


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0218(COD) Procedure lapsed or withdrawn
Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)	
Subject 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.01 Implementation of EU law	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs		01/07/2013
		PPE <a href="#">SZÁJER József</a>	
		Shadow rapporteur	
		S&D <a href="#">RAPKAY Bernhard</a>	
		ALDE <a href="#">THEIN Alexandra</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>ECON</b> Economic and Monetary Affairs		10/09/2013
		ALDE <a href="#">BOWLES Sharon</a>	
	<b>EMPL</b> Employment and Social Affairs		03/07/2013
	S&D <a href="#">BERÈS Pervenche</a>		
<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.		
<b>IMCO</b> Internal Market and Consumer Protection	The committee decided not to give an opinion.		
<b>TRAN</b> Transport and Tourism	The committee decided not to give an opinion.		
<b>LIBE</b> Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.		
Council of the European Union	Commission DG	Commissioner	
European Commission	<a href="#">Secretariat-General</a>	ŠEFČOVIČ Maroš	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
27/06/2013	Legislative proposal published	COM(2013)0451	Summary
04/07/2013	Committee referral announced in Parliament, 1st reading		
17/12/2013	Vote in committee, 1st reading		
08/01/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0010/2014</a>	Summary
25/02/2014	Results of vote in Parliament		
25/02/2014	Decision by Parliament, 1st reading	<a href="#">T7-0114/2014</a>	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2013/0218(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 168-p4; Treaty on the Functioning of the EU TFEU 153-p2; Treaty on the Functioning of the EU TFEU 043-p2; Treaty on the Functioning of the EU TFEU 091; Treaty on the Functioning of the EU TFEU 064-p2; Treaty on the Functioning of the EU TFEU 033; Treaty on the Functioning of the EU TFEU 192-p1; Treaty on the Functioning of the EU TFEU 100-p2; Treaty on the Functioning of the EU TFEU 338-p1; Treaty on the Functioning of the EU TFEU 172; Treaty on the Functioning of the EU TFEU 053-p1; Treaty on the Functioning of the EU TFEU 207; Treaty on the Functioning of the EU TFEU 062; Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/7/13174

Documentation gateway					
Legislative proposal		COM(2013)0451	27/06/2013	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES5530/2013</a>	16/10/2013	ESC	
Committee opinion	<b>ECON</b>	<a href="#">PE524.669</a>	10/12/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0010/2014</a>	08/01/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0114/2014</a>	25/02/2014	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2014)446</a>	20/05/2014	EC	

Additional information	

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

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**PURPOSE:** to align a number of legal acts to the Treaty on the Functioning of the European Union (Article 290, powers delegated to the Commission).

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

The measures which can be covered by delegations of powers, as referred to in Article 290(1) of the Treaty on the Functioning of the European Union (TFEU), correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (the Comitology Decision).

It is necessary to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny.

The overall objective of the Commission is that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny (RPS) would have been removed from all legislative instruments.

At the end of 2012, 288 legislative acts still containing references to the RPS were identified. Around 60 of them are currently in the legislative process and therefore are not concerned by the present proposal.

**IMPACT ASSESSMENT:** the Commission has carried out a careful examination of all legislative instruments still referring to the RPS in order to analyse whether the RPS measures covered by the Comitology Decision meet the criteria of Article 290 TFEU.

**LEGAL BASIS:** Articles 33, 43(2), 53(1), 62, 64(2), 91, 100(2), 114, 153(2)(b), 168(4)(b), 172, 192(1), 207 and 338(1) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** this proposal is one of three proposals adapting a number of legislative instruments referring to the RPS to the criteria laid down in the Treaty. It provides for a transformation of the RPS into delegated acts for the basic legislative acts which are listed in the annex. It is based on the legal bases of all the basic acts concerned.

Accordingly, the present framework regulation provides that where instruments listed in the annex make reference to the procedure referred to in Article 5a of the Comitology Decision, the Commission is empowered to adopt delegated acts.

In cases where there are curtailed time-limits for opposition, in accordance with Article 5a(5)(b) of the Comitology Decision, the proposal provides for a time-limit for objection of 1 month.

The proposal adapts the urgency procedure according to Article 5a(6) of the Comitology Decision to the urgency procedure for delegated acts.

Another separate [regulation](#) is proposed for the legislative acts in the area of Justice which refer to the RPS.

## Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

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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 to Article 290 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 (RPS).

At the time of adopting Regulation (EU) No 182/2011 of the European Parliament and of the Council on comitology, the Commission undertook to assess by the end of 2012 the legislative acts containing references to RPS that remained in force, in order to prepare the appropriate legislative initiatives to complete the adaptation to the new legal framework. The overall objective was that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments.

In keeping with that statement and further to the screening of existing legislation, the Commission put forward three proposals for a regulation adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS): (Please see [2013/0220\(COD\)](#) and [2013/0365\(COD\)](#)).

This report is related to a proposal covering 160 legislative acts in various policy areas. The Rapporteur proposed to the relevant committees that the three proposals should be regarded as a package, subject to the same timetable and adopted as soon as possible, so that the alignment exercise can be completed, ideally, by the end of the current legislative term. The report contains a limited number of amendments that were suggested by the specialised committees in their opinions.

The committees amendments propose that the power to adopt delegated acts should be conferred on the Commission for a period of five years from the date of entry into force of the regulation (and not for an indeterminate period). The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Owing to the highly technical and complex nature of the delegated acts in the remit of the Committee on Economic and Monetary Affairs, the

report proposes that the time limit for objections to the act should be three months, extendable by a further three months at the initiative of the European Parliament or of the Council.

## Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

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The European Parliament adopted by 480 votes to 48 with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 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 (RPS).

To recall, the Commission committed itself to assessing by the end of 2012 how many legislative acts containing references to the regulatory procedure with scrutiny remained in force, in order to prepare the appropriate legislative initiatives and thus complete the adaptation to the new legal framework. The stated objective was that, by the end of the seventh term of Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments.

The Commission put forward three proposals fulfilling this commitment (Please see [2013/0220\(COD\)](#) and [2013/0365\(COD\)](#)).

This resolution is related to a proposal covering 160 legislative acts in various policy areas.

The position adopted by Parliament in first reading following the ordinary legislative procedure amended the proposal.

Parliament's amendments proposed that the power to adopt delegated acts should be conferred on the Commission for a period of five years from the date of entry into force of the regulation (and not for an indeterminate period). The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Owing to the highly technical and complex nature of the delegated acts in certain policy areas, Parliament proposed that the time limit for objections to the act should be three months, extendable by a further three months at the initiative of the European Parliament or of the Council.