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Subject: 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

- Partial general approach
- Section V " Energy" and Section VI " Environment"

V. ENERGY

29. [Directive 2009/73/EC of the European Parliament and the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC¹

In order to ensure an internal market in natural gas, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement Directive 2009/73/EC with the necessary guidelines setting out the details of a number of procedures concerning gas market rules. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2009/73 EC is amended as follows:

(1) in Article 6, paragraph 4 is replaced by the following:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines for regional cooperation in a spirit of solidarity.";

¹ OJ L 211, 14.8.2009, p. 94.

(2) in Article 11, paragraph 10 is replaced by the following:

"10. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines setting out the details of the procedure to be followed for the application of this Article.";

(3) in Article 15, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines to ensure full and effective compliance of the transmission system owner and of the storage system operator with paragraph 2 of this Article.";

(4) in Article 36, paragraph 10 is replaced by the following:

"10. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines for the application of the conditions laid down in paragraph 1 of this Article and setting out the procedure to be followed for the application of paragraphs 3, 6, 8 and 9 of this Article.";

(5) in Article 42, paragraph 5 is replaced by the following:

"5. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with the Agency.";

(6) in Article 43, paragraph 9 is replaced by the following:

"9. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines setting out the details of the procedure to be followed by the regulatory authorities, the Agency and the Commission as regards the compliance of decisions taken by regulatory authorities with the Guidelines referred to in this Article.";

(7) in Article 44, paragraph 4 is replaced by the following:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 50a establishing Guidelines which specify the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.";

(8) the following Article 50a is inserted:

"Article 50a

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 power to adopt delegated acts referred to in Article 6(4), Article 11(10), Article 15(3), Article 36(10), Article 42(5), Article 43(9) and Article 44(4) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].

3. The delegation of power referred to in Article 6(4), Article 11(10), Article 15(3), Article 36(10), Article 42(5), Article 43(9) and Article 44(4) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to in Article 6(4), Article 11(10), Article 15(3), Article 36(10), Article 42(5), Article 43(9) and Article 44(4) 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."

* OJ L 123, 12.5.2016, p.1.";

(9) in Article 51, paragraph 3 is deleted.]

30. [Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005²

In order to ensure conditions for access to the natural gas transmission networks, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement Regulation (EC) No 715/2009 with necessary guidelines setting out procedural details, measures covering highly complex technical arrangements and measures specifying details of certain provisions of that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

² OJ L 211, 14.8.2009, p. 36.

Accordingly, Regulation (EC) No 715/2009 is amended as follows:

(1) in Article 3, paragraph 5 is replaced by the following:

"5. The Commission is empowered to adopt delegated acts in accordance with Article 27a establishing Guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.";

(2) in Article 6(11), the second subparagraph is replaced by the following:

"Where the Commission proposes to adopt a network code on its own initiative, the Commission shall consult the Agency, the ENTSO for Gas and all relevant stakeholders in regard to the draft network code during a period of no less than two months. The Commission is empowered to adopt delegated acts in accordance with Article 27a adopting such network codes.";

(3) in Article 7, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 27a to establish, amendments to any network code adopted under Article 6 taking account of the Agency's proposals.";

(4) in Article 12, paragraph 3 is replaced by the following:

"3. For the purposes of achieving the goals set out in paragraphs 1 and 2 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 27a determining the geographical area covered by each regional cooperation structure, taking into account existing regional cooperation structures. For that purpose, the Commission shall consult the Agency and the ENTSO for Gas.

Each Member State shall be allowed to promote cooperation in more than one geographical area.";

(5) in Article 23(2), the second subparagraph is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 27a establishing Guidelines on the issues listed in paragraph 1 of this Article and amending the Guidelines referred to in points (a), (b) and (c) thereof.";

(6) the following Article 27a is inserted:

"Article 27a

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 power to adopt delegated acts referred to in Article 3(5), Article 6(11), Article 7(3), Article 12(3) and Article 23(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].
 3. The delegation of power referred to in Article 3(5), Article 6(11), Article 7(3), Article 12(3) and Article 23(2) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.
 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
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6. A delegated act adopted pursuant to Article 3(5), Article 6(11), Article 7(3), Article 12(3) and Article 23(2) 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."

