Mechanisms for control by Member States of the Commission’s exercise of implementing powers: implementing acts at appeal committee level

2017/0035(COD) - 12/10/2020 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by József SZÁJER (EPP, HU) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers.

As a reminder, Regulation (EU) No 182/2011 sets out the mechanism for the control of the Commission's exercise of implementing powers by Member States. Under the most frequently used procedure, the so-called 'examination procedure', the Commission representatives submit draft implementing acts to a committee composed of representatives from the Member States, which gives its opinion, generally by vote. These votes follow the qualified majority rule as set out in the Treaties.

The committee recommended that the European Parliament’s position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Improved transparency

In order to enhance Union citizens’ awareness and understanding of the procedure and enhance the visibility thereof, Members proposed adding a new Article stipulating that ‘the Member State representatives shall provide reasons for their vote or abstention or for any absence from the vote. Where the act concerns particularly sensitive areas, such as the protection of consumers, the health or safety of humans, animals or plants, or the environment, the Member State representatives shall provide case-specific detailed reasons for their vote or abstention. The report called for the European Parliament and the Council to have access to this information with applicable rules and without undue delay.

Comitology register

Members stressed the need to increase the accessibility of the comitology register and to apply changes to its content, which will allow citizens to know not only the formal elements of the procedure but also the reasons for the decisions of the Member States. They suggested enhancing the search functions of the register for searches to be made by policy area.

Right of scrutiny

In addition, where either the European Parliament or the Council considers it to be appropriate to review the conferral of implementing powers on the Commission in the basic act, Members proposed that it may, at any time, call on the Commission to submit a proposal to amend that basic act.