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

2017/0035(COD) - 17/12/2020 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 429 votes to 85, with 182 abstentions, amendments to the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down general rules and principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The matter was referred to the relevant committee for inter-institutional negotiations.

The main amendments adopted in plenary concern the following points:

Referral to the Appeal Committee

In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. However, Members pointed out that in practice, in particular in the field of genetically modified organisms, genetically modified food and feed and plant protection products, cases have been referred to the appeal committee in cases where no qualified majority could be reached in the Committee under the examination procedure and where, as a result, no opinion was delivered.

Parliament considered that where no opinion is delivered by the appeal committee, the Chair or a simple majority of the Member States may decide to organise a new meeting of the appeal committee, at a sufficiently high political level, for example at ministerial level, so as to ensure that a political debate is held.

In certain cases, the Commission could invite the European Parliament and the Council to inform it of their position and their assessment of the wider implications of the absence of an opinion, including institutional, legal, economic, political and international implications. The Commission should take into account any position expressed by the European Parliament and the Council within three months of the referral.

Implementing acts in sensitive areas

Members considered that where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act provides for the grant of authorisation for a product or substance, that authorisation shall only be granted if the vote results in a positive opinion.

Where the act concerns particularly sensitive areas, such as the protection of consumers, the health or safety of humans, animals or plants, or the protection of the environment, case-specific detailed reasons for votes and abstentions should be given by each Member State representative in order to raise awareness and understanding of the procedure among EU citizens.

European Parliament and the Council’s right of scrutiny

Where the European Parliament or the Council considers that the conferral of implementing powers on the Commission for a basic instrument should be reviewed, Members proposed that either Parliament or the Council may at any time invite the Commission to submit a proposal to amend that basic instrument.

Transparency of information on committee work

Parliament suggested that the accessibility of the register should be further increased and changes to its content should be made in order to ensure that there is greater transparency concerning the decision-making process, in particular by adding more information as regards that process. Improving the search functions of the register to allow searches by policy area would be an essential element in that regard.