Aligning a number of legal acts in the area of Justice with the TFEU (Article 290, Commission delegated powers)

2013/0220(COD) - 27/06/2013 - Legislative proposal

PURPOSE: to align a number of legal acts in the area of Justice to the Treaty on the Functioning of the European Union (Article 290, powers delegated to the Commission).

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

The measures which can be covered by delegations of powers, as referred to in Article 290(1) of the Treaty on the Functioning of the European Union (TFEU), correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (the Comitology Decision).

It is necessary to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 81(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: in parallel with the proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS), the present proposal concerns the **alignment of five legislative acts in the area of Justice which still refer to the RPS**. Basic acts which are adapted to the delegated acts regime are listed in the annex of the proposal.

Where the legal acts listed in the Annex to this Regulation provide for the use of the regulatory procedure with scrutiny, the Commission shall be empowered to adopt **delegated acts**.

The power to adopt delegated acts shall be conferred on the Commission for an indeterminate period of time.

Adaptation to the delegated act regime will not affect pending procedures in which an opinion has already been delivered by a committee in accordance with the Comitology Decision.

BUDGETARY IMPLICATION: this proposal has no impact on the EU budget.