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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Union Agency for the Cooperation of Energy Regulators (recast) - Opinion of the Consultative Working Party of Legal Services

Delegations will find attached the opinion of the Consultative Working Party of Legal Services regarding the above mentioned subject.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels,

20 JUIN 2017

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast)

COM(2016) 863 final/2 of 23.2.2017 - 2016/0378 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 25 April and 3 May 2017 for the purpose of examining the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in Article 2(d), the reference to Article 8;
- the deletion of paragraphs 7 and 8 of Article 6 of Regulation (EC) No 713/2009;
- in Article 20(1)(e), the deletion of the words '*before 30 September*';
- in Articles 23(5)(a) and 25(c), the reference to Articles 3 to 11;
- in Articles 26(3), the sentence '*The Board of Appeal shall adopt and publish its rules of procedure*';
- in Article 29(1), the replacement of the current reference to '*Articles 7, 8 or 9*' with a reference to '*Articles 4 to 14*';
- in Article 33(1), the deletion of the words '*by 15 February*';
- in Article 33(3), the replacement of the words '*by 31 March*' with the words '*by 31 January each year*';

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 33(6), the adding of the words '*Council in its*' and '*role*';
- the entire wording of Article 33(8);
- the entire wordings of Article 35(1) and (2);
- in Article 35(4), the replacement of the word '*Director*' with the words '*accounting officer*';
- in Article 35(6), the replacement of the word '*Director*' with the words '*Agency's accounting officer*';
- in Article 35(7), the adding of the words '*by 15 November of year N+1*';
- in Article 35(8), the replacement of the words '*15 October*' with the words '*30 September of year N+1*';
- in Article 43(1), the deletion of the words '*if relevant*';
- in Article 45(3), the words '*together with its conclusions to the European Parliament, the Council*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



F. DREXLER
Jurisconsult



H. LEGAL
Jurisconsult



L. ROMERO REQUENA
Director General