

# **Tariff quotas for certain meat and cereal products: alignment of Regulation with the TFEU (Commission delegated and implementing powers)**

2011/0445(COD) - 21/12/2011 - Legislative proposal

**PURPOSE:** alignment of Regulation (EC) No 774/94 with the new provisions foreseen under Articles 290 and 291 of the Treaty, following the entry into force of the Lisbon Treaty.

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

**BACKGROUND:** Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) distinguish two different types of Commission acts:

- Article 290 of the TFEU allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "delegated acts" (Article 290(3)).
- Article 291 of the TFEU allows Member States to adopt all measures of national law necessary to implement legally binding Union acts. Those acts can confer implementing powers on the Commission where uniform conditions for implementing them are needed. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "implementing acts" (Article 291(4)).

As a consequence of the entry into force of the Lisbon Treaty, the powers conferred upon the Commission under Regulation (EC) No 774/94 need to be aligned to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

**IMPACT ASSESSMENT:** there was no need for consultation of interested parties or for an impact analysis since the proposal to align Council Regulation (EC) 774/94 with the TFEU is an inter-institutional matter that will concern all Council Regulations.

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

**CONTENT:** the objective of the present proposal consists in aligning Council Regulation (EC) No. 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues to Articles 290 and 291 of the Treaty.

- Regulation (EC) No 774/94 confers powers on the Commission allowing it to adopt the necessary implementing measures. It also confers powers on the Commission to adopt adjustments to that Regulation, should the volumes and other conditions of quota arrangements be adjusted, in particular by a decision to approve an agreement with one or more third countries.
- In order to ensure uniform conditions for the implementation of Regulation (EC) No 774/94, the relevant implementing powers should be conferred on the Commission. Those powers should be

exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

**BUDGETARYIMPLICATION:** this proposal has no budgetary implications for the EU budget.