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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures - Outcome of the European Parliament's first reading (Strasbourg, 19 to 22 November 2012)

I. INTRODUCTION

The Rapporteur, Mr Jörg LEICHTFRIED (S&D, AT), presented a report consisting of 63 amendments (amendments 1-63) to the proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures, on behalf of the Committee on International trade.

II. DEBATE

The Rapporteur Mr Jörg LEICHTFRIED (S&D, AT), opened the debate, and:

- indicated that the Common commercial policy was an area where the European Parliament had acquired powers under the Lisbon treaty through the Ordinary legislative Procedure;
- declared that the Council was not ready to negotiate, asked for the Council to change its views on the issues at stake, and complained that no representative from the Council was available in the room; and
- asked for a limitation of the period during which the Commission could act under delegated powers (five-year period), in order to allow better scrutiny by the European Parliament.

Commissioner Algirdas ŠEMETA:

- expressed the gratefulness of the Commission to the Rapporteur, the Chairman of the Committee on International trade, and to the MEPs who worked on the report;
- indicated that the Commission could accept most of the amendments proposed by the European Parliament, in particular the change to the period of time of the delegation, from unlimited to a five-year period with tacit renewal;
- indicated that the Commission could not accept amendments which deviate from the Common Understanding on delegated acts like, for example, amendments which impose specific obligations on the Commission in the preparation of delegated acts.
- indicated that the Commission could not accept amendments which prolong the period for objection to a delegated act, unless the extension of such a period is justified by the specificities of the regulation concerned;
- declared that the Commission was confident that constructive discussions would take place during trilogues as regards amendments on which positions diverge; and
- declared that the Commission was looking forward to working with the Parliament to bring it to a conclusion by reaching an agreement in the trilogue.

Speaking on behalf of the S&D Group, George Sabin CUTAŞ (S&D, RO) welcomed the proposal, congratulated the Rapporteur, and supported the limitation of the duration of the delegation to a five-year period.

Speaking on behalf of the EFD Matteo Salvini (EFD, IT) declared himself concerned by commercial policy and, while agreeing to the delagation of technicalities to the Commission, pleaded for an industrial policy and commercial agreements protecting EU products.

Speaking on behalf of the GEU/NGL-Fraktion Helmut SCHOLZ (GEU/NGL, DE) considered that the upcoming negotiations would not be easy as Member States representatives can't accept the powers of the Parliament under the codecision procedure and the status of colegislator.

Speaking on behalf of the EPP Group, Godelieve QUISTHOUDT-ROWOHL (EPP, DE) stressed that she was Rapporteur for "OMNIBUS I", pleaded for the Parliament to avail itself of its own full powers under this proposal ("OMNIBUS II"), considered that direct political scrutiny should be exercised by the members of the house, and called for a compromise solution with the Council while stressing that "OMNIBUS I" and OMNIBUS II should be considered as a package.

Gianluca SUSTA (S&D, IT) intervened as individual speaker and declared himself happy with the Report, but not with the position taken by the Commission, as it was an attempt to take Parliament's powers back to where they stood before the Lisbon treaty, and therefore pleaded for a time limit in the delegation of powers to the Commission in order to have more checks by the Parliament.

Commissioner Algirdas ŠEMETA again took the floor and:

- recalled that a number of the amendments which were a matter of concern to the Commission related to matters which were covered by the framework agreement between the Commission and the Parliament;
- stressed that the Commission was fully committed to implementing the 2010 revised framework agreement between the Commission and the Parliament and believed that this agreement offered the best place to address Parliament's concerns, rather than this particular piece of legislation.

The Rapporteur Mr Jörg LEICHTFRIED (S&D, AT), closed the debate, and:

- declared that commercial policy proved that the strength of the EU was superior to that of the individual Member States;
- complained again that no representative from the Council was available in the room; and
- addressing the European Commission, stressed that the European Parliament was the legislator.

III. VOTE

On 22 November 2012, the Parliament adopted 63 amendments (amendments 1-63) to the Commission's proposal which is set out, as thus amended, in the annex to this note.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note. Changes to the Commission's proposal are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Granting delegated powers for the adoption of certain measures relating to the common commercial policy ***I

European Parliament legislative resolution of 22 November 2012 on the proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures (COM(2011)0349 – C7-0162/2011 – 2011/0153(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0349),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0162/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0096/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation **Title**

Text proposed by the Commission

Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures

Amendment

Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated **and implementing** powers for the adoption of certain measures

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) An examination of legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Treaty of Lisbon is necessary in order to ensure consistency with the provisions introduced by that Treaty. It is appropriate, in certain cases, to amend such acts in order to grant delegated powers to the Commission pursuant to Article 290 of the Treaty on the Functioning of the European Union.

