



**2017/0035(COD)**

4.3.2020

# **AMENDMENTS**

## **12 - 68**

**Draft report**

**József Szájer**

(PE646.995v01-00)

Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

Proposal for a regulation

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



**Amendment 12**  
**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) The procedure for adopting implementing acts shall be subject to the principles of subsidiarity and proportionality. Implementing acts are complementary legislative acts and should be transmitted to Member States, through the Council, in order to monitor compliance with these principles.***

Or. fr

**Amendment 13**  
**Bettina Vollath**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

*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

**(2)** Regulation (EC) No 182/2011 has, overall, proven to work ***efficiently*** in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. ***The main elements of the*** system ***could*** therefore continue to function unchanged. ***However,*** certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee ***seem to be justified***. 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.

Regulation (EU) No 182/2011. *The further objective underlying the amendments 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 those decisions, as well as the decision-making process that leads to the decisions.*

Or. en

**Amendment 14**  
**Daniel Buda**

**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) **While** 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, **it has not effectively provided any concrete added value in the form of a better decision-making process, having encountered a number of regulatory hitches regarding the functioning of the appeal committee.** **The key components of** that system should therefore continue to function unchanged except for certain **necessary** 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 15**  
**Gilles Lebreton, Gunnar Beck**

**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 **should, in principle, strike** an institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore **be changed, in particular as regards** specific aspects of procedure at the level of the appeal committee. These amendments are intended to **increase the involvement of the Council in politically sensitive implementing acts, in specific cases where no opinion has been delivered at the end of the ordinary scrutiny procedures for these acts.**

Or. fr

**Amendment 16**  
**Marie Toussaint**

**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. 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.

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 ***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.

Or. en

**Amendment 17**  
**Daniel Buda**

**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 so far has provided only limited added value, leaving the Commission to decide on behalf of the Member States in a 'no opinion' situation.***

Or. ro

**Amendment 18**  
**Pascal Durand, Bettina Vollath**

**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, ***or to overcome the absence of opinions in the examination procedure.***

Or. en

**Amendment 19**  
**Daniel Buda**

**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 adopt the draft implementing act, thus giving the Commission discretion ***regarding the need to ensure the effective implementation of the legislation.***

Or. ro

**Amendment 20**  
**Marie Toussaint**

**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-

*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 also fully assume ***greater*** responsibility in the

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.***

decision-making process. ***Where the act concerns the protection of the environment, as well as the protection of the health or safety of humans, animals, or plants, greater weight should be given to the precautionary principle. 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, authorisation should be deemed to have been refused.***

Or. en

### *Justification*

*Greater weight should be given to the precautionary principle and Member States should bear greater responsibility in taking decisions in the particularly sensitive areas concerning the protection of the environment, as well as the protection of the health or safety of humans, animals, or plants. Any authorisation in these areas should be adopted only if there is a strong majority to support it, i.e. a qualified majority.*

## **Amendment 21**

**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

### **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 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 ***intentional*** non-appearances at the moment of the vote. ***Therefore, given the politically sensitive nature of the act which led to the blocking, the matter should be referred back to the Council for a final decision.***

Or. fr



**Amendment 22**  
**Pascal Durand, Bettina Vollath**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) Where the act concerns the protection of the health or safety of humans, animals or plants, the granting of authorisations with regard to a product or substance should be subject to a qualified majority.**

Or. en

*Justification*

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

**Amendment 23**  
**Pascal Durand**

**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**

**deleted**

*deliver an opinion should be extended.*

Or. en

*Justification*

*Further meetings at ministerial level do not seem relevant considering that in most cases results of the vote in the appeal committees did not differ from the voting results in the standing committee. This would provide additional delay in the adoption/rejection procedure in appeal committees.*

**Amendment 24**  
**Marie Toussaint**

**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, ***to reduce the risk of no opinion being delivered and to provide an incentive for Member States to take a clear position, qualified-majority voting should apply.***

Or. en

*Justification*

*A further meeting at ministerial level does not seem useful, taking into account that in most cases the result of the vote in the appeal committee did not differ from the voting result in the standing committee. Greater weight should be given to the precautionary principle and Member States should bear greater responsibility in the particularly sensitive areas concerning the protection of the environment, as well as the protection of the health or safety of humans, animals, or plants. Any authorisation in these areas should be adopted only if there is a strong majority to support it, i.e. a qualified majority. The too frequent situation where the Commission continues to grant authorisation to sensitive substances and products to be put onto the market, despite the lack of opinion reached by Member States, and despite the subsequent objection by the Parliament on many occasions, has to be avoided.*

**Amendment 25**  
**Daniel Buda**

**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 **high-level** meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should **therefore** 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 **albeit for a reasonable period only**.

