OPINION

of the Committee on Industry, Research and Energy

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: Amalia Sartori
SUGGESTIONS

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

1. Notes that significant progress has been made in terms of translating into practice Articles 290 and 291 of the Lisbon Treaty, and points out that importance is increasingly being given in inter-institutional negotiations to the choice between delegated and implementing acts;

2. Emphasises that while the co-legislators may not always share the same understanding of the essential elements of the two type of acts, Parliament should continue to stress that politically sensitive issues that could supplement the basic act cannot be dealt with by means of implementing acts, as this would affect Parliament’s right of scrutiny in a negative way;

3. Underlines the increasing difficulties faced by Parliament in negotiating with the Council – as a result of the Council’s unwillingness to consider the use of delegated acts – and the fact that, although the possibility of including all of the necessary elements in the basic act and only allowing implementing acts may be a legally sound option, the approach could be extremely difficult to apply in some cases, such as in sectors where technologies are still being developed; points out that, in addition, this approach may lead to law-making that is not in line with the principles of good legislation in the EU;

4. Stresses that the classification of information in certain areas of activity should not impede Parliament’s right to scrutinise delegated acts; notes that should such type of information be the subject of a delegated act, the necessary arrangements for allowing Members’ access to it should be made in accordance with the legislation in force;

5. Stresses that in many legal areas, such as energy or information and communication technologies, questions that at first appear to be rather technical may entail political choices carrying important consequences; underlines, therefore, that in order to ensure democratic legitimacy throughout the whole EU law-making process, Parliament should be provided with sufficient expertise so as to exercise its scrutiny rights in an independent way;

6. Considers that significant progress has been made in ensuring the swift transmission of the delegated acts to the lead Committees, which in turn has positively influenced the exercise of the Members’ right of scrutiny;

7. Believes that the circulation of delegated acts to Members by means of a newsletter facilitates the scrutiny of such acts and allows Members to raise possible objections in due time;

8. Notes with concern that Parliament’s experts are not systematically invited to preparatory meetings on delegated acts; calls on the Commission to take further steps to address this issue and to keep Parliament informed of the planned timetable for the adoption of such
acts;

9. Welcomes the availability of the Commission’s experts to participate in information meetings with Members, as the organisation of such meetings, well before the adoption of the delegated acts, is useful for clarifying key aspects of such acts and for facilitating Parliament’s work in reaching a final agreement;

10. Notes the very substantial increase in the possibilities offered by delegated acts with regard to legislative acts; expresses its concern that Parliament lacks sufficient staff to assume fully its political responsibilities in scrutinising the process of delegation to the Commission, such as when it is called on to express its objections to the deadline stipulated in a basic legislative act; calls for a quantitative and qualitative assessment of staff needed by the European Parliament to assume properly its responsibility as co-legislator.
RESULT OF FINAL VOTE IN COMMITTEE

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<th>18.9.2013</th>
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| Result of final vote | +: 51  
|                     | −: 0  
|                     | 0: 0  |
| Substitute(s) present for the final vote | Maria Badia i Cutchet, Antonio Cancian, Yves Cochet, António Fernando Correia de Campos, Ioan Enciu, Elisabetta Gardini, Jolanta Emilia Hibner, Seán Kelly, Bernd Lange, Corinne Lepage, Marian-Jean Marinescu, Mario Pirillo |
| Substitute(s) under Rule 187(2) present for the final vote | María Irigoyen Pérez, Cecilia Wikström, Sabine Wils |