Amendment

(2) An examination of legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Treaty of Lisbon is necessary in order to ensure consistency with the provisions introduced by that Treaty. It is appropriate, in certain cases, to amend such acts in order to grant delegated powers to the Commission pursuant to Article 290 of the Treaty on the Functioning of the European Union. ***It is also appropriate, in some cases, to apply certain procedures set out in Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹.***

¹ OJ L 55, 28.2.2011, p. 13.

Amendment 3

Proposal for a regulation

Recital 3 – indent 8

Text proposed by the Commission

– Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007,

Amendment

deleted

Amendment 4

Proposal for a regulation Recital 3 – indent 10

Text proposed by the Commission

– Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Amendment

deleted

Amendment 5

Proposal for a regulation Article 1

Text proposed by the Commission

The Regulations listed in the Annex are hereby adapted, in accordance with the Annex, to Article 290 of the Treaty.

Amendment

The Regulations listed in the Annex are hereby adapted, in accordance with the Annex, to Article 290 of the Treaty *or to the applicable provisions of Regulation (EU) No 182/2011.*

Amendment 6

Proposal for a regulation Annex – section 1 – point -1 (new) Regulation (EEC) No 3030/93 Recital 15 a (new)

Text proposed by the Commission

Amendment

*-1. The following recital 15a is inserted:
"Whereas in order to ensure the appropriate functioning of the system for the management of imports of certain textile products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes, granting additional opportunities for imports, introducing or adapting quantitative limits and introducing safeguard measures and a surveillance system under the conditions laid down in this Regulation. It is of*

particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament;"

Amendment 7

Proposal for a regulation

Annex – section 1 – point -1 a (new)

Text proposed by the Commission

Amendment

-1a. Throughout Regulation (EEC) No 3030/93, references to "Article 17" are replaced by "Article 17(2)".

Amendment 8

Proposal for a regulation

Annex – section 1 – point -1 b (new)

Regulation (EEC) No 3030/93

Recital 15 b (new)

Text proposed by the Commission

Amendment

***-1b. The following recital 15b is inserted:
"Whereas the implementation of this Regulation requires uniform conditions for the adoption of several measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the***

*rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers**;

** OJ L 55, 28.2.2011, p.13."*

Amendment 9

Proposal for a regulation

Annex – section 1 – point 7 a (new)

Regulation (EEC) No 3030/93

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

7a. In Article 16(1), the introductory part is replaced by the following:

"1. The Commission, acting in accordance with the advisory procedure referred to in Article 17(1a), shall conduct the consultations referred to in this Regulation in accordance with the following rules:"

Amendment 10

Proposal for a regulation

Annex – section 1 – point 8

Regulation (EEC) No 3030/93

Article 16a – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and in Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

2. The delegation of power referred to in Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and in Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall be conferred on the Commission for a period of ***five years from ...****. ***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.

** OJ: Please insert the date of entry into force of this Regulation.*

Amendment 11

Proposal for a regulation

Annex – section 1 – point 8

Regulation (EEC) No 3030/93

Article 16a – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **four months** at the initiative of the European Parliament or the Council.

Amendment 12

Proposal for a regulation

Annex – section 1 – point 8 a (new)

Regulation (EEC) No 3030/93

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

8a. In Article 17, the following paragraph is inserted:

"1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral."

Amendment 13

Proposal for a regulation
Annex – section 1 – point 8 b (new)
Regulation (EEC) No 3030/93
Article 17 – paragraph 2

Text proposed by the Commission

Amendment

8b. In Article 17, paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. The examination committee shall deliver its opinion within one month of the date of referral."

Amendment 14

Proposal for a regulation
Annex – section 1 – point 8 c (new)
Regulation (EEC) No 3030/93
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

8c. In Article 17, the following paragraph is inserted:

"2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."

Amendment 15

Proposal for a regulation
Annex – section 1 – point 8 d (new)
Regulation (EEC) No 3030/93
Article 17a

Text proposed by the Commission

Amendment

8d. Article 17a is deleted.

