Basic information

2002/0298(CNS) CNS - Consultation procedure Decision	Procedure completed
Comitology: exercise of implementing powers conferred to the Commission Amending Decision 1999/468/EC 1998/0219(CNS) See also 2008/2002(ACI) **Subject** 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
AFCO Constitutional Affairs	CORBETT Richard (PSE)	14/02/2006

Former committee responsible	Former rapporteur	Appointed
AFCO Constitutional Affairs	CORBETT Richard (PSE)	17/02/2003
AFCO Constitutional Affairs	CORBETT Richard (PSE)	17/02/2003

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	The committee decided not to give an opinion.	
INTA International Trade	The committee decided not to give an opinion.	
BUDG Budgets	The committee decided not to give an opinion.	
CONT Budgetary Control	The committee decided not to give an opinion.	

ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
TRAN Transport and Tourism	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
PECH Fisheries	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	
PETI Petitions	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed

	ECON Economic and Monetary Affairs	RADWAN Alexander (PPE-DE)	20/01/2003
	JURI Legal Affairs and Internal Market		
	CULT Culture, Youth, Education, Media and Sport		

Council of the European Union			
	Council configuration	**Meetings**	**Date**
	General Affairs	2743	2006-07-17

European Commission		
	Commission DG	**Commissioner**
	Secretariat-General	BARROSO José Manuel

Key events

Date	Event	Reference	Summary
11/12/2002	Legislative proposal published	COM(2002)0719	Summary
13/01/2003	Committee referral announced in Parliament		
23/04/2003	Vote in committee		Summary
23/04/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0128/2003	
13/05/2003	Decision by Parliament	T5-0204/2003	Summary
13/05/2003	Debate in Parliament		
13/05/2003	Report referred back to committee		
08/07/2003	Vote in committee		Summary
08/07/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0266/2003	
02/09/2003	Decision by Parliament	T5-0352/2003	Summary
22/04/2004	Modified legislative proposal published	COM(2004)0324	Summary
09/06/2006	Amended legislative proposal for reconsultation published	10126/1/2006	Summary
14/06/2006	Formal reconsultation of Parliament		
03/07/2006	Vote in committee		
03/07/2006	Committee report tabled for plenary, reconsultation	A6-0236/2006	
05/07/2006	Debate in Parliament		
06/07/2006	Decision by Parliament	T6-0310/2006	Summary
06/07/2006	Results of vote in Parliament		

17/07/2006	Act adopted by Council after consultation of Parliament		
17/07/2006	End of procedure in Parliament		
22/07/2006	Final act published in Official Journal		

Technical information

Procedure reference	2002/0298(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amending Decision 1999/468/EC 1998/0219(CNS) See also 2008/2002(ACI)
Legal basis	EC Treaty (after Amsterdam) EC 202
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/6/34135 AFCO/5/19617 AFCO/5/19080

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0128/2003	23/04/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0204/2003 OJ C 067 17.03.2004, p. 0029-0123 E	13/05/2003	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0266/2003	08/07/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0352/2003 OJ C 076 25.03.2004, p. 0036-0082 E	02/09/2003	Summary
Amendments tabled in committee		PE376.347	26/06/2006	
Committee draft report		PE376.314	27/06/2006	
Committee final report tabled for plenary, reconsultation		A6-0236/2006	03/07/2006	
Text adopted by Parliament after reconsultation		T6-0310/2006	06/07/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	10126/1/2006	09/06/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0719	11/12/2002	Summary
Modified legislative proposal	COM(2004)0324	22/04/2004	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2006/0512 OJ L 200 22.07.2006, p. 0011-0013	Summary

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 02/09/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Richard CORBETT (PES, UK) and made some amendments to the Commission's proposal. (Please see the summary dated 08/07/03.) In addition, an amendment was inserted stating that the Council might act by qualified majority on the proposal, within a period to be laid down in each basic instrument but not exceeding three months from the date of referral to the Council.

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 11/12/2002 - Legislative proposal