* OJ L 123, 12.5.2016, p.1.";

(7) Article 28 is deleted.]

31. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters³

In order to make the necessary technical adaptations to Regulation (EC) No 1222/2009 the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Regulation to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 1222/2009 is amended as follows:

³ OJ L 342, 22.12.2009, p. 46.

(1) Article 11 is replaced by the following:

"Article 11

Amendments and adaptations to technical progress

The Commission is empowered to adopt delegated acts in accordance with Article 12a amending this Regulation in respect of the following:

- (a) introduction of information requirements with respect to wet grip grading of C2 and C3 tyres, provided that suitable harmonised testing methods are available;
- (b) adaptation, where relevant, of grip grading to the technical specificities of tyres primarily designed to perform better in ice and/or snow conditions than a normal tyre with regard to their ability to initiate, maintain, or stop vehicle motion;
- (c) adaptation of Annexes I to V to technical progress."

(2) the following Article 12a is inserted:

"Article 12a

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 power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 11 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 11 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.

* OJ L 123, 12.5.2016, p. 1.";

(3) Article 13 is deleted.

VI. ENVIRONMENT

32. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment⁴

[...]

There is no need to empower the Commission to amend Annex I to Directive 91/271/EEC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 91/271/EEC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

[...] Directive 91/271/EEC is amended as follows:

(1) in Article 3, paragraph 2 is replaced by the following:

"2. Collecting systems referred to in paragraph 1 shall satisfy the requirements of section A of Annex I.

[...]"

(2) in Article 4, paragraph 3 is replaced by the following:

"3. Discharges from urban waste water treatment plants referred to in paragraphs 1 and 2 shall satisfy the relevant requirements of section B of Annex I.

[...]"

(3) in Article 5, paragraph 3 is replaced by the following:

"3. Discharges from urban waste water treatment plants referred to in paragraph 2 shall satisfy the relevant requirements of section B of Annex I.

[...]"

⁴ OJ L 135, 30.5.1991, p. 40.

(4) in Article 11, paragraph 2 is replaced by the following:

"2. Regulations and specific authorisations shall satisfy the requirements set out in section C of Annex I.

[...]"

(5) in Article 12, paragraph 3 is replaced by the following:

"3. Prior regulations and specific authorisations of discharges from urban waste water treatment plants made pursuant to paragraph 2 within agglomerations of 2 000 to 10 000 p.e. in the case of discharges to fresh waters and estuaries, and within agglomerations of 10 000 p.e. or more in respect of all discharges, shall contain conditions to satisfy the relevant requirements of section B of Annex I.

[...]"

[...]

(7) in Article 18, paragraph 3 is deleted.

33. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁵

In order to adapt Directive 91/676/EEC to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend [...] Annexes **IV and V** to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁵ OJ L 375, 31.12.1991, p. 1.

There is no need to empower the Commission to amend Annexes I, II and III to Directive 91/676/EEC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 91/676/EEC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 91/676/EEC is amended as follows:

(1) Article 8 is replaced by the following:

"Article 8

The Commission is empowered to adopt delegated acts in accordance with Article 8a amending [...] Annexes **IV and V** to adapt them to scientific and technical progress.";

(2) the following Article 8a is inserted:

"Article 8a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**
3. The delegation of power referred to in Article 8 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 8 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p.1.";

(3) in Article 9, paragraph 3 is deleted.

34. European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations⁶

In order to ensure that the specifications for bottom loading equipment laid down in Directive 94/63/EC are revised where appropriate and to adapt the Annexes to technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 94/63/EC is amended as follows:

⁶ OJ L 365, 31.12.1994, p. 24.

(1) in Article 4(1), the sixth subparagraph is replaced by the following:

"All terminals with loading facilities for road tankers shall be equipped with at least one gantry which meets the specifications for bottom loading equipment laid down in Annex IV. The Commission shall re-examine those specifications at regular intervals and is empowered to adopt delegated acts in accordance with Article 7a amending Annex IV in the light of the result of that re-examination.";

(2) Article 7 is replaced by the following:

"Article 7
Adaptation to technical progress

The Commission is empowered to adopt delegated acts in accordance with Article 7a amending the Annexes to adapt them to technical progress, with the exception of the limit values laid down in point 2 of Annex II.";

(3) the following Article 7a is inserted:

"Article 7a
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 power to adopt delegated acts referred to in Article 4(1) and Article 7 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 4(1) and Article 7 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 4(1) and 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 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.

