Martin, Arlene McCarthy, Sławomir Witold Nitras, Ivari Padar, Anni Podimata, Antolín Sánchez Presedo, Olle Schmidt, Edward Scicluna, Peter Simon, Peter Skinner, Ivo Strejček, Kay Swinburne, Ramon Tremosa i Balcells, Corien Wortmann-Kool
Substitute(s) present for the final vote	Marta Andreasen, Elena Băsescu, Lajos Bokros, Herbert Dorfmann, Sari Essayah, Philippe Lamberts, Gay Mitchell, Sirpa Pietikäinen