

Implementing powers conferred on the Commission, Comitology. Interinstitutional statement

2006/2152(ACI) - 17/07/2006 - Final act

PURPOSE: to make a statement on the conclusion of the new interinstitutional agreement on the 'regulatory procedure with scrutiny'.

ACT: Statement by the European Parliament, the Council and the Commission concerning the Council Decision of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (2006/512/EC).

CONTENT: the European Parliament, the Council and the Commission welcome the forthcoming adoption of the Council Decision amending the [Council Decision](#) of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. The inclusion in the 1999 Decision of a new procedure, known as the '**regulatory procedure with scrutiny**', will enable the legislator to scrutinise the adoption of 'quasi-legislative' measures implementing an instrument adopted by codecision.

The three institutions emphasise that this Decision provides a horizontal and satisfactory solution to the European Parliament's wish to scrutinise the implementation of instruments adopted under the codecision procedure.

The Parliament and the Council recognise that the principles of good legislation require that implementing powers be conferred on the Commission without time-limit. However, where an adaptation is necessary within a specified period, the Parliament, the Council and the Commission consider that a **clause requesting the Commission to submit a proposal to revise or abrogate the provisions concerning the delegation of implementing powers** could strengthen the scrutiny exercised by the legislator.

This new procedure will apply following its entry into force to the quasi-legislative measures provided for in instruments adopted in accordance with the codecision procedure, including those provided for in instruments to be adopted in future in the financial services field (Lamfalussy instruments). However, for it to be applicable to instruments adopted by codecision which are already in force, those instruments must be adjusted in accordance with the applicable procedures, so as to replace the regulatory procedure laid down in Article 5 of Decision 1999/468/EC by the regulatory procedure with scrutiny, wherever there are measures which fall within its scope.

Therefore, the Parliament, the Council and the Commission consider that **25 instrumentsshould be adjusted** as a matter of urgency.

To this end, the Commission has indicated that it will shortly submit proposals to the European Parliament and the Council for the amendment of those 25 instruments, so as to introduce the regulatory procedure with scrutiny and consequently repeal any provisions of those instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

The European Parliament and the Council will ensure that the proposals are adopted as rapidly as possible.