Adapting a number of legal acts in the area of justice to Article 290 TFEU (Commission delegated acts)

2016/0399(COD) - 14/07/2022 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC) No 805/2004 as regards the use of the regulatory procedure with scrutiny in order to adapt it to Article 290 of the Treaty on the Functioning of the European Union.

The initial proposal aims at adapting three EU acts in the field of justice to Article 290 of the Treaty on the Functioning of the European Union, which still refer to the regulatory procedure with scrutiny.

The Council's position concerns **only the alignment of Regulation (EC) No 805/2004** creating a European Enforcement Order for uncontested claims. The other two acts, Council Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters and Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, have in the meantime been repealed and are therefore not included in the final agreed text.

The only provision in Regulation (EC) No 805/2004 providing for the use of the regulatory procedure with scrutiny is amended to provide for the **use of delegated acts** to amend the annexes to update the standard forms.

The power to adopt delegated acts is conferred on the Commission for **renewable periods of five years**, with the obligation for the Commission to report, nine months before the expiry of each period, on how it has used the empowerment. The delegation of power referred to may be revoked at any time by the European Parliament or the Council.

An adopted delegated act will enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two months** of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

That period will be extended by two months at the initiative of the European Parliament or of the Council. The Council's position clarifies that Ireland has notified its wish to participate in the adoption and application of the Regulation. Denmark is not taking part in the adoption of the Regulation and is not bound by it or subject to its application.