Or. ro

**Amendment 26**  
**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

***(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***

*Amendment*

***deleted***

*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.*

Or. fr

#### **Amendment 27**

**Pascal Durand**

#### **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*

Or. en

#### *Justification*

*For important acts that can impact health or safety of humans, animals or plants pesticides, the authorisation should not be given if there isn't any strong majority to support it. The modification of the quorum is not an incentive for Member States to participate in the vote.*

*On the contrary, Member States which used to abstain are likely to do so. The change of the quorum would have a statistical effect which instead of giving incentives to Member States to participate in the vote further lower the likelihood of reaching a strong majority between Member States on these sensitive sectors.*

**Amendment 28**  
**Marie Toussaint**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(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.***

*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, ***a product or substance should be deemed to be authorised only if*** Member States ***reach a*** qualified majority.

Or. en

**Amendment 29**  
**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) ***The*** Commission should ***have*** the

*Amendment*

(10) ***Where no opinion could be***

*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.*

*delivered at the level of the appeal committee, the Commission should be required to refer the matter to the Council for a final decision. Having regard to the right of scrutiny provided for in Article 11 of Regulation EU No 182/2011, the European Parliament may be asked 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 decision taken by the Council should be binding on the Commission. The Council should also take account of the position expressed by the European Parliament within 3 months after the referral. In duly justified cases, for reasons of urgency, it should be possible to provide for a shorter deadline in the referral.*

Or. fr

### **Amendment 30** **Bettina Vollath**

#### **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) In specific cases, *at the request of 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 three months of the Commission's request. In addition, the positions expressed by the European Parliament, the Council or both should also be sent, as appropriate, to the European Parliament, to the Council, to the European Economic and Social Committee and to the*

*Committee of the Regions without undue delay.*

Or. en

**Amendment 31**  
**Daniel Buda**

**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 *initial* referral. ***or, failing that no more than one month after the referral.*** In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. ro

**Amendment 32**  
**Marie Toussaint**

**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

*Amendment*

(10) The Commission should have the possibility, in specific cases, to ask the ***European Parliament and the*** Council to indicate ***their*** views and orientation on the wider implications of the ***outcome of the vote in the appeal committee***, including the institutional, legal, political and

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.***

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. ***The position expressed by the Council should also be sent to the European Parliament without undue delay.***

Or. en

**Amendment 33**  
**Pascal Durand**

**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) In specific cases, ***at the request of 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 committees***, including the institutional, legal, political and international implications. ***In such cases, those views should be*** expressed within 3 months.

Or. en

*Justification*

*Referring to the Council alone does not seem relevant considering that in most cases the result of the vote in the appeal committees did not differ from the voting result in the standing committee. Furthermore, as co-legislators the Council and the European Parliament are both responsible to empower the Commission. Although the benefit of this measure is therefore not clear, the Parliament should not only be informed but also invited to express its views at the same time as the Council.*

**Amendment 34**  
**Marie Toussaint**



**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 legislative process, including the appeal committee's examination procedure. In particular,** 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. **Where the act concerns particularly sensitive sectors, such as the protection of consumers, the health or safety of humans, animals or plants, or the protection of the environment, greater importance should be given to the precautionary principle. Substantive reasons for votes on those sensitive acts 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 texts being discussed.**

Or. en

*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 35**  
**Pascal Durand**

**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's representatives*** should be made public. ***Where the act concerns particularly sensitive sectors, such as the protection of consumers or the health or safety of humans, animals or plants, greater importance should be given to the precautionary principle. Substantive reasons for votes on those sensitive acts 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.***

Or. en

*Justification*

*There is currently a lack of transparency throughout the entire comitology process. It is not democratic to hide from the Parliament nor from the EU citizens which evidence has provided the base for allowing products that will impact consumers' or animals' health and the environment. For acts that concern sensitive matters, the Commission should publish not only the votes but also the name of experts who participate in committee meetings.*

