

## CONTENT

Following the entry into force of the Lisbon Treaty, a number of pre-Lisbon acts adopted by the Commission were automatically aligned to the new system created by Articles 290 TFEU (delegated acts) and 291 TFEU (implementing acts). However, regarding acts containing a reference to the regulatory procedure with scrutiny (RPS), rather than an automatic alignment, it was agreed to proceed to a progressive adaptation to Articles 290 TFEU and 291 TFEU. Several years later, the alignment process of measures dealt with under the RPS is still not finalised.

Following the Parliament's repeated request, the Commission submitted three 'omnibus' proposals in 2013 aimed at aligning to the provisions of the Lisbon Treaty a number of legal acts providing for the use of the RPS. Negotiations between Parliament and Council started in December 2013. Whilst the Parliament was of the view that the three proposals needed to be dealt with as a package, the Council was cautious in moving forward and wished to scrutinise each act individually.

On 25 February 2014, the Parliament adopted a first reading position on the three 'omnibus' proposals. The first two proposals provide for an automatic alignment of the RPS provisions to delegated acts, whilst the third one also aligns some provisions to implementing acts. As a general rule, the Parliament considers that most legal acts referring to the RPS should be included under the regime of Article 290 TFEU, because RPS measures relate to acts of a general scope, modifying non-essential elements of a legal act.

Given the lack of progress on the package, the Commission announced in its 2015 work programme the withdrawal of the three 'omnibus proposals' and its intention to deal with the issue of delimitation between delegated and implementing acts in the framework of the Interinstitutional Agreement (IIA) on Better Law-Making. The latter was adopted on 13 April 2016. In the new IIA, the three institutions committed to finalising the adaptation of existing legislation to the framework of the Lisbon Treaty, which concerns in particular acts providing for the use of the 'regulatory procedure with scrutiny'. Keeping in line with this commitment, in December 2016, the Commission presented a Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

## References :

- [Treaty on the Functioning of the European Union \(TFEU\)](#)

- [Interinstitutional Agreement on Better Law-Making](#), 2016/512
- European Parliament, [Legislative resolution of 25 February 2014 on the proposal for a regulation adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny](#), first reading, 2013/0365(COD)
- [European Commission, Work Programme 2015, COM\(2014\) 910](#)
- EP Legislative Observatory, [Procedure file of the Interinstitutional Agreement on Better Law-Making](#), 2016/2005(ACI)

### **Further reading:**

- European Parliament, EPRS, [Interinstitutional Agreement on Better Law-Making](#), At a Glance, March 2016
- European Parliament, EPRS, [Interinstitutional Agreement on Better Law-Making](#), Information note, March 2016

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