Adapting a number of instruments to the regulatory procedure with scrutiny, "omnibus" Regulation, Part Five

2009/0048(COD) - 30/03/2009 - Legislative proposal

PURPOSE: to adapt a number of instruments subject to the codecision procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny.

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

CONTENT: Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission was amended by Council Decision 2006/512/EC, which introduced a new regulatory procedure with scrutiny (PRAC) for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the codecision procedure, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

In a joint statement, the Parliament, the Council and the Commission listed a number of basic instruments that should be adapted to the amended Decision as a matter of urgency in order to incorporate the regulatory procedure with scrutiny (priority alignment). The Commission presented all the proposals regarding priority alignment in December 2006. These were examined and adopted by the Parliament and the Council.

For the PRAC to be applicable to the other instruments adopted under the codecision procedure that were already in force at the time Decision 2006/512/EC came into effect, the joint statement also called for these instruments to be adjusted in accordance with the applicable procedures (general alignment).

The Commission decided to carry out the alignment by means of proposals for 'omnibus' Regulations. The Commission adopted the first three proposals on 23 November (see COD/2007/0262) and 19 December 2007 (see COD/2007/0282 and COD/2007/0293). It adopted the last of the proposals on 11 February 2008 (see COD/2008/0032).

On 23 September 2008, the European Parliament adopted a resolution with recommendations to the Commission on the alignment of legal acts to the new Comitology Decision. In the resolution, the Parliament called on the Commission to present it with new legislative proposals to complete the general alignment. To this end, it provided the Commission with a list of 14 instruments which it deemed to require adaptation to the new Comitology Procedure but which were not covered by the Commission Communication of 23 November 2007.

The Commission looked particularly closely at the 14 instruments to which its attention was drawn in the Parliament's resolution. All provisions in these basic instruments that delegate implementing powers to the Commission were carefully examined. On the basis of this examination, the Commission does not deem it necessary to present proposals for all these basic instruments. In the Commission's view, 12 of the instruments do not require adaptation to the new Comitology Procedure.

However, the Commission acknowledges, with the European Parliament, that **two basic instruments** contain a number of provisions which do have to be adapted to the regulatory procedure with scrutiny:

- Directive 2000/15/EC amending Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine.

- Regulation (EC) No 1760/2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97.

The purpose of the present proposal is to adapt these two basic instruments to the regulatory procedure with scrutiny.