**Amendment 36**  
**Bettina Vollath**

**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 on the votes of Member State representatives ***throughout the advisory and examination procedures*** should be increased and the individual Member State representatives' votes should be made public. ***Additionally, the Commission should provide information***

*on the composition of committees,  
including the persons present and the  
authorities and organisations to which  
those persons belong.*

Or. en

**Amendment 37**  
**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

**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) *A transparent process for appointing the Member State representatives should be established and their work should be made public.*

Or. fr

**Amendment 38**  
**Bettina Vollath**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) In order to enhance visibility and Union citizens' awareness, as well as their understanding of the procedure, each Member State representative's vote should be accompanied by reasons. 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, case-specific and detailed reasons for votes and abstentions should be given by each Member State representative.*

**Amendment 39**  
**Marie Toussaint**

**Proposal for a regulation**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) 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.***

Or. en

*Justification*

*Where systematic difficulties persist to obtain a positive opinion of the Member States, who prefer to abstain, in similar cases, it would be relevant to review the implementing powers conferred on the Commission.*

**Amendment 40**  
**Pascal Durand**

**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 basic act.***

Or. en

*Justification*

*Systematic problems with similar draft implementing acts may warrant a review of the implementing powers in the relevant basic act and not only a review of the single draft implementing act.*

**Amendment 41**  
**Bettina Vollath**

**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 greater transparency. Improving the search functions of the register to allow searches by policy area is an essential element in this process.***

Or. en

**Amendment 42**  
**Marie Toussaint**

**Proposal for a regulation**  
**Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

***(11b) The transparency and accessibility of the register should be further enhanced, in particular by adding more information related to the decision-making process, and by improving its search functions.***

Or. en

**Amendment 43**  
**Pascal Durand, Marie Toussaint**

**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.";***

Or. en

*Justification*

*Further meetings at ministerial level do not seem relevant considering that in most cases results of the vote in the appeal committees did not differ from the voting results in the standing committee. This would provide additional delay in the adoption/rejection procedure in appeal committees.*

**Amendment 44**

**Daniel Buda**

**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), the chair ***or a simple majority of the Member States*** 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 ***no more than 3***

months of the initial date of referral.";

Or. ro

#### **Amendment 45**

**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

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

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

Regulation (EU) No 182/2011

Article 5 – paragraph 4 – subparagraph 1

*Present text*

*Amendment*

Where no opinion is delivered, the Commission *may adopt* the *draft implementing act, except in the cases provided for in the second subparagraph. Where the Commission does not adopt the draft implementing act, the chair may submit to the committee an amended version thereof.*

**(1a) In Article 5(4), the first subparagraph is replaced by the following:**

*‘Where no opinion is delivered, the Commission shall refer the matter to the appeal committee in accordance with the procedures laid down in Article 6 of this Regulation.’*

Or. fr

#### **Amendment 46**

**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

#### **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.";*

Or. fr

#### **Amendment 47**

**Pascal Durand, Marie Toussaint**

#### **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.";*

Or. en

#### *Justification*

*For important acts that can impact health or safety of humans, animals or plants pesticides, the authorisation should not be given if there isn't any strong majority to support it. The modification of the quorum is not an incentive for Member States to participate in the vote. On the contrary, Member States which used to abstain are likely to do so. The change of the quorum would have a statistical effect which instead of giving incentives to Member States to participate in the vote further lower the likelihood of reaching a strong majority between Member States on these sensitive sectors.*



## Amendment 48

Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud

### Proposal for a regulation

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

Regulation (EU) No 182/2011

Article 6 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

**(aa) in paragraph 3, the second subparagraph is deleted.**

Or. fr

## Amendment 49

Pascal Durand, Marie Toussaint

### 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*

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.*

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 *of the Commission's request.*

Or. en

### *Justification*

*Referring to the Council alone does not seem relevant considering that in most cases the result of the vote in the appeal committees did not differ from the voting result in the standing*

committee. Furthermore, as co-legislators the Council and the European Parliament are both responsible to empower the Commission. Although the benefit of this measure is not clear, the Parliament should not only be informed but also invited to express its views at the same time as the Council.

