



Brussels, 10 May 2019
(OR. en)

8660/19

Interinstitutional File:
2016/0399(COD)

CODEC 973
INST 118
JUR 203
JUSTCIV 109
PE 212

INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the European Union - Outcome of the European Parliament's first reading (Strasbourg, 15 to 18 April 2019)

I. INTRODUCTION

The rapporteur, József SZÁJER (EPP, HU), presented a report on the proposal for a Regulation on behalf of the Committee on Legal Affairs. The report contained 8 amendments (amendments number 1 to 8 to the proposal).

II. VOTE

When it voted on 17 April 2019, the plenary adopted amendments number 1 to 8 (8 adopted amendments) to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

Adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 TFEU *I**

European Parliament legislative resolution of 17 April 2019 on the proposal for a regulation of the European Parliament and of the Council adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the European Union (COM(2016)0798 – C8-0525/2016 – 2016/0399(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0798),
 - having regard to Article 294(2) and Article 81(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0525/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0012/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Treaty of Lisbon **introduced** a distinction between **the** 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).

Amendment

(1) The Treaty of Lisbon **substantially modified the legal framework governing the powers conferred on the Commission by the legislator, introducing** a 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 on the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

Amendment 2

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) 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.

Amendment 3

Proposal for a regulation

Annex I – point 1 – paragraph 2 – point 2

Regulation (EC) No 1206/2001

Article 19 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19a shall be conferred on the Commission for *an indeterminate* period of *time* from the entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 19a shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this amending Regulation]. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year 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.*

Amendment 4

Proposal for a regulation

Annex I – point 1 – paragraph 2 – point 2

Regulation (EC) No 1206/2001

Article 19 b – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 19a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of *two* months of notification of that act to the European

Amendment

6. A delegated act adopted pursuant to Article 19a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of *three* months of notification of that act to the European

Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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Amendment 5

Proposal for a regulation

Annex I – point 2 – paragraph 2 – point 2

Regulation (EC) No 805/2004

Article 31 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this amending Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year 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.***

Amendment 6

Proposal for a regulation

Annex I – point 2 – paragraph 2 – point 2

Regulation (EC) No 805/2004

Article 31 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 31 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 7

Proposal for a regulation

Annex I – point 3 – paragraph 2 – point 2

Regulation (EC) No 1393/2007

Article 17 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for **an indeterminate** period of **time** from the entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this amending Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year 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.***

Amendment 8

Proposal for a regulation

Annex I – point 3 – paragraph 2 – point 2

Regulation (EC) No 1393/2007

Article 17 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 17 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.