

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 22/04/2004 - Modified legislative proposal

The European Commission has agreed to accept the vast majority of the amendments, either in full or in part, proposed by the European Parliament, given that they clarify and consolidate the new regulatory procedure. Four have been accepted in full without any changes, four have been accepted in part and one has been rejected. The four accepted in full include: - The Commission's obligation to make public references to all documents sent to the European Parliament and to register them on-line over the internet. - Commitments specific to securities legislation. - The last two accepted in full have been done so for editorial reasons. The four accepted in part refer to: - The commitments entered into by the Commission concerning the forwarding of documents to the European Parliament. The reference document to be mentioned is the "bi-lateral agreement" on the procedures for implementing Council Decision 1999/468 /EC laying down the procedures for the exercise of implementing powers conferred on the Commission. - The assuming of executive responsibility by the Commission under the new regulatory procedure. Under the terms of the amendment, in the event of objections from Parliament and/or the Council to draft measures, the Commission has four options. Either, to modify its draft, or to present a legislative proposal or to adopt its draft without changes or to withdraw its draft measure. In the event of a draft being adopted without changes the draft measure would be accompanied with an "appropriate statement". This statement could not be regarded as the equivalent of an interpretive statement. In the event of withdrawing the draft measure, in certain exceptional cases, the Commission should be able to decide that certain measures are no longer the subject of a draft and, therefore, no longer appropriate. In the event of objections from one branch or both branches of the legislature, the Commission undertakes to inform the legislature of how it intends to follow them up and the reasons thereof. - Greater flexibility in the regulatory committee procedure on the ground of urgency. In other words, the legislature would be granted a one-month extension for the adoption of a position in cases where implementing acts are adopted and applied provisionally by the Commission once the opinion of the regulatory committee has been delivered. The Commission stresses, however, that the emergency procedure must not include withdrawal of the measure. Finally, the Commission cannot accept an amendment relating to safeguarding measures given that they are not consistent with that of the proposal.