Common commercial policy: aligning certain acts with the TFEU (Commission delegated and implementing powers)

2011/0153(COD) - 02/04/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Jörg LEICHTFRIED (S&D, AT) on the proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures.

The committee recommends that the European Parliament's position, adopted at first reading following the ordinary legislative procedure, should be to amend the Commission proposal as follows:

Deletion of two Regulations from the Commission proposal: the report proposes the deletion of the following two Regulations from the Commission proposal:

1) Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007.

- Members recall that adaptation of the GSP Regulation to the new regime of implementing and delegated acts is dealt with by both Omnibus proposals from the Commission. The Omnibus I report introduced numerous amendments changing proposed implementing acts to delegated acts in line with the Scholz report of spring 2011. The two rapporteurs therefore agreed, for the sake of rationality, to keep all the amendments concerning adaptation of the GSP Regulation to the new comitology regime in the Omnibus I report. Consequently, the corresponding part should be deleted from Omnibus II.

2) Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

- On 13 October 2011, the European Parliament adopted its position in the first reading concerning the Commission proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process. This new amending Regulation addressed inter alia the issue of implementing acts and delegated acts, inserting corresponding provisions in Regulation EC No 1215/2009. The Members therefore judged it necessary to delete the part concerning this Regulation from Omnibus II.

New Recitals to the amended Regulations: the Members suggest amending the recitals of the basic acts in order to **explain the use of delegated acts** and to precisely define the objective, content and scope of the delegation. The amendments also ensure the possibility for the Parliament's experts to attend expert meetings organised by the Commission in view of preparation and implementation of delegated acts.

Limitation in time of the conferral of powers on the Commission: the report proposes to limit the delegation of power for a period of **five years** after the entry into force of the amended Regulations. The

Commission shall draw up a report in respect of the delegation of power not later then nine months before the end of the period of five years. The delegation of power shall be tacitly extended for a periods of identical duration, unless either the European Parliament or the Council opposes this extension within three months at the latest before the end of each period. The Members also propose prolonging the period for expressing any objections to projects of delegated acts from two to **four months**.

Amendments to the Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements.

The Commission proposal for Omnibus I establishes the regime of delegated acts for measures adopted according to Article 2(2) and (3) and a procedural article on the Exercise of the delegation. The Commission proposal on Omnibus II provides for delegated acts in Article 4(4) and Article 23, with a cross-reference to Omnibus I. As mentioned above, the two rapporteurs agreed, for the sake of rationality, to keep all the provisions concerning adaptation of Regulation 1528/2007 to the regime of delegated acts in the Omnibus II report, by means of and by deleting the corresponding provisions from Omnibus I.