Common commercial policy: aligning certain acts with the TFEU; procedures for the adoption of certain measures

2011/0039(COD) - 07/03/2011 - Legislative proposal

PURPOSE: to amend certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures to reflect the changes in the legal framework and institutional balance brought about by the entry into force of the Lisbon Treaty.

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

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 207 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: **a number of basic regulations relating to the common commercial policy** provide that acts implementing the common commercial policy are to be adopted by the Council according to procedures set down in the various instruments concerned or by the Commission subject to specific procedures and control by the Council. Such procedures are not subject to Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology).

It is appropriate to amend those regulations in order to ensure consistency with the provisions introduced by the Treaty of Lisbon which has led to significant changes both in the framework for the adoption of delegated and implementing acts and for the conduct of trade policy. This should be done, where appropriate, through the granting of delegated powers to the Commission and by applying certain procedures set out in Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States.

One of the key objectives of the abovementioned regulation, proposed by the Commission in March 2009, is to provide that the control of the Commission's exercise of its implementing powers is conducted not by the Council or the European Parliament but by the Member States as is required by Article 291 of the Treaty. In the proposal, this is achieved by the creation of procedures (the advisory and examination procedures) whereby the Commission's implementing acts are subject to control by the Member States combined with an automatic alignment of existing procedures established under Council Decision 1999 /468/EC.

The current proposal addresses procedures for the control or adoption of acts in **twenty four basic acts** in the field of the common commercial policy not previously subject to Council Decision 1999/468/EC. Aligning the control of the Commission's exercise of implementing powers on the Regulation on the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers will bring additional advantages. In particular, it will permit a more effective and efficient exercise of the Commission's implementing powers and so contribute to a more effective and efficient common commercial policy.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.