* OJ L 123, 12.5.2016, p.1. ";

(4) Article 8 is deleted.

35. Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)⁷

In order to ensure uniform conditions for the implementation of Council Directive 96/59/EC of 16 September 1996, implementing powers should be conferred on the Commission concerning the establishment of specific technical rules necessary for the disposal of PCB and PCT pursuant to Directive 96/59/EC which are to:

[...]

- fix the reference methods of measurement to determine the PCB content;
- determine, for certain purposes, other less hazardous substitutes for PCBs;
- fix, for certain purposes, technical standards for the other methods of disposing of PCBs.

[...]

Accordingly, Directive 96/59/EC is amended as follows:

(1) in Article 10, paragraph 2, is replaced by the following:

"2. The Commission **may, by means of implementing acts, [...]**

- (a) [...] fix the reference methods of measurement to determine the PCB content of contaminated materials;
- (b) if necessary, [...] determine, solely for the purposes of points (b) and (c) of Article 9(1), other less hazardous substitutes for PCBs;
- (c) [...] fix technical standards for the other methods of disposing of PCBs referred to in the second sentence of Article 8(2).

⁷ OJ L 243, 24.9.1996, p. 31.

For the purposes of point (a) of the first subparagraph measurements effected before the determination of the reference methods shall remain valid.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a, paragraph 3."

(2) in Article 10a, paragraph 3 is [...] **replaced by the following:**

"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply."

* Regulation (EU) No 182/2011 of the European Parliament and 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).

[...]

36. [...]

37. [...]

38. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁸

In order to **update** [...] Directive 2000/60/EC [...] the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission [...] to amend Annex[...] I [...] to that Directive;

⁸ OJ L 327, 22.12.2000, p. 1.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Directive 2000/60/EC, implementing powers should be conferred on the Commission concerning the laying down of technical specifications and standardised methods for analysis and monitoring of water status and the setting out of the results of the intercalibration exercise and the establishment of the values of the Member State monitoring system classifications. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

There is no need to empower the Commission to amend Annexes III and V to Directive 2000/60/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2000/60/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 2000/60/EC is amended as follows:

(1) in Article 8, paragraph 3 is replaced by the following:

"3. The Commission shall, by means of implementing acts, lay [...] down technical specifications and standardised methods for analysis and monitoring of water status. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(3)";

(2) in Article 20(1), the first subparagraph is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 20a amending Annex[...] I to update its content [...]"

(3) the following Article 20a is inserted:

"Article 20a
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 power to adopt delegated acts referred to [...] in the first subparagraph of Article 20(1) [...] shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**
3. The delegation of power referred to [...] in the first subparagraph of Article 20(1) [...] may be revoked at any time by the European Parliament and the Council. A decision to revoke shall put an end to the delegation of the power specified by 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 the delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Marking of 13 April 2016*.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.

6. A delegated act adopted pursuant to [...] the first subparagraph of Article 20(1) [...] 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.

* OJ L 123, 12.5.2016.p.1. ";

(4) in Article 21, paragraph 3 is [...] **replaced by the following:**

"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply."

* Regulation (EU) No 182/2011 of the European Parliament and 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)."

(5) in Annex V, paragraph 1.4.1, point (ix) is replaced by the following:

"(ix) The Commission [...] **shall, by means of implementing acts, set** out the results of the intercalibration exercise and establish the values of the Member State monitoring system classifications in accordance with points (i) to (viii). It shall be published within six months of the completion of the intercalibration exercise. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(3)**".

39. Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise⁹

In order to adapt Directive 2002/49/EC to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2002/49/EC is amended as follows:

(1) Article 6 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 12a amending Annex II in order to establish common assessment methods for the determination of *Lden* and *Lnight*.";

⁹ OJ L 189, 18.7.2002, p. 12.