## **Amendment 50**

**Gilles Lebreton, Gunnar Beck, Jean-Paul Garraud**

### **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 *shall* refer the matter to the Council for *a final decision. In accordance with its right of scrutiny as provided for in Article 11 of this Regulation, the European Parliament may also be asked to give* its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The *Council* shall take account of any position expressed by the *European Parliament* within 3 months after the referral. In duly justified cases, *for reasons of urgency, a shorter deadline may be provided for* in the referral.

Or. fr

## **Amendment 51**

**Daniel Buda**

### **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 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 ***initial*** referral ***or, where that is not possible, no more than one month after the referral.*** In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. ro

**Amendment 52**  
**Bettina Vollath**

**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 views shall be delivered within three months of the Commission's request.*** ***In addition, the positions*** expressed by ***the European Parliament,*** the Council ***or both shall also be sent, as appropriate, to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions without undue delay.***

**Amendment 53**

**Jiří Pospíšil**

**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 Commission may refer the matter to the Council for an opinion on the wider implications of the absence of opinion, including the institutional, legal, ***economic***, political and international implications. The Commission shall take account of ***the*** 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 54**

**Jiří Pospíšil**

**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

*Amendment*

"3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion on the wider ***context*** of the absence of opinion, including the institutional, legal, ***economic***, 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

cases, the Commission may indicate a shorter deadline in the referral.";

shorter deadline in the referral.";

Or. cs

## **Amendment 55**

**Pascal Durand, Bettina Vollath, Marie Toussaint**

### **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 authorisations for a product or substance, such authorisations shall be approved only if the vote in accordance with paragraph 1 results in a positive opinion. This paragraph shall be without prejudice to the right of the Commission to propose a modified draft implementing act concerning the same subject matter.”***

Or. en

*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 56**

**Bettina Vollath**

**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.*

*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.”;*

Or. en

**Amendment 57**

**Marie Toussaint**

**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 text to be decided upon and documents being discussed;”*

Or. en

**Amendment 58**

**Pascal Durand, Bettina Vollath, Marie Toussaint**

**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;”

Or. en

*Justification*

*There is currently a lack of transparency throughout the entire comitology process. It is not democratic to hide from the Parliament nor from the EU citizens which evidence has provided the base for allowing products that will impact consumers' or animals' health and the environment. For acts that concern sensitive matters, the Commission should publish not only the votes but also the name of experts who participate in committee meetings.*

**Amendment 59**

**Bettina Vollath**

**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*

*Amendment*

(e) the voting results *including, in the case of the appeal committee, the votes expressed by the* representative of each Member State;

(e) the voting results, *broken down by* representative of each Member State, *together with the reasons for the vote or abstention 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 and detailed reasons for the vote or abstention;*

Or. en

**Amendment 60**  
**Daniel Buda**

**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, in the case of the appeal committee, the votes expressed by the representative of each Member State, *explanations of vote, abstentions and absences*;

Or. ro

**Amendment 61**  
**Pascal Durand, Marie Toussaint**

**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, together with the reasons for the vote*;

Or. en

**Amendment 62**  
**Bettina Vollath**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 3 – point a a (new)**  
Regulation (EU) No 182/2011  
Article 10 – paragraph 1 – subparagraph 1 a (new)



*Text proposed by the Commission*

*Amendment*

***(aa) in paragraph 1, the following subparagraph is added:***

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

Or. en

### **Amendment 63**

**Pascal Durand, Bettina Vollath, Marie Toussaint**

#### **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*

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.

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

Or. en

### **Amendment 64**

**Marie Toussaint**

#### **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. For the purpose of greater transparency and accessibility, the***

***Commission shall ensure that the search functions of the register enable the search by policy area.”***

Or. en

**Amendment 65**  
**Bettina Vollath**

**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. For the purpose of greater transparency, the Commission shall ensure that the search functions of the register enable the search by policy area.”***

Or. en

**Amendment 66**  
**Jiří Pospíšil**  
**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.”

Or. cs

## **Amendment 67**

**Pascal Durand, Marie Toussaint**

### **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 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.”***

Or. en

*Justification*

*Systematic problems with similar draft implementing acts may warrant a review of the implementing powers in the relevant basic act and not only a review of the single draft implementing act.*

## **Amendment 68**

**Pascal Durand, Marie Toussaint**

### **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 pending procedures.

Or. en