Imports of olive oil and other agricultural products from Turkey: alignment of Regulations with the TFEU (Commission delegated and implementing powers)

2011/0453(COD) - 21/12/2011 - Legislative proposal

PURPOSE: alignment of Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 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)).
- Under Article 291 of the TFEU, Member States adopt all measures of national law necessary to implement legally binding Union acts. Those acts 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)).

IMPACT ASSESSMENT: there was no need for consultation of interested parties or for an impact analysis since the proposal to align Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 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 three Council Regulations in the field of imports of olive oil and other agricultural products from Turkey with those provisions of the TFEU. As a consequence of the entry into force of the Lisbon Treaty, the powers conferred upon the Commission under those regulations need to be aligned. It is necessary to re-classify the powers conferred upon the Commission into delegated and implementing powers and to amend the regulations above.

- In order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for that Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded.
- In order to ensure uniform conditions for the implementation of Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98, 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.

BUDGETARY IMPLICATIONS: the proposal has no financial impact on budgetary expenditure and revenue.