

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

2013/0218(COD) - 27/06/2013 - Legislative proposal

PURPOSE: to align a number of legal acts 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.

The overall objective of the Commission is that, **by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny (RPS) would have been removed from all legislative instruments.**

At the end of 2012, 288 legislative acts still containing references to the RPS were identified. Around 60 of them are currently in the legislative process and therefore are not concerned by the present proposal.

IMPACT ASSESSMENT: the Commission has carried out a careful examination of all legislative instruments still referring to the RPS in order to analyse whether the RPS measures covered by the Comitology Decision meet the criteria of Article 290 TFEU.

LEGAL BASIS: Articles 33, 43(2), 53(1), 62, 64(2), 91, 100(2), 114, 153(2)(b), 168(4)(b), 172, 192(1), 207 and 338(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal is one of three proposals adapting a number of legislative instruments referring to the RPS to the criteria laid down in the Treaty. It provides for a transformation of the RPS into delegated acts for the basic legislative acts which are listed in the annex. It is based on the legal bases of all the basic acts concerned.

Accordingly, the present framework regulation provides that where instruments listed in the annex make reference to the procedure referred to in Article 5a of the Comitology Decision, the Commission is empowered to adopt **delegated acts**.

In cases where there are curtailed time-limits for opposition, in accordance with Article 5a(5)(b) of the Comitology Decision, the proposal provides for a time-limit for objection of 1 month.

The proposal adapts the urgency procedure according to Article 5a(6) of the Comitology Decision to the urgency procedure for delegated acts.

Another separate [regulation](#) is proposed for the legislative acts in the area of Justice which refer to the RPS.