Amendment 16

Proposal for a regulation
Annex – section 1 – point 9 a (new)

Text proposed by the Commission

Amendment

9a. The following article is inserted:

"Article 19a

Report

- 1. The Commission shall submit a biannual report to the European Parliament on the application of this Regulation.**
- 2. The report shall include information on the implementation of this Regulation.**
- 3. The European Parliament may, within one month after submission of the Commission's report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.**
- 4. No later than six months after submitting its report to the European Parliament, the Commission shall make it public."**

Amendment 17
Proposal for a regulation
Annex – section 2 – point -1 (new)
Regulation (EC) No 517/94
Recital 22 a (new)

Text proposed by the Commission

Amendment

- 1. The following recital 22a is inserted:

"Whereas in order to ensure the appropriate functioning of the system for the management of imports of certain textile products not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes, altering the import rules and applying safeguard measures and

surveillance measures under the conditions laid down in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament;"

Amendment 18

Proposal for a regulation

Annex – section 2 – point -1 a (new)

Regulation (EC) No 517/94

Recital 22 b (new)

Text proposed by the Commission

Amendment

-1a. The following recital 22b is inserted:

"Whereas the implementation of this Regulation requires uniform conditions for the adoption of several measures. Those measures should be adopted by the Commission in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*;

*** OJ L 55, 28.2.2011, p.13."**

Amendment 19

Proposal for a regulation
Annex – section 2 – point -1 b (new)
Regulation (EC) No 517/94
Recital 22 c (new)

Text proposed by the Commission

Amendment

-1b. The following recital 22c is inserted:
"Whereas it is appropriate that the advisory procedure be used for the adoption of surveillance measures given the effects of these measures and their sequential logic in relation to the adoption of definitive safeguard measures;"

Amendment 20

Proposal for a regulation
Annex – section 2 – point 1 a (new)
Regulation (EC) No 517/94
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1a. In Article 5, paragraph 1 is deleted.

Amendment 21

Proposal for a regulation
Annex – section 2 – point 2 a (new)
Regulation (EC) No 517/94
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

2a. In Article 7(1), the introductory part is replaced by the following:

"1. Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, with regard to the conditions of imports of products referred to in Article 1, the Commission shall:"

Amendment 22

Proposal for a regulation
Annex – section 2 – point 2 b (new)
Regulation (EC) No 517/94
Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

2b. In Article 7(2), the first subparagraph is replaced by the following:

"2. In addition to the information supplied under Article 6, the Commission shall seek all information it deems to be necessary and, where appropriate, endeavour to check that information with importers, traders, agents, producers, trade associations and organisations."

Amendment 23

Proposal for a regulation

Annex – section 2 – point 2 c (new)

Regulation (EC) No 517/94

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2c. In Article 8, paragraph 2 is replaced by the following:

"2. If the Commission considers that no Union surveillance or safeguard measures are necessary, it shall publish in the Official Journal of the European Union a notice that the investigations are closed, stating the main conclusions of the investigations."

Amendment 24

Proposal for a regulation

Annex – section 2 – point 2 d (new)

Regulation (EC) No 517/94

Article 11 – paragraph 1 – point a

Text proposed by the Commission

Amendment

2d. In Article 11(1), point (a) is replaced by the following:

"(a) decide to introduce retrospective Union surveillance of certain imports, in accordance with the advisory procedure referred to in Article 25(1a);"

Amendment 25

Proposal for a regulation
Annex – section 2 – point 2 e (new)
Regulation (EC) No 517/94
Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

2e. In Article 11(1), point (b) is replaced by the following:

"(b) decide, for the purpose of monitoring the trend of these imports, to make certain imports subject to prior Union surveillance, in accordance with the advisory procedure referred to in Article 25(1a)."

Amendment 26

Proposal for a regulation
Annex – section 2 – point 2 f (new)
Regulation (EC) No 517/94
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

2f. In Article 11(2), point a is replaced by the following:

"(a) decide to introduce retrospective Union surveillance of certain imports, in accordance with the advisory procedure referred to in Article 25(1a);"

Amendment 27

Proposal for a regulation
Annex – section 2 – point 2 g (new)
Regulation (EC) No 517/94
Article 11 – paragraph 2 – point b

Text proposed by the Commission

Amendment

2g. In Article 11(2), point b is replaced by the following:

"(b) decide, for the purposes of monitoring the trend of these imports, to make certain imports subject to prior Union surveillance in accordance with the advisory procedure referred to in Article 25(1a)."