PURPOSE : to enhance the effectiveness of the decision-making process by clarifying the responsibilities and procedures and amend Decision 1999 /468/EC. CONTENT : in accordance with Article 202 of the Treaty, responsibility for implementing rules laid down by the Council, possibly together with the European Parliament, lies, in principle, with the Commission. The Commission exercises its powers in accordance with the procedures established by the Council under Article 202 and in compliance with the arrangements made for this purpose in the legislative instruments adopted under the Treaty. Current developments in Community legislation show that it is increasingly common for legislative instruments to require additional measures to be adopted, whose technical principles and details must be established on the basis of sound analysis and expert opinion within suitable periods of time. Whenever this prompts the legislature to delegate wider powers to the Commission, it must have a say in the measures which the Commission plans to adopt. The procedures laid down in Decision 1999/468/EC do not provide a satisfactory means of dealing with this situation. Scrutiny by the European Parliament under Article 8 of Decision 1999/468/EC to determine whether the implementing powers are excessive has not proved effective enough and the authority that the Council can exercise may lead to confusion between executive and legislative powers or to an impasse in the decision-making process. The procedures laid down in Decision 1999/468/EC may also lead to the Commission having to adopt an instrument without an opinion from the Committee or reactions from the legislature. The problems presented by the procedure are as follows the imbalance between the two legislative arms in respect of executive acts relating to basic instruments adopted under the codecision procedure. The Parliament's part in the procedure is restricted to a control of legitimacy, whereas the council can alter the substance of the instrument. This is compounded by: - the absence of a clear distinction between the execution phase proper and the supervisory phase; - the risk of an impasse when adopting the measures in question where the council cannot put together a qualified majority, strong opposition to the Commission's proposal emerges and the Parliament has no say in the outcome. The amendments proposed are as follows: The European Parliament and the Council must, as co-legislators, have an effective means of supervising the exercise of executive powers with a genuine normative scope which substantially change the existing legal situation. To this end, the regulatory procedure must be applied to general measures intended to implement essential aspects or adapt certain other aspects of the basic instruments adopted under the procedure of Article 251 of the Treaty. In these cases, the regulatory procedure must allow the Commission to assume full responsibility for adopting executive measures, whilst enabling the European Parliament and the Council to oversee the executive role. This means that, in the event of a disagreement between the Commission and the legislature, the Commission must be able, depending on the case, to either present a proposal under Article 251 of the Treaty or adopt its draft of initial measures, possibly with amendments. If the deadlines set for the regulatory procedure are not met, provision is made for an urgent procedure to enable the Commission to adopt executive measures immediately without prejudice to subsequent supervision by the European Parliament and the Council. Executive powers in respect of the basic instruments in question which have a bearing only on procedural arrangements or individual decisions need not be subject to specific arrangements for supervision by

the legislature, since they must comply with the relevant guidelines and principles in the basic instrument. This does not, however, mean that it is not useful for the Commission to consult committees made up of Member States' representatives who are experts on the matters in question. The advisory procedure should therefore be the standard procedure for executive measures such as those implementing financial support programmes. The management procedure is no longer applicable for implementing instruments adopted by the codecision procedure. Given the limited scope of the current exercise, there is no need to review the arrangements for exercising the powers conferred on the Commission in basic instruments other than those adopted by the procedure under Article 251 of the Treaty. These arrangements are therefore not affected by this Decision.

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 09/06/2006 - Amended legislative proposal for reconsultation

PURPOSE : to present an amended proposal for a Council Decision of amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

CONTENT : the Council adopted Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission; that Decision has provided for a limited number of procedures for the exercise of such powers.

It is proposed to amend that Decision in order to introduce a new type of procedure for the exercise of those powers, the regulatory procedure with scrutiny, which allows the legislator to oppose the adoption of draft measures where it indicates that the draft exceeds the implementing powers provided for in the basic instrument, or that it is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

It is necessary to follow the regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 TEC, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

In this same framework, it should be ensured that the European Parliament receives better information on the work of committees,

This draft of the final compromise text for a new procedure results from the meeting of the Permanent Representatives Committee on 8 June 2006.

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 13/05/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament considered a number of amendments to the Commission's proposal. (Please refer to the summary dated 23/04/03.) Parliament decided to refer this proposal back to committee for further discussions pursuant to Rule 69(2), after Commissioner Margot Wallström said she could only accept a number of amendments. At issue, is the Commission's commitment to modify any changes to implementing measures to take account of Parliament's views, with the Commission at this stage only prepared to "possibly" agree to this.

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 17/07/2006 - Final act

PURPOSE: the introduction of a new implementing procedure - the “regulatory procedure with scrutiny”.

LEGISLATIVE ACT: Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

CONTENT: in 1999 the Council adopted Decision 1999/468/EC *laying down the procedures for the exercise of implementing powers conferred on the Community*. For a summary of the Decision see CNS/1998/0219.

The purpose of this Decision is to amend Council Decision 1999/468/EC by introducing a new procedure which provides for greater scrutiny hence its name: “regulatory procedure with scrutiny”. This procedure will apply to measures of general scope which amend *non-essential* elements of a basic instrument and which have been adopted in accordance with Article 251 of the Treaty. “Non-essential elements”, refers to, for example, the deletion of certain provision. The purpose of the new procedure is to allow the two arms of the legislative authority to scrutinise such measures before they are adopted. *Essential* elements, however, can only be amended by the legislator based on Treaty provisions.

At the same time Decision 1999/468/EC has been amended so that the European Parliament has greater access to information on the committee’s work.

In addition, the Decision states that:

- The Commission is to inform the European Parliament, on a regular basis, of committee proceedings. The Commission is to forward documents related to the committees activities to Parliament and to inform it whenever the Commission transmits measures to the Council.

- The “Regulatory Procedure with Scrutiny Committee”, will be composed of Member State representatives and chaired by a Commission representative.

- The Decision details the deadlines and measures which are to be applied.

EFFECTIVE AS FROM: 23 July 2006.

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 daft 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.

Comitology: exercise of implementing powers conferred to the Commission

2002/0298(CNS) - 06/07/2006 - Text adopted by Parliament after reconsultation

The European Parliament adopted a resolution drafted by Richard **CORBETT** (PES, UK) and approved the draft Council Decision, following renewed consultation. This resolution is closely linked to the resolution on amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. (Please see procedure reference ACI/2006/2152.)