



Procedure file

Basic information		
ACI - Interinstitutional agreement procedure	2006/2152(ACI)	Procedure completed
Implementing powers conferred on the Commission, Comitology. Interinstitutional statement		
Amending Decision 1999/468/EC 1998/0219(CNS)		
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Constitutional Affairs		22/02/2006
		PSE CORBETT Richard	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	2743	17/07/2006

Key events			
28/06/2006	Non-legislative basic document published	10125/2006	Summary
03/07/2006	Vote in committee		
03/07/2006	Committee report tabled for plenary	A6-0237/2006	
04/07/2006	Committee referral announced in Parliament		
05/07/2006	Debate in Parliament		
06/07/2006	Results of vote in Parliament		
06/07/2006	Decision by Parliament	T6-0309/2006	Summary
06/07/2006	End of procedure in Parliament		
21/10/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2006/2152(ACI)
Procedure type	ACI - Interinstitutional agreement procedure
Procedure subtype	Interinstitutional agreement
	Amending Decision 1999/468/EC 1998/0219(CNS)

Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/6/38317

Documentation gateway

Committee draft report		PE376.349	27/06/2006	EP	
Non-legislative basic document		10125/2006	28/06/2006	CSL	Summary
Committee report tabled for plenary, single reading		A6-0237/2006	03/07/2006	EP	
Text adopted by Parliament, single reading		T6-0309/2006	06/07/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)3801	28/08/2006	EC	

Final act

52006XX1021

[OJ C 255 21.10.2006, p. 0001](#) Summary

Implementing powers conferred on the Commission, Comitology. Interinstitutional statement

PURPOSE : to conclude a new Interinstitutional Agreement concerning the ?regulatory procedure with scrutiny?.

CONTENT : the European Parliament, the Council and the Commission welcome the forthcoming adoption of the Council Decision amending the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. The inclusion in the 1999 Decision of a new procedure, known as the "regulatory procedure with scrutiny", will enable the legislator to scrutinise the adoption of "quasi?legislative" measures implementing an instrument adopted by codecision.

In a joint declaration, the three institutions emphasise that, in the context of the existing Treaty, this Decision provides a horizontal and satisfactory solution to the European Parliament's wish to scrutinise the implementation of instruments adopted under the codecision procedure. Without prejudice to the rights of the legislative authorities, the European Parliament and the Council recognise that the principles of good legislation require that implementing powers be conferred on the Commission without time-limit. However, where an adaptation is necessary within a specified period, the European Parliament, the Council and the Commission consider that a clause requesting the Commission to submit a proposal to revise or abrogate the provisions concerning the delegation of implementing powers could strengthen the scrutiny exercised by the legislator.

This new procedure will apply following its entry into force to the quasi?legislative measures provided for in instruments adopted in accordance with the codecision procedure, including those provided for in instruments to be adopted in future in the financial services field (Lamfalussy instruments). However, for it to be applicable to instruments adopted by codecision which are already in force, those instruments must be adjusted in accordance with the applicable procedures, so as to replace the regulatory procedure laid down in Article 5 of Decision 1999/468/EC by the regulatory procedure with scrutiny, wherever there are measures which fall within its scope.

The European Parliament, the Council and the Commission consider that the following instruments should be adjusted as a matter of urgency:

- § Regulation of the European Parliament and of the Council on nutrition and health claims made on foods;
- § Directive of the European Parliament and of the Council re-casting Council Directive 93/6/EEC of 15 March 1993 on the capital adequacy of investment firms and credit institutions;
- § Directive of the European Parliament and of the Council re-casting Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions;
- § Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC;
- § Regulation 562/2006/EC of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);
- § Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing;
- § Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council;
- § Directive 2005/1/EC of the European Parliament and of the Council of 9 March 2005 amending Council Directives 73/239/EEC, 85/611/EEC, 91/675/EEC, 92/49/EEC and 93/6/EEC and Directives 94/19/EC, 98/78/EC, 2000/12/EC, 2001/34/EC, 2002/83/EC

and 2002/87/EC in order to establish a new organisational structure for financial services committees;

- § Regulation 396/2005/EC of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC;
- § Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC;
- § Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC;
- § Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC;
- § Regulation 1829/2003/EC of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed;
- § Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision;
- § Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse);
- § Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE);
- § Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment;
- § Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council;
- § Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards;
- § Directive 2001/107/EC of the European Parliament and of the Council of 21 January 2002 amending Council Directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) with a view to regulating management companies and simplified prospectuses;
- § Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use;
- § Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC;
- § Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;
- § Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles;
- § Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market.

