


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0365(COD) Procedure lapsed or withdrawn
Aligning a number of legal acts with the TFEU: Commission delegated and implementing 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
	JURI Legal Affairs		04/11/2013
		PPE SZÁJER József	
		Shadow rapporteur	
		S&D RAPKAY Bernhard	
		ALDE THEIN Alexandra	
	Committee for opinion	Rapporteur for opinion	Appointed
	INTA International Trade	The committee decided not to give an opinion.	
	CONT Budgetary Control	The committee decided not to give an opinion.	
	ECON Economic and Monetary Affairs		19/11/2013
	ALDE BOWLES Sharon		
EMPL Employment and Social Affairs		05/12/2013	
	S&D BERÈS Pervenche		
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.		
TRAN Transport and Tourism	The committee decided not to give an opinion.		
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.		
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Secretariat-General	ŠEFČOVIČ Maroš	
European Economic and Social Committee			

Key events

30/10/2013	Legislative proposal published	COM(2013)0751	Summary
18/11/2013	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	A7-0011/2014	Summary
25/02/2014	Results of vote in Parliament		
25/02/2014	Decision by Parliament, 1st reading	T7-0112/2014	Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2013/0365(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 172; Treaty on the Functioning of the EU TFEU 262; Treaty on the Functioning of the EU TFEU 338-p1; Treaty on the Functioning of the EU TFEU 207; Treaty on the Functioning of the EU TFEU 100-p2; Treaty on the Functioning of the EU TFEU 168-p4; Treaty on the Functioning of the EU TFEU 153-p1; Treaty on the Functioning of the EU TFEU 114; Treaty on the Functioning of the EU TFEU 043-p2; Treaty on the Functioning of the EU TFEU 192-p1; Treaty on the Functioning of the EU TFEU 214-p3
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/7/14452

Documentation gateway

Legislative proposal		COM(2013)0751	30/10/2013	EC	Summary
Committee opinion	ECON	PE524.673	10/12/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0011/2014	08/01/2014	EP	Summary
Economic and Social Committee: opinion, report		CES7440/2013	21/01/2014	ESC	
Text adopted by Parliament, 1st reading/single reading		T7-0112/2014	25/02/2014	EP	Summary
Commission response to text adopted in plenary		SP(2014)446	20/05/2014	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Aligning a number of legal acts with the TFEU: Commission delegated and implementing powers

PURPOSE: to adapt a series of legal provisions providing for the regulatory procedure with scrutiny to Article 290 (delegated acts) and 291 (implementing acts) of the Treaty on the Functioning of the European Union.

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 established a distinction between:

- the 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 uniform conditions for implementing legally binding Union acts (implementing acts).

It is necessary to adapt to Article 290 and Article 291 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny (RPS).

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Articles 43(2), 53(1), 62, 100(2), 114, 168(4)a, 168(4)b, 172, 192(1), 207, 214(3), 338(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT : the proposal follows : (i) the [proposal for a regulation](#) of the European Parliament and of the Council adapting to Article 290 of the TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny and (ii) the [proposal for a regulation](#) of the European Parliament and of the Council adapting to Article 290 of the TFEU a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny.

The proposed framework regulation concerns the alignment of the remaining basic acts referring to the RPS. It provides that:

- where legal acts listed in Annex I provide for the use of Article 5a of the Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission ("the Comitology Decision"), the Commission is empowered to adopt delegated acts;
- in legal acts providing for the use of Article 5a of the Comitology Decision which are listed in Annex II, the Commission is empowered to adopt implementing acts.

Adaptation to the delegated act regime and the implementing act regime will not affect pending procedures in which an opinion has already been delivered by a committee in accordance with the Comitology Decision.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

Aligning a number of legal acts with the TFEU: Commission delegated and implementing powers

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 and 291 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 [2013/0218\(COD\)](#)).

This report is related to a proposal covering more than 30 legislative acts containing RPS measures. The Commission had concluded in its proposal that some of those measures did not fall into the scope of Article 290 TFEU. In cases where the Commission considered that those measures fulfil the criteria of Article 291 TFEU, it had proposed that the Commission be empowered to adopt implementing acts (measures listed in Annex II). In other cases, the Commission had appreciated that the powers given to the Commission were not in accordance with the Treaty, and it proposes the deletion of those provisions (Annex III).

The rapporteur and the specialised committees consulted opposed most of the adaptations of provisions for the use of RPS to the regime and implementing acts, which they felt that the Commission had proposed without a detailed and individual justification. Therefore, except for specific exceptions, most of the provisions included by the Commission in Annex II have been moved to Annex I (legal acts adapted to the regime of delegated acts.)

Aligning a number of legal acts with the TFEU: Commission delegated and implementing powers

The European Parliament adopted by 451 votes to 48 with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 and 291 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 [2013/0218\(COD\)](#)).

This resolution is related to a proposal covering more than 30 legislative acts containing RPS measures.

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

Parliament opposed most of the adaptations of provisions for the use of RPS to the regime and implementing acts. Therefore, except for specific exceptions, most of the provisions included by the Commission in Annex II (legal acts adapted to the regime of implementing acts) have been moved to Annex I (legal acts adapted to the regime of delegated acts.)

In the same way, most of the acts in Annex III (deletion of powers) have been moved to delegated acts.

Parliament wants the power to adopt delegated acts to be conferred on the Commission for a period of five years from the date of entry into force of the Regulation.

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.