(b) in paragraph 3, the following second subparagraph is added:

"The Commission is empowered to adopt delegated acts, in accordance with Article 12a, amending Annex III in order to establish common assessment methods for the determination of harmful effects.";

(2) Article 12 is replaced by the following:

"Article 12
Adaptation to technical and scientific progress

The Commission is empowered to adopt delegated acts in accordance with Article 12a amending point 3 of Annex I and Annexes II and III to adapt them to technical and scientific progress.";

(3) the following Article 12a is inserted:

"Article 12a
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 power to adopt delegated acts referred to in Article 6(2) and (3) and Article 12 shall be conferred on the Commission for [...] **a period of five years from[*date of entry into force of this 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.**

3. The delegation of power referred to in Article 6(2) and (3) and Article 12 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 6(2) and (3) and Article 12 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p.1";

(4) in Article 13, paragraph 3 is deleted;

(5) in Annex III, the first sentence of the introductory wording is replaced by the following:

"The dose-effect relations introduced by future revisions of this Annex will concern in particular:".

40. Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC¹⁰

In order to ensure the use of up-to-date analytical methods for determining compliance with volatile organic compounds content limit values, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex III to Directive 2004/42/EC to adapt it to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2004/42/EC is amended as follows:

(1) Article 11 is replaced by the following:

"Article 11

Adaptation to technical progress

The Commission is empowered to adopt delegated acts in accordance with Article 11a amending Annex III to adapt it to technical progress."

(2) the following Article 11a is inserted:

"Article 11a

Exercise of the delegation

¹⁰ OJ L 143, 30.4.2004, p. 87.

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

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 11 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 11 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016. p.1.";

(3) in Article 12, paragraph 3 is deleted.

41. Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air¹¹

[...]

There is no need to empower the Commission to amend Directive 2004/107/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2004/107/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 2004/107/EC is amended as follows:

(1) in Article 4, paragraph 15 is **deleted**. [...]

[...]

(3) in Article 6, paragraph 3 is deleted;

¹¹ OJ L 23, 26.1.2005, p. 3.

(4) in Annex V, Section V is replaced by the following:

"Reference air quality modelling techniques cannot be specified at present."

42. Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC¹²

In order to adapt Directive 2006/7/EC to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend Annex I to that Directive as regards the methods of analysis for the parameters set out in that Annex;
- to amend Annex V to that Directive;
- [...]

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Directive 2006/7/EC, implementing powers should be conferred on the Commission concerning the specification of the EN/ISO standard on the equivalence of microbiological methods for the purposes of Article 3(9). Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

¹² OJ L 64, 4.3.2006, p. 37.

Accordingly, Directive 2006/7/EC is amended as follows:

(1) in Article 15, paragraph 2 is replaced by the following:

"2. The Commission [...] **shall, by means of implementing acts,**

[...] specify[...] the EN/ISO standard on the equivalence of microbiological methods for the purposes of Article 3(9). **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(3);**

[...]

[...]"

(1a) in Article 15, paragraph 4 is inserted:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 15a:

(a) amending Annex I, where necessary in the light of scientific and technical progress, as regards the methods of analysis for the parameters set out in that Annex;

(b) amending Annex V where necessary in the light of scientific and technical progress."

(2) the following Article 15a is inserted:

"Article 15a

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 power to adopt delegated acts referred to in Article 15[...]**(4)** shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 15 [...] (4) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 15 [...] (4) 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.

* OJ L 123, 12.5.2016, p.1.";

(3) in Article 16, paragraph 3 is [...] **replaced by the following:**

“3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.”

* Regulation (EU) No 182/2011 of the European Parliament and 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)."

43. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC¹³

In order to further develop the technical provisions of Directive 2006/21/EC and to adapt it to scientific and technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend the Annexes to that Directive to adapt them to scientific and technical progress;
- [...]
- [...]
- [...]
- [...]

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

There is no need to empower the Commission in Directive 2006/21/EC to lay down provisions necessary for the implementation of Article 13(6), the completion of the technical requirements for waste characterisation contained in Annex II, the interpretation of the definition contained in point 3 of Article 3, the definition of the criteria for the classification of waste facilities in accordance with Annex III and the determination of harmonised standards for sampling and analysis methods. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2006/21/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 2006/21/EEC is amended as follows:

¹³ OJ L 102, 11.4.2006, p. 15.