Amendment 28

Proposal for a regulation

Annex – section 2 – point 4 a (new)

Regulation (EC) No 517/94

Article 15 – introductory part

Text proposed by the Commission

Amendment

4a. In Article 15, the introductory part is replaced by the following:

"In accordance with the advisory procedure referred to in Article 25(1a), the Commission may, at the request of a Member State or on its own initiative, if the situation referred to in Article 12(2) is likely to arise:"

Amendment 29

Proposal for a regulation

Annex – section 2 – point 6 – point -a (new)

Regulation (EC) No 517/94

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-a) In Article 25, the following paragraph is inserted:

"1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral."

Amendment 30

Proposal for a regulation

Annex – section 2 – point 6 – point -a a (new)

Regulation (EC) No 517/94

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

(-aa) In Article 25, paragraph 2 is replaced by the following:

"2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. The examination committee shall deliver its

opinion within one month of the date of referral."

Amendment 31

Proposal for a regulation

Annex – section 2 – point 6 – point a

Regulation (EC) No 517/94

Article 25 – paragraph 3

Text proposed by the Commission

(a) In the first sentence of paragraph 3, the words ‘Article 13’ are replaced by the words ‘Articles 12(3), 13 and 16’;

Amendment

(a) In Article 25, paragraph 3 is replaced by the following:

"3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."

Amendment 32

Proposal for a regulation

Annex – section 2 – point 7

Regulation (EC) No 517/94

Article 25a – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall be conferred on the Commission for **an indeterminate** period of **time**.

Amendment

2. The delegation of power referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall be conferred on the Commission for a period of **five years from ...***. **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.**

*** OJ: Please insert the date of entry into force of this Regulation.**

Amendment 33

Proposal for a regulation

Annex – section 2 – point 7

Regulation (EC) No 517/94

Article 25a – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **four months** at the initiative of the European Parliament or the Council.

Amendment 34

Proposal for a regulation

Annex – section 2 – point 7 a (new)

Regulation (EC) No 517/94

Article 26 a (new)

Text proposed by the Commission

Amendment

7a. The following article is inserted:

"Article 26a

- 1. The Commission shall submit a biannual report to the European Parliament on the application of this Regulation.**
- 2. The report shall include information on the implementation of this Regulation.**
- 3. The European Parliament may, within one month of submission of the Commission's report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.**
- 4. No later than six months after submitting its report to the European**

Parliament, the Commission shall make it public."

Amendment 35

Proposal for a regulation

Annex – section 3 – point -1 (new)

Regulation (EC) No 953/2003

Recital 11 a (new)

Text proposed by the Commission

Amendment

-1. The following recital is inserted:

“(11a) In order to add products to the list of products covered by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.”

Amendment 36

Proposal for a regulation

Annex – section 3 – point -1 a (new)

Regulation (EC) No 953/2003

Recital 12

-1a. Recital 12 is deleted.

Amendment 37

Proposal for a regulation

Annex – section 3 – point 2

Regulation (EC) No 953/2003

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Article 4 shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

2. The delegation of power referred to in Article 4 shall be conferred on the Commission for ***a*** period of ***five years*** from ...*. ***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.***

**** OJ: Please insert the date of entry into force of this Regulation.***

Amendment 38

Proposal for a regulation

Annex – section 3 – point 2

Regulation (EC) No 953/2003

Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. A delegated act adopted pursuant to Article 4 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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

5. A delegated act adopted pursuant to Article 4 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

period shall be extended by **four months** at the initiative of the European Parliament or the Council.

Amendment 39

Proposal for a regulation

Annex – section 3 – point 4

Regulation (EC) No 953/2003

Article 11 – paragraph 2

Text proposed by the Commission

"2. The Commission shall **periodically** report to the European Parliament and Council on the volumes exported under tiered prices, including on the volumes exported within the framework of a partnership agreement agreed between the manufacturer and the government of a country of destination. The report shall examine the scope of countries and diseases and general criteria for the implementation of Article 3."

Amendment

"2. The Commission shall report to the European Parliament and Council **biannually** on the volumes exported under tiered prices, including on the volumes exported within the framework of a partnership agreement agreed between the manufacturer and the government of a country of destination. The report shall examine the scope of countries and diseases and general criteria for the implementation of Article 3."

