

Basic information	
<p>2016/0400B(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Procedure lapsed or withdrawn
<p>Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)</p> <p>Subject</p> <p>8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology 8.50.02 Legislative simplification, coordination, codification</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	JURI Legal Affairs		SZÁJER József (PPE)	28/03/2019
	Former committee responsible		Former rapporteur	Appointed
	JURI Legal Affairs		ABADÍA JOVER Maravillas (EPP)	18/11/2024
	JURI Legal Affairs		POSPÍŠIL Jiří (EPP)	18/03/2021
			SZÁJER József (PPE)	28/03/2019
	Committee for opinion		Rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs		GUALTIERI Roberto (S&D)	24/01/2017
	ENVI Environment, Public Health and Food Safety		VÁLEAN Adina (PPE)	31/01/2017
	TRAN Transport and Tourism		MAYER Georg (ENF)	06/03/2017
	AGRI Agriculture and Rural Development		BUDA Daniel (PPE)	15/02/2017
	Committee for opinion on the legal basis		Rapporteur for opinion	Appointed
	JURI Legal Affairs		LEBRETON Gilles (ENF)	01/03/2019

Council of the European Union		
European Commission	Commission DG	Commissioner
	Secretariat-General	JUNCKER Jean-Claude

Key events			
Date	Event	Reference	Summary
14/12/2016	Legislative proposal published	COM(2016)0799 	
24/01/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
28/03/2019	Committee referral announced in Parliament, 1st reading		
01/04/2019	Vote in committee, 1st reading		
09/04/2019	Committee report tabled for plenary, 1st reading	A8-0190/2019	Summary
17/04/2019	Decision by Parliament, 1st reading	T8-0409/2019	Summary
17/04/2019	Results of vote in Parliament		
13/01/2020	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
13/11/2024	Committee referral announced in Parliament, 1st reading		
06/10/2025	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2016/0400B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/8/15894

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE637.501	03/04/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0190/2019	09/04/2019	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0409/2019	17/04/2019	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2016)0799 	14/12/2016	
Commission response to text adopted in plenary		SP(2019)440	08/08/2019	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0758/2017	01/06/2017	
CofR	Committee of the Regions: opinion	CDR2776/2017	01/12/2017	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)

2016/0400B(COD) - 09/04/2019 - 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 a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

As a reminder, Article 5a of Decision 1999/468/EC, as amended by Council Decision 2006/512/EC2, (the Comitology Decision), established the so-called regulatory procedure with scrutiny (RPS).

With the entry into force of the Treaty of Lisbon on 1st December 2009 and in light of the subsequent new legal framework for sub-secondary legislation established by Articles 290 and 291 TFEU, the Comitology Decision had to be revised.

However, Regulation 182/2011 (the new Comitology Regulation) intentionally left Article 5a of the Comitology Decision out of its scope. Article 5a establishing the RPS had therefore to be provisionally maintained for the purposes of existing basic acts referring to that Article. On the other hand, the *acquis* in question has to be aligned as soon as possible to the Treaty of Lisbon in order to ensure legal certainty.

In 2013, the Commission proposed to complete the alignment with three extensive proposals ([Omnibus I](#), [Omnibus II](#) and [Omnibus III](#)), which Parliament adopted in first reading in February 2014. However, the proposals were withdrawn by the new Commission following the European elections.

Following the entry into force of the [Inter-institutional Agreement](#) on Better Law-making (IIA) of 13 April 2016, the Commission presented two new proposals for alignment in December 2016, one focusing on legislative files in the area of justice and one focusing on the remaining policy areas. The two proposals cover 3 and 168 basic acts, respectively.

In general terms, the committee approved the present proposal which seeks to update many existing cases of RPS to delegated acts. On the other hand, it opposed those cases of alignment with implementing acts where they consider that the Commission proposal lacks a detailed and specific justification.

Members recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal on horizontal issues such as the wording of the empowerments (which has to be as precise as possible and in line with the

recent case law) and the duration of the delegation of powers (which should not exceed 5 years and should be accompanied by a reporting obligation on the Commission to submit reports no later than nine months before the end of the five years).

Members also stated that bundling and presenting empowerments that are not closely linked with each other within a single Commission delegated act impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire package, which leaves no room to express an opinion on each empowerment individually. The Commission shall not bundle multiple empowerments in a single delegated act.

Adapting a number of legal acts to Articles 290 and 291 TFEU (Commission delegated and implementing acts)

2016/0400B(COD) - 17/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 531 votes to 29, with 33 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny (Part II) to Articles 290 and 291 of the Treaty on the Functioning of the European Union.

The Treaty of Lisbon has substantially modified the legal framework governing the powers conferred on the Commission by the legislator, introducing a clear distinction between powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred upon the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

The proposed Regulation aims to adapt a series of basic instruments where the regulatory procedure with scrutiny (RPS) applies to make them evolve into delegated acts.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission's proposal to clarify that the power to adopt delegated acts would be conferred on the Commission for a period of five years.

The Commission shall prepare a report on the delegation of authority no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of the same duration, unless the European Parliament or the Council objects to such an extension no later than three months before the end of each period.

In a recital, Parliament pointed out that bundling and presenting empowerments that are not closely linked with each other within a single delegated act of the Commission impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire delegated act, which leaves no room to express an opinion on each empowerment individually.