(1) in Article 22, [...] **paragraph 2 is deleted:**

"[...]"

(1a) in Article 22, paragraph 3 is replaced by the following:

3. The Commission is empowered to adopt delegated acts in accordance with Article 22a amending the Annexes to adapt them to scientific and technical progress. Those amendments shall be made with a view to achieving a high level of environmental protection.";

(2) the following Article 22a is inserted:

"Article 22a
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 power to adopt delegated acts referred to in Article 22 [...] (3) shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 22[...] (3) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 22 [...] (3) 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p.1.";

(3) in Article 23, paragraph 3 is deleted.

44. Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration¹⁴

[...]

There is no need to empower the Commission to amend Annexes II, III and IV to Directive 2006/118/EC and to add new pollutants or indicators. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2006/118/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

[...] Directive 2006/118/EC is amended as follows:

(1) Article 8 is [...] **deleted.**

[...]

(3) Article 9 is deleted.

¹⁴ OJ L 372, 27.12.2006, p. 19.

45. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC¹⁵

In order to adapt Regulation (EC) No 166/2006 to technical progress and to the evolution of international law, and to ensure better reporting, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes II and III to that Regulation to adapt them to scientific or technical progress or as a result of the adoption by the Meeting of the Parties to the Protocol of any amendment of the Annexes to the UNECE Protocol on Pollutant Release and Transfer Registers, as well as to supplement that Regulation by initiating reporting on releases of relevant pollutants from one or more diffuse sources. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 166/2006 is amended as follows:

(1) in Article 8, paragraph 3 is replaced by the following:

“3. Where it determines that no data on the releases from diffuse sources exist, the Commission is empowered to adopt delegated acts in accordance with Article 18a to initiate reporting on releases of relevant pollutants from one or more diffuse sources using, where appropriate, internationally approved methodologies.”;

¹⁵ OJ L 33, 4.2.2006, p. 1.

(2) Article 18 is replaced by the following:

"Article 18

Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 18a to amend Annexes II and III for the following purposes:

(a) to adapt them to scientific or technical progress;

(b) to adapt them as a result of the adoption by the Meeting of the Parties to the Protocol of any amendment to the Annexes to the Protocol.";

(3) the following Article 18a is inserted:

"Article 18a

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 power to adopt delegated acts referred to in Article 8(3) and Article 18 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 8(3) and Article 18 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 8(3) and Article 18 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p.1.";

(4) in Article 19, paragraph 3 is deleted.

46. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)¹⁶

[...]

In order to ensure uniform conditions for the implementation of Directive 2007/2/EC, implementing powers should be conferred on the Commission concerning the laying down of:

- **technical arrangements for the interoperability and, where practicable, harmonisation of data sets and services;**
- **technical specifications for certain services and minimum performance criteria for spatial data services, as well as certain obligations referred to in the Directive;**
- **harmonised conditions for access to spatial data sets and services.**

Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

¹⁶ OJ L 108, 25.4.2007, p. 1.

There is no need to empower the Commission to amend the description of the existing datathemes in Annexes I, II and III to Directive 2007/2/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2007/2/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

[...] Directive 2007/2/EC is amended as follows:

(1) in Article 4, paragraph 7 is [...] **deleted.**

[...]

(2) in Article 7, paragraph 1 is replaced by the following:

"1. The Commission **shall, by means of implementing acts**, [...] down technical arrangements for the interoperability and, where practicable, harmonisation of spatial data sets and services. Relevant user requirements, existing initiatives and international standards for the harmonisation of spatial data sets, as well as feasibility and cost-benefit considerations shall be taken into account in the development of those arrangements.

Where organisations established under international law have adopted relevant standards to ensure interoperability or harmonisation of spatial data sets and services, those standards shall be integrated, and the existing technical means shall be referred to, if appropriate, in the [...] **implementing acts** mentioned in the first subparagraph.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3)";

(3) Article 16 is replaced by the following:

"Article 16

The Commission **shall, by means of implementing acts**, [...] **lay down:**

(a) technical specifications for the services referred to in Articles 11 and 12 and minimum performance criteria for those services, taking account of existing reporting requirements and recommendations adopted within the framework of environmental legislation of the Union, existing e-commerce services and technological progress;

(b) the obligations referred to in Article 12.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3)";

(4) in Article 17, paragraph 8 is replaced by the following:

"8. Member States shall provide the institutions and bodies of the Union with access to spatial data sets and services in accordance with harmonised conditions.