Amendment 40

Proposal for a regulation

Annex – section 3 – point 4

Regulation (EC) No 953/2003

Article 11 – paragraph 3 (new)

Text proposed by the Commission

Amendment

"3. The European Parliament may, within one month of submission of the Commission's report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation."

Amendment 41

Proposal for a regulation

Annex – section 3 – point 4

Regulation (EC) No 953/2003

Article 11 – paragraph 4 (new)

Text proposed by the Commission

Amendment

"4. No later than six months of submission of the report to the European Parliament and to the Council, the Commission shall make it public."

Amendment 42

Proposal for a regulation

Annex – section 4 – point -1 (new)

Regulation (EC) No 673/2005

Recital 7

Text proposed by the Commission

Amendment

-1. Recital 7 is replaced by the following:

"(7) In order to make necessary adjustments to the measures provided for in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the rate of the additional duty or the lists in Annexes I and II under the conditions laid down in this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."

Amendment 43

Proposal for a regulation

Annex – section 4 – point 2

Regulation (EC) No 673/2005

Article 4 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 3(3) shall be conferred on the Commission for *an indeterminate* period of *time*.

Amendment

2. The delegation of power referred to in Article 3(3) shall be conferred on the Commission for *a* period of *five years from ...* *. *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.*

** OJ: Please insert the date of entry into force of this Regulation.*

Amendment 44

Proposal for a regulation

Annex – section 4 – point 2

Regulation (EC) No 673/2005

Article 4 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 *2 months* at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 *four months* at the initiative of the European Parliament or the Council.

Amendment 45
Proposal for a regulation
Annex – section 4 – point 3 a (new)
Regulation (EC) No 673/2005
Article 7

Text proposed by the Commission

Amendment

3a. Article 7 is replaced by the following:

"Article 7

The Commission shall submit to the European Parliament and the Council a proposal to repeal this Regulation once the United States of America has fully implemented the recommendation of the WTO Dispute Settlement Body."

Amendment 46
Proposal for a regulation
Annex – section 5 – point -1 (new)
Regulation (EC) No 1342/2007
Recital 10 a (new)

Text proposed by the Commission

Amendment

-1. The following recital is inserted:

"(10a) In order to permit the effective administration through the adoption of adjustments to the restrictions on imports of certain steel products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure

that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."

Amendment 47

Proposal for a regulation

Annex – section 5 – point 4

Regulation (EC) No 1342/2007

Article 31a - paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 5, 6(3) and 12 shall be conferred on the Commission for *an indeterminate* period of *time*.

Amendment

2. The delegation of power referred to in Articles 5, 6(3) and 12 shall be conferred on the Commission for a period of **five years from ...***. ***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.***

**** OJ: Please insert the date of entry into force of this Regulation.***

Amendment 48

Proposal for a regulation

Annex – section 5 – point 4

Regulation (EC) No 1342/2007

Article 31a - paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 5, 6(3) and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the

Amendment

5. A delegated act adopted pursuant to Articles 5, 6(3) and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **four months** at the initiative of the European Parliament or the Council.

Amendment 49

Proposal for a regulation

Annex – section 6 – point -1 (new)

Regulation (EC) No 1528/2007

Recital 16 a (new)

Text proposed by the Commission

Amendment

-1. The following recital is inserted:

"(16a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Annex I in order to add or to remove regions or states and in respect of introducing technical amendments to Annex II necessary as a result of application of that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."

Amendment 50

Proposal for a regulation

Annex – section 6 – point -1 a (new)

Regulation (EC) No 1528/2007

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

-1a. In Article 2, paragraph 2 is replaced by the following:

"2. The Commission shall amend Annex I by means of delegated acts in accordance with Article 24a to add regions or states from the ACP Group of States which have concluded negotiations on an agreement between the Union and that region or state which at least meets the requirements of Article XXIV GATT 1994."

