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From: General Secretariat of the Council
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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL on the activities and supervision of institutions for
occupational retirement provision (recast)
- Opinion of the Consultative Working Party of Legal Services

Delegations will find attached the Opinion of the Consultative Working Party of the Legal Services of the European Parliament, of the Council and of the Commission on proposal for a directive of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision COM(2014) 167 final of 27.3.2014 - 2014/0091 (COD).

Due to a technical issue delegations will find attached a revised version of the document ST 15962/14 INIT. Please note that the signed opinion as annex has been added.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 03 JUL. 2014

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

Proposal for a directive of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision COM(2014) 167 final of 27.3.2014 - 2014/0091 (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 30 April 2014 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision resulted in the Consultative Working Party's establishing, by common accord, as follows.

1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.

2) In the draft recast text, the following proposed changes should have been identified with the grey-shaded type generally used for marking substantive changes:

- in the second paragraph of Article 5, the deletion of the word "*not*" and the replacement of the existing reference to "*Articles 9 to 17*" with a new reference to "*Articles 1 to 8, Article 12, Article 20 and Articles 34 to 37*";
- in Article 12(2), the deletion of the words "*located within the territory of another Member State*";

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

- the deletion of the entire text of Article 18(7) of Directive 2003/41/EC ;
- the deletion of the entire text of Article 20(7) of Directive 2003/41/EC.

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 therein or in the present opinion. 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 text, without any change in its substance.



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