The Commission **shall, by means of implementing acts**, lay [...] down rules governing those conditions. Those rules shall fully respect the principles set out in paragraphs 1, 2 and 3 of this Article. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3)";**

[...]

(6) in Article 22, paragraph 3 is [...] **replaced by the following.**

“3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.”

* Regulation (EU) No 182/2011 of the European Parliament and 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)."

47. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks¹⁷

[...]

There is no need to empower the Commission to amend the Annex to Directive 2007/60/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2007/60/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

¹⁷ OJ L 288, 6.11.2007, p. 27.

[...] Directive 2007/60/EC is amended as follows:

(1) in Article 11, paragraph 2 is [...] **deleted.**

[...]

[...]

[...]

(3) in Article 12, paragraph 3 is deleted.

48. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe¹⁸

[...]

There is no need to empower the Commission to amend Annexes I to VI, VIII, IX, X and XV to Directive 2008/50/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2008/50/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

[...] Directive 2008/50/EC is amended as follows:

(1) Article 28 [...], **paragraph 1, is deleted.**

[...]

[...]

(3) in Article 29, paragraph 3 is deleted.

¹⁸ OJ L 152, 11.6.2008, p. 1.

49. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)¹⁹

In order to adapt Directive 2008/56/EC to scientific and technical progress, [...] the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes III, IV and V to that Directive [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Directive 2008/56/EC, implementing powers should be conferred on the Commission concerning the laying down of criteria and methodological standards to be used by the Member States, as well as the laying down of specifications and standardised methods for monitoring and assessment. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Directive 2008/56/EC is amended as follows:

(1) in Article 9, paragraph 3 is replaced by the following:

"3. The Commission **shall, by means of implementing acts**, [...] down, by 15 July 2010, criteria and methodological standards to be used by the Member States, on the basis of Annexes I and III, in such a way as to ensure consistency and to allow for comparison between marine regions or sub-regions of the extent to which good environmental status is being achieved. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(3).**

Before proposing such criteria and standards the Commission shall consult all interested parties, including Regional Sea Conventions.";

¹⁹ OJ L 164, 25.6.2008, p. 19.

(2) in Article 11, paragraph 4 is replaced by the following:

"4. The Commission **shall, by means of implementing acts**, lay [...] down specifications and standardised methods for monitoring and assessment, which take into account existing commitments and ensure comparability between monitoring and assessment results. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(3).**";

(3) in Article 24, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 24a amending Annexes III, IV and V to adapt them to scientific and technical progress, taking into account the periods for the review and updating of marine strategies laid down in Article 17(2).";

(4) the following Article 24a 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 power to adopt delegated acts referred to in [...] Article 24(1) shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in [...] Article 24(1) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to [...] Article 24(1) 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.

* OJ L 123, 12.5.2016, p. 1.";

(5) in Article 25, paragraph 3 is [...] **replaced by the following:**

“3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.”

* Regulation (EU) No 182/2011 of the European Parliament and 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)."

50. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006²⁰

In order to ensure that Regulation (EC) No 1272/2008 is regularly updated, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend Annex VI to that Regulation to harmonise the classification and labelling of substances;
- to amend **Annex VIII to further harmonize the information relating to emergency health response and preventative measures; [...]**
- to amend certain provisions of that Regulation and Annexes I to VIII to that Regulation in order to adapt them to technical and scientific progress.

²⁰ OJ L 353, 31.12.2008, p. 1.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Regulation (EC) No 1272/2008 is amended as follows:

(1) in Article 37, paragraph 5 is replaced by the following:

"5. The Commission shall without undue delay adopt delegated acts, in accordance with Article 53a, where it finds that the harmonisation of the classification and labelling of the substance concerned is appropriate, to amend Annex VI by inclusion of that substance together with the relevant classification and labelling elements in Table 3.1 of Part 3 of Annex VI and, where appropriate, the specific concentration limits or M-factors.