Amendment 51

Proposal for a regulation

Annex – section 6 – point -1 b (new)

Regulation (EC) No 1528/2007

Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

-1b. In Article 2(3), the introductory part is replaced by the following:

"3. That region or state will remain on the list in Annex I unless the Commission adopts a delegated act in accordance with Article 24a amending Annex I to remove a region or state from that Annex, in particular where:"

Amendment 52

Proposal for a regulation

Annex – section 6 – point 1 – point b

Regulation (EC) No 1528/2007

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with ***Article [insert the number of the Article(s)]***

4. The Commission shall be empowered to adopt delegated acts in accordance with ***Article 24a*** concerning technical

laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final] concerning technical amendments to Annex II necessary as a result of the application of that Annex.

amendments to Annex II necessary as a result of the application of that Annex.

Amendment 53

Proposal for a regulation

Annex – section 6 – point 2

Regulation (EC) No 1528/2007

Article 23

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with *Article [insert the number of the Article(s) laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final]* concerning technical amendments to Articles 5 and 8 to 22 which may be required as a result of differences between this Regulation and agreements signed with provisional application or concluded in accordance with Article 218 of the Treaty with the regions or states listed in Annex I.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with *Article 24a* concerning technical amendments to Articles 5 and 8 to 22 which may be required as a result of differences between this Regulation and agreements signed with provisional application or concluded in accordance with Article 218 of the Treaty with the regions or states listed in Annex I.

Amendment 54

Proposal for a regulation

Annex – section 6 – point 2 a (new)

Regulation (EC) No 1528/2007

Article 24 a (new)

Text proposed by the Commission

Amendment

2a. The following article is inserted:

"Article 24a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 2(2) and (3), Article 4(4) and Article 23 shall be conferred on the Commission for a period of five years

from 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.*

3. The delegation of power referred to in Articles 2(2) and (3), Article 4(4), and Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 2(2) and (3), Article 4(4), and Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or 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 four months at the initiative of the European Parliament or the Council.

** OJ: Please insert the date of entry into force of this Regulation."*

-1. The following recital is inserted:

"(12a) In order to permit the adjustment of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with Moldova. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."

Amendment 56

Proposal for a regulation

Annex – section 7 – point 2

Regulation (EC) No 55/2008

Article 8b – paragraph 2

2. The delegation of power referred to in Article 7 shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

2. The delegation of power referred to in Article 7 shall be conferred on the Commission for ***a*** period of ***five years*** from ...*. ***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.

** OJ: Please insert the date of entry into force of this Regulation.*

Amendment 57

Proposal for a regulation

Annex – section 7 – point 2

Regulation (EC) No 55/2008

Article 8b - paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 **four months** at the initiative of the European Parliament or the Council.

Amendment 58

Proposal for a regulation

Annex – section 7 – point 2 a (new)

Regulation (EC) No 55/2008

Article 12 a (new)

Text proposed by the Commission

Amendment

2a. The following article is inserted:

"Article 12a

Report

1. The Commission shall submit a biannual report to the European Parliament on the application of this

Regulation.

2. The report shall include information on the implementation of this Regulation.

3. The European Parliament may, within one month of submission of the Commission's report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

4. No later than six months after submission of its report to the European Parliament, the Commission shall make it public."

Amendment 59

Proposal for a regulation

Annex – section 8

Text proposed by the Commission

Amendment

Section 8 is deleted

Amendment 60

Proposal for a regulation

Annex – section 9 – point -1 (new)

Regulation (EC) No 1340/2008

Recital 9 a (new)

Text proposed by the Commission

Amendment

-1. The following recital is inserted:

"(9a) In order to permit effective administration of certain restrictions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament."

Amendment 61

Proposal for a regulation

Annex – section 9 – point 2

Regulation (EC) No 1340/2008

Article 16a - paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 5(3) shall be conferred on the Commission for *an indeterminate* period of *time*.

Amendment

2. The delegation of power referred to in Article 5(3) shall be conferred on the Commission for *a* period of *five years from ...**. *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.*

** OJ: Please insert the date of entry into force of this Regulation.*

Amendment 62

Proposal for a regulation

Annex 1 – section 9 – point 2

Regulation (EC) No 1340/2008

Article 16a - paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 5(3) shall enter into force only if no

Amendment

5. A delegated act adopted pursuant to Article 5(3) shall enter into force only if no

objection has been expressed either by the European Parliament or the Council within a period of 2 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 **2 months** at the initiative of the European Parliament or the Council.

objection has been expressed either by the European Parliament or the Council within a period of 2 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 **four months** at the initiative of the European Parliament or the Council.

Amendment 63

Proposal for a regulation Annex – section 10

Text proposed by the Commission

Amendment

Section 10 is deleted