

# Mechanisms for control by Member States of the Commission's exercise of implementing powers, 'Comitology Regulation'

2010/0051(COD) - 16/12/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 567 votes to 4, with 18 abstentions, a legislative resolution 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.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

**Selection of procedures:** criteria should be laid down to determine the procedure to be used for the adoption of implementing acts. In order to achieve greater consistency, the procedural requirements should be proportionate to the nature and impact of the implementing acts to be adopted. Provided that the basic act confers implementing powers on the Commission relating to programmes with substantial budgetary implications or directed to third countries, the examination procedure should apply. When considering the adoption of other draft implementing acts concerning particularly sensitive sectors, notably taxation, consumers' health, food safety and protection of the environment, the Commission, in order to find a balanced solution, will as far as possible act in such a way as to avoid going against any predominant position which might emerge within the appeal committee against the appropriateness of an implementing act.

**Referral to the appeal committee:** where appropriate, the control mechanism should include referral to an appeal committee which should meet at the appropriate level. The appeal committee shall deliver its opinion by the majority provided for in the Regulation. Until an opinion is delivered, any member of the appeal committee may suggest amendments to the draft acts. The Commission may adapt the draft acts.

If the appeal committee delivers a positive opinion, the Commission shall adopt the draft acts. If no opinion is delivered, the Commission may adopt the draft acts.

If the appeal committee delivers a negative opinion, the Commission shall not adopt the draft acts. In the absence of a positive opinion voted by the majority provided, the Commission shall not adopt the draft measures.

**Role of the Chair of the relevant committee:** he should endeavour to find solutions which command the widest possible support within the committee or the appeal committee and should explain the manner in which the discussions and suggestions for amendments have been taken into account. For that purpose, the Commission should pay particular attention to the views expressed within the committee or the appeal committee as regards draft definitive anti-dumping or countervailing measures.

**Right of scrutiny for the European Parliament and the Council:** where the basic act is adopted under the **ordinary legislative procedure**, the European Parliament or the Council may at any time indicate to the Commission that they consider a draft implementing act to exceed the implementing powers provided

for in the basic act. In such a case, the Commission shall review the draft measure in question, 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.

The European Parliament and the Council should be regularly informed and without delay of the work carried out by the committees.

**Register:** a register containing information on committee proceedings should be kept by the Commission. Consequently, rules relating to the protection of classified documents applicable to the Commission should also apply to the use of the register.

**Review clause:** no later than five years after the entry into force of this Regulation, the Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation, accompanied, if necessary, by appropriate legislative proposals.

**Entry into force:** the Regulation shall enter into force on 1 March 2011.