

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision 2016/0400B(COD) procedure) Regulation	Awaiting Council's 1st reading position
Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)	
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.02 Legislative simplification, coordination, codification	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 POSPÍŠIL Jiří	18/03/2021
		Shadow rapporteur	
		 VOLLATH Bettina	
		 DURAND Pascal	
		 TOUSSAINT Marie	
		 DZHAMBAZKI Angel	
		 MAUREL Emmanuel	
	Former committee responsible		
	 Legal Affairs	 SZÁJER József	28/03/2019
	Former committee for opinion		
	 Economic and Monetary Affairs	 GUALTIERI Roberto	24/01/2017
	 Environment, Public Health and Food Safety	 VÁLEAN Adina	31/01/2017
	 Transport and Tourism	 MAYER Georg	06/03/2017
	 Agriculture and Rural Development		15/02/2017



BUDA Daniel

Former committee for opinion on the legal basis

JURI Legal Affairs

01/03/2019



LEBRETON Gilles

Council of the European Union
European Commission

Commission DG

Commissioner

[Secretariat-General](#)

JUNCKER Jean-Claude

Key events

14/12/2016	Legislative proposal published	COM(2016)0799	
28/03/2019	Committee referral announced in Parliament, 1st reading		
01/04/2019	Vote in committee, 1st reading		
09/04/2019	Committee report tabled for plenary, 1st reading	A8-0190/2019	
17/04/2019	Results of vote in Parliament		
17/04/2019	Decision by Parliament, 1st reading	T8-0409/2019	Summary
09/01/2020	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
13/01/2020	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		

Technical information

Procedure reference	2016/0400B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	JURI/8/15894

Documentation gateway

Legislative proposal		COM(2016)0799	14/12/2016	EC	
Economic and Social Committee: opinion, report		CES0758/2017	01/06/2017	ESC	
Committee of the Regions: opinion		CDR2776/2017	01/12/2017	CofR	
Specific opinion	JURI	PE637.501	03/04/2019	EP	

Committee report tabled for plenary, 1st reading/single reading	A8-0190/2019	09/04/2019	EP	
Text adopted by Parliament, 1st reading/single reading	T8-0409/2019	17/04/2019	EP	Summary
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	EC	

Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)

The Committee on Legal Affairs adopted the report by József SZÁJER (EPP, HU) on the 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.

As a reminder, Article 5a of Decision 1999/468/EC, as amended by Council Decision 2006/512/EC2, (the Comitology Decision), established the so-called regulatory procedure with scrutiny (RPS).

With the entry into force of the Treaty of Lisbon on 1st December 2009 and in light of the subsequent new legal framework for sub-secondary legislation established by Articles 290 and 291 TFEU, the Comitology Decision had to be revised.

However, Regulation 182/2011 (the new Comitology Regulation) intentionally left Article 5a of the Comitology Decision out of its scope. Article 5a establishing the RPS had therefore to be provisionally maintained for the purposes of existing basic acts referring to that Article. On the other hand, the *acquis* in question has to be aligned as soon as possible to the Treaty of Lisbon in order to ensure legal certainty.

In 2013, the Commission proposed to complete the alignment with three extensive proposals ([Omnibus I](#), [Omnibus II](#) and [Omnibus III](#)), which Parliament adopted in first reading in February 2014. However, the proposals were withdrawn by the new Commission following the European elections.

Following the entry into force of the [Inter-institutional Agreement](#) on Better Law-making (IIA) of 13 April 2016, the Commission presented two new proposals for alignment in December 2016, one focusing on legislative files in the area of justice and one focusing on the remaining policy areas. The two proposals cover 3 and 168 basic acts, respectively.

In general terms, the committee approved the present proposal which seeks to update many existing cases of RPS to delegated acts. On the other hand, it opposed those cases of alignment with implementing acts where they consider that the Commission proposal lacks a detailed and specific justification.

Members recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal on horizontal issues such as the wording of the empowerments (which has to be as precise as possible and in line with the recent case law) and the duration of the delegation of powers (which should not exceed 5 years and should be accompanied by a reporting obligation on the Commission to submit reports no later than nine months before the end of the five years).

Members also stated that bundling and presenting empowerments that are not closely linked with each other within a single Commission delegated act impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire package, which leaves no room to express an opinion on each empowerment individually. The Commission shall not bundle multiple empowerments in a single delegated act.

Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)

The European Parliament adopted by 531 votes to 29, with 33 abstentions, a legislative resolution on the 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 (Part II) to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

The Treaty of Lisbon has substantially modified the legal framework governing the powers conferred on the Commission by the legislator, introducing a clear distinction between powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred upon the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

The proposed Regulation aims to adapt a series of basic instruments where the regulatory procedure with scrutiny (RPS) applies to make them evolve into delegated acts.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal to clarify that the power to adopt delegated acts would be conferred on the Commission for a period of five years.

The Commission shall prepare a report on the delegation of authority no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of the same duration, unless the European Parliament or the Council objects to such an extension no later than three months before the end of each period.

In a recital, Parliament pointed out that bundling and presenting empowerments that are not closely linked with each other within a single delegated act of the Commission impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire delegated act, which leaves no room to express an opinion on each empowerment individually.

