**ORDINARY LEGISLATIVE PROCEDURE – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA**

**1. Rapporteur:** Daniel DALTON (ECR / UK)

**2. Reference numbers:** 2016/0002 (COD) / A8-0219/2016 / P8\_TA-PROV(2019)0148

**3. Date of adoption of the resolution:** 12 March 2019

**4. Legal basis:** Article 82(1) second subparagraph, point (d) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**6. Commission's position:** Accepts all amendments.

In relation to the Committee procedure regarding the adoption of draft implementing acts by the Commission, the final compromise contains a **“No-Opinion clause”** (for both the Directive and the Regulation), preventing the adoption of a draft implementing act in the event that the Committee does not deliver an opinion:

“The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke point b) of the second subparagraph of Article 5(4) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4), recourse to point b) of the second subparagraph of that Article cannot be simply seen as a discretionary power of the legislator, but must be interpreted in a restrictive manner and thus must be justified.”