

Aligning a number of legal acts with the TFEU: Commission delegated and implementing powers

2013/0365(COD) - 30/10/2013 - Legislative proposal

PURPOSE: to adapt a series of legal provisions providing for the regulatory procedure with scrutiny to Article 290 (delegated acts) and 291 (implementing acts) of the Treaty on the Functioning of the European Union.

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 established a distinction between:

- **the powers delegated** to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and
- **the powers conferred upon the Commission to adopt uniform conditions** for implementing legally binding Union acts (implementing acts).

It is necessary to adapt to Article 290 and Article 291 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny (RPS).

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Articles 43(2), 53(1), 62, 100(2), 114, 168(4)a, 168(4)b, 172, 192(1), 207, 214(3), 338(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT : the proposal follows : (i) the [proposal for a regulation](#) of the European Parliament and of the Council adapting to Article 290 of the TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny and (ii) the [proposal for a regulation](#) of the European Parliament and of the Council adapting to Article 290 of the TFEU a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny.

The proposed framework regulation concerns **the alignment of the remaining basic acts referring to the RPS**. It provides that:

- where legal acts listed in **Annex I** provide for the use of Article 5a of the Council Decision 1999 /468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission ("the Comitology Decision"), the Commission is empowered to adopt delegated acts;
- in legal acts providing for the use of Article 5a of the Comitology Decision which are listed in **Annex II**, the Commission is empowered to adopt **implementing acts**.

Adaptation to the delegated act regime and the implementing 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 IMPLICATIONS: the proposal has no implications for the EU budget.