To this end, the Commission has indicated that it will shortly submit proposals to the European Parliament and the Council for the amendment of the instruments referred to above, so as to introduce the regulatory procedure with scrutiny and consequently repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

The European Parliament and the Council will ensure that the proposals are adopted as rapidly as possible.

Implementing powers conferred on the Commission, Comitology. Interinstitutional statement

The European Parliament adopted a resolution drafted by Richard CORBETT (PES, UK) and endorsed, by an overwhelming majority, the compromise reached with representatives of the Commission and the Council on the comitology procedure. Parliament approved the conclusion of the agreement taking the form of a joint statement annexed to the decision. The new agreement allows MEPs, for the first time, to block implementing decisions taken by the Commission. It also means Parliament will be informed of these decisions in all official languages and extends the time available for Parliamentary scrutiny.

The Decision will introduce into the 1999 Decision on comitology (Decision 1999/468/EC) a new procedure, known as the 'regulatory procedure with scrutiny', which will entitle the European Parliament and the Council to scrutinise 'quasi-legislative' measures implementing an instrument adopted by codecision on an equal footing and to reject such measures.

According to the new procedure, Parliament will be able to block, by an absolute majority of MEPs (i.e. 367 votes are needed for the resolution to pass), quasi-legislative implementing measures under co-decision legislation. If this happens, the Commission cannot enact the measures and has to propose either a new comitology decision or a new legislative act under the co-decision procedure.

The system of transmission of information from the Commission to Parliament has been improved. At present, documents are delivered in one or up to three languages. The Commission has now agreed to set up a detailed information system on all comitology committees' activities in

all Parliaments' official languages. The time limit for MEPs to scrutinise the proposed decisions is increased from one month to three, extendable to four for the most complex issues. The clock will start ticking only when Parliament has received full documentations in all official languages.

This new procedure will apply following its entry into force to the quasi-legislative measures provided for in instruments adopted in accordance with the codecision procedure, including those provided for in instruments to be adopted in future in the financial services field (Lamfalussy instruments). However, for it to be applicable to instruments adopted by codecision which are already in force, those instruments must be adjusted in accordance with the applicable procedures, so as to replace the regulatory procedure laid down in Article 5 of Decision 1999/468/EC by the regulatory procedure with scrutiny, wherever there are measures which fall within its scope. The European Parliament, the Council and the Commission consider that certain instruments should be adjusted as a matter of urgency. (For a list of the instruments, please see the summary of 28/06/2006.)

The agreement and the associated Joint Declaration must be ratified by all three institutions to come into force.

This resolution is closely linked to the resolution on amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. (Please see procedure reference CNS/2002/0298.)

Implementing powers conferred on the Commission, Comitology. Interinstitutional statement

PURPOSE: to make a statement on the conclusion of the new interinstitutional agreement on the 'regulatory procedure with scrutiny'.

ACT: Statement by the European Parliament, the Council and the Commission concerning the Council Decision of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (2006/512/EC).

CONTENT: the European Parliament, the Council and the Commission welcome the forthcoming adoption of the Council Decision amending the [Council Decision](#) of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. The inclusion in the 1999 Decision of a new procedure, known as the 'regulatory procedure with scrutiny', will enable the legislator to scrutinise the adoption of 'quasi-legislative' measures implementing an instrument adopted by codecision.

The three institutions emphasise that this Decision provides a horizontal and satisfactory solution to the European Parliament's wish to scrutinise the implementation of instruments adopted under the codecision procedure.

The Parliament and the Council recognise that the principles of good legislation require that implementing powers be conferred on the Commission without time-limit. However, where an adaptation is necessary within a specified period, the Parliament, the Council and the Commission consider that a clause requesting the Commission to submit a proposal to revise or abrogate the provisions concerning the delegation of implementing powers could strengthen the scrutiny exercised by the legislator.

This new procedure will apply following its entry into force to the quasi-legislative measures provided for in instruments adopted in accordance with the codecision procedure, including those provided for in instruments to be adopted in future in the financial services field (Lamfalussy instruments). However, for it to be applicable to instruments adopted by codecision which are already in force, those instruments must be adjusted in accordance with the applicable procedures, so as to replace the regulatory procedure laid down in Article 5 of Decision 1999/468/EC by the regulatory procedure with scrutiny, wherever there are measures which fall within its scope.

Therefore, the Parliament, the Council and the Commission consider that 25 instruments should be adjusted as a matter of urgency.

To this end, the Commission has indicated that it will shortly submit proposals to the European Parliament and the Council for the amendment of those 25 instruments, so as to introduce the regulatory procedure with scrutiny and consequently repeal any provisions of those instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

The European Parliament and the Council will ensure that the proposals are adopted as rapidly as possible.