EP Rules of Procedure: amendment following the Council decision of 17 July 2006 on the exercise of implementing powers - Comitology

2006/2211(REG) - 14/12/2006 - Text adopted by Parliament, single reading

The European Parliament adopted a decision amending Rule 81 of Parliament's Rules of Procedure, implementing provisions. The rapporteur was Richard **CORBETT** (PES, UK). The amendment is made following the introduction of the new **regulatory procedure with scrutiny**. The new procedure entitles the European Parliament and the Council to scrutinise 'quasi-legislative' measures implementing an instrument adopted by codecision on an equal footing and to reject such measures.

The new procedure does not replace but is added to the existing procedures under Decision 1999/468/EC (the 'comitology decision'), namely the advisory procedure, the management procedure and the - normal - regulatory procedure, which will continue to apply in accordance with the relevant basic act and the criteria laid down in the 1999 Council Decision. Rule 81 therefore did not need to be replaced by a new single Rule but to be supplemented by provisions taking account of the specific features of the new procedure. Accordingly, new paragraph 4 states that if the implementing measures envisaged by the Commission fall under the Regulatory Procedure with Scrutiny, paragraph 81(3) shall not apply and paragraphs 1 and 2 shall be supplemented as follows:

- the **time for scrutiny** starts to run when the draft of measures has been submitted to Parliament in all official languages;

- Parliament may **oppose the adoption of the draft of measures**, justifying its opposition by indicating that the draft of measures exceeds the implementing powers provided for in the basic instrument, is not compatible with the aim or the content of the basic instrument or does not respect the principles of subsidiarity or proportionality;

- Parliament may oppose the adoption of the draft of measures acting by a majority of its component members;

- if the draft of measures is based on paragraph 5 or 6 of Article 5a of Decision 1999/468/EC, which provides for curtailed time-limits for the opposition of Parliament, a motion for resolution opposing the adoption of the draft of measures may be tabled by the chairman of the committee responsible if the committee has not been able to meet in the time available.

In addition, the terminology of the existing Rule is brought in line with the terminology used in the comitology decision as amended. Minor changes to the details of the way in which drafts of implementing measures are dealt with within Parliament are also made. A second committee will be involved when an enhanced cooperation between committees has taken place with regard to the basic act from which the implementing measures derive.

The chairman of the committee responsible must set a deadline for Members to object to a draft of measures in order to speed up procedures. The committee may appoint a rapporteur where it considers this appropriate. This will occur with the new 'quasi-legislative' measures to be proposed by the Commission.

The amendment will enter into force on **1 January 2007.**