Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)

2016/0400B(COD) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 531 votes to 29, with 33 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny (Part II) to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

The Treaty of Lisbon has substantially modified the legal framework governing the powers conferred on the Commission by the legislator, introducing a clear distinction between 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 acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

The proposed Regulation aims to adapt a series of basic instruments where the regulatory procedure with scrutiny (RPS) applies to make them evolve into delegated acts.

The European Parliament’s position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal to clarify that the power to adopt delegated acts would be conferred on the Commission for a period of five years.

The Commission shall prepare a report on the delegation of authority no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of the same duration, unless the European Parliament or the Council objects to such an extension no later than three months before the end of each period.

In a recital, Parliament pointed out that bundling and presenting empowerments that are not closely linked with each other within a single delegated act of the Commission impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire delegated act, which leaves no room to express an opinion on each empowerment individually.