

## Basic information

2013/0218(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

### Subject

8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology  
8.50.01 Implementation of EU law

Procedure lapsed or withdrawn

## Key players

European  
Parliament

### Committee responsible

**JURI** Legal Affairs

### Rapporteur

[SZÁJER József \(PPE\)](#)

### Appointed

01/07/2013

Shadow rapporteur

[RAPKAY Bernhard \(S&D\)](#)

[THEIN Alexandra \(ALDE\)](#)

### Committee for opinion

**ECON** Economic and Monetary Affairs

[BOWLES Sharon \(ALDE\)](#)

10/09/2013

**EMPL** Employment and Social Affairs

[BERÈS Pervenche \(S&D\)](#)

03/07/2013

**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.


**LIBE** Civil Liberties, Justice and Home Affairs

The committee decided not to give an opinion.

Council of the European Union		
European Commission	<b>Commission DG</b>	<b>Commissioner</b>
	Secretariat-General	ŠEFČOVIČ Maroš
European Economic and Social Committee		
European Committee of the Regions		

Key events			
Date	Event	Reference	Summary
27/06/2013	Legislative proposal published	COM(2013)0451 	Summary
04/07/2013	Committee referral announced in Parliament, 1st reading		
17/12/2013	Vote in committee, 1st reading		
08/01/2014	Committee report tabled for plenary, 1st reading	A7-0010/2014	Summary
25/02/2014	Decision by Parliament, 1st reading	T7-0114/2014	Summary
25/02/2014	Results of vote in Parliament		
07/03/2015	Proposal withdrawn by Commission		

Technical information	
<b>Procedure reference</b>	2013/0218(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 114 Treaty on the Functioning of the European Union TFEU 153-p2 Treaty on the Functioning of the European Union TFEU 168-p4 Treaty on the Functioning of the European Union TFEU 172 Treaty on the Functioning of the European Union TFEU 192-p1 Treaty on the Functioning of the European Union TFEU 207 Treaty on the Functioning of the European Union TFEU 338-p1 Treaty on the Functioning of the European Union TFEU 064-p2 Treaty on the Functioning of the European Union TFEU 033 Treaty on the Functioning of the European Union TFEU 043-p2 Treaty on the Functioning of the European Union TFEU 053-p1 Treaty on the Functioning of the European Union TFEU 062 Treaty on the Functioning of the European Union TFEU 091 Treaty on the Functioning of the European Union TFEU 100-p2
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
<b>Stage reached in procedure</b>	Procedure lapsed or withdrawn

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee opinion	ECON	PE524.669	10/12/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0010/2014	08/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0114/2014	25/02/2014	Summary
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2013)0451 	27/06/2013	Summary	
Commission response to text adopted in plenary	SP(2014)446	20/05/2014		
<b>National parliaments</b>				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2013)0451	09/09/2013	
Contribution	PT_PARLIAMENT	COM(2013)0451	19/09/2013	
Contribution	DE_BUNDESRAT	COM(2013)0451	19/12/2013	
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5530/2013	16/10/2013	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

**Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)**

2013/0218(COD) - 27/06/2013 - Legislative proposal

PURPOSE: to align a number of legal acts to the Treaty on the Functioning of the European Union (Article 290, powers delegated to the Commission).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

The measures which can be covered by delegations of powers, as referred to in Article 290(1) of the Treaty on the Functioning of the European Union (TFEU), correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (the Comitology Decision).

It is necessary to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny.

The overall objective of the Commission is that, **by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny (RPS) would have been removed from all legislative instruments.**

At the end of 2012, 288 legislative acts still containing references to the RPS were identified. Around 60 of them are currently in the legislative process and therefore are not concerned by the present proposal.

IMPACT ASSESSMENT: the Commission has carried out a careful examination of all legislative instruments still referring to the RPS in order to analyse whether the RPS measures covered by the Comitology Decision meet the criteria of Article 290 TFEU.

LEGAL BASIS: Articles 33, 43(2), 53(1), 62, 64(2), 91, 100(2), 114, 153(2)(b), 168(4)(b), 172, 192(1), 207 and 338(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal is one of three proposals adapting a number of legislative instruments referring to the RPS to the criteria laid down in the Treaty. It provides for a transformation of the RPS into delegated acts for the basic legislative acts which are listed in the annex. It is based on the legal bases of all the basic acts concerned.

Accordingly, the present framework regulation provides that where instruments listed in the annex make reference to the procedure referred to in Article 5a of the Comitology Decision, the Commission is empowered to adopt **delegated acts**.

In cases where there are curtailed time-limits for opposition, in accordance with Article 5a(5)(b) of the Comitology Decision, the proposal provides for a time-limit for objection of 1 month.

The proposal adapts the urgency procedure according to Article 5a(6) of the Comitology Decision to the urgency procedure for delegated acts.

Another separate [regulation](#) is proposed for the legislative acts in the area of Justice which refer to the RPS.

## Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

2013/0218(COD) - 25/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 480 votes to 48 with 15 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS).

To recall, the Commission committed itself to assessing by the end of 2012 how many legislative acts containing **references to the regulatory procedure with scrutiny** remained in force, in order to prepare the appropriate legislative initiatives and thus complete the adaptation to the new legal framework. The stated objective was that, **by the end of the seventh term of Parliament**, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments.

The Commission put forward **three proposals** fulfilling this commitment (Please see [2013/0220\(COD\)](#) and [2013/0365\(COD\)](#)).

This resolution is related to a proposal covering 160 legislative acts in various policy areas.

The position adopted by Parliament in first reading following the ordinary legislative procedure amended the proposal.

Parliament's amendments proposed that the power to adopt delegated acts should be conferred on the Commission **for a period of five years from the date of entry into force of the regulation** (and not for an indeterminate period). The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Owing to the highly technical and complex nature of the delegated acts in certain policy areas, Parliament proposed that the time limit for objections to the act should be **three months**, extendable by a further three months at the initiative of the European Parliament or of the Council.

## Aligning a number of legal acts with the TFEU (Article 290, Commission delegated powers)

2013/0218(COD) - 08/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by József SZÁJER (EPP, HU) on the proposal for a regulation of the European Parliament and of the Council adapting to Article 290 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS).

At the time of adopting Regulation (EU) No 182/2011 of the European Parliament and of the Council on comitology, the Commission undertook to assess by the end of 2012 the legislative acts containing references to RPS that remained in force, in order to prepare the appropriate legislative initiatives to complete the adaptation to the new legal framework. The overall objective was that, **by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed** from all legislative instruments.

In keeping with that statement and further to the screening of existing legislation, the Commission put forward three proposals for a regulation adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS): (Please see [2013/0220\(COD\)](#) and [2013/0365\(COD\)](#)).

This report is related to a proposal covering 160 legislative acts in various policy areas. The Rapporteur proposed to the relevant committees that the three proposals should be regarded as a package, subject to the same timetable and adopted as soon as possible, so that the alignment exercise can be completed, ideally, by the end of the current legislative term. The report contains a limited number of amendments that were suggested by the specialised committees in their opinions.

The committee's amendments propose that the power to adopt delegated acts should be conferred on the Commission **for a period of five years from the date of entry into force of the regulation** (and not for an indeterminate period). The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Owing to the highly technical and complex nature of the delegated acts in the remit of the Committee on Economic and Monetary Affairs, the report proposes that the time limit for objections to the act should be **three months**, extendable by a further three months at the initiative of the European Parliament or of the Council.