A corresponding entry shall be included in Table 3.2 of Part 3 of Annex VI subject to the same conditions, until 31 May 2015.

Where , in the case of harmonisation of classification and labelling of substances, imperative grounds of urgency so require, the procedure provided for in Article 53b shall apply to delegated acts adopted pursuant to this paragraph.";

(2) in Article 45, paragraph 4 is replaced by the following:

"4. [...]"

Following consultation with relevant stakeholders such as the European Association of Poison Centres and Clinical Toxicologists (EAPCCT), the Commission is empowered to adopt delegated acts in accordance with Article 53a, amending Annex VIII to further harmonise the information relating to emergency health response and preventative measures;

(3) in Article 53, paragraph 1 is replaced by the following:

"1. The Commission is empowered to adopt delegated acts in accordance with Article 53a amending Article 6(5), Article 11(3), Article 12, Article 14, Article 18(3)(b), Article 23, Articles 25 to 29, the second and third subparagraphs of Article 35(2) and Annexes I to VIII in order to adapt them to technical and scientific progress, taking due account of the further development of the GHS, in particular any UN amendments relating to the use of information on similar mixtures, and considering the developments in internationally recognised chemical programmes and of the data from accident databases.

Where imperative grounds of urgency so require, the procedure provided for in Article 53b shall apply to delegated acts adopted pursuant to this paragraph.";

(4) the following Articles 53a [...] 53b **and 53c** are inserted:

"*Article 53a*

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 power to adopt delegated acts referred to in Article 37(5), Article 45(4) and Article 53(1) shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Articles 37(5), Article 45(4) and Article 53(1) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 37(5), Article 45(4) and Article 53(1) 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.

Article 53b

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 53a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

* OJ L 123, 12.5.2016, p.1.";

Article 53c

Separate delegated acts for different delegated powers

The Commission shall adopt a separate delegated act in respect of each power delegated to it pursuant to this Regulation. "

(5) in Article 54, paragraphs 3 and 4 are deleted.

51. Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations²¹

In order to ensure consistency with relevant standards drawn up by the European Committee for Standardisation (CEN), the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend certain provisions of Directive 2009/126/EC in order to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Accordingly, Directive 2009/126/EC is amended as follows:

²¹ OJ L 285, 31.10.2009, p. 36.

(1) Article 8 is replaced by the following:

“Article 8
Technical adaptations

The Commission is empowered to adopt delegated acts, in accordance with Article 8a, amending Articles 4 and 5 to adapt them to technical progress where necessary to ensure consistency with any relevant standard drawn up by the European Committee for Standardisation (CEN).

The delegation of power referred to in the first paragraph shall not apply to the petrol vapour capture efficiency and vapour/petrol ratio specified in Article 4 and the time periods specified in Article 5.”;

(2) the following Article 8a is inserted:

"Article 8a
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 power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 8 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 8 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 two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p. 1.";

(3) Article 9 is deleted.

52. Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds²²

[...]

²² OJ L 20, 26.1.2010, p. 7.

There is no need to empower the Commission to amend Annexes I and V to Directive 2009/147/EC. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2009/147/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.

Accordingly, Directive 2009/147/EC is amended as follows:

(1) Article 15 is **deleted**. [...]

(2 [...]) Article 16 is deleted.

53. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC²³

In order to update Regulation (EC) No 1221/2009 and to establish evaluation procedures, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Regulation and to supplement it with procedures for carrying out the peer evaluation of the EMAS Competent Bodies. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1221/2009 implementing powers should be conferred on the Commission concerning the harmonisation of certain procedures and in relation to sectoral reference documents. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

²³ OJ L 342, 22.12.2009, p. 1.

Accordingly, Regulation (EC) No 1221/2009 is amended as follows:

(1) in Article 16, paragraph 4 is replaced by the following:

"4. Guidance documents referring to harmonisation procedures approved by the Forum of Competent Bodies shall be adopted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 49[...]3).

Those documents shall be made publicly available.";

(2) in Article 17, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 48a concerning the procedures for carrying out the peer evaluation of the EMAS Competent Bodies, including appropriate appeals procedures against decisions taken as a result of the peer evaluation.";

(3) in Article 30, paragraph 6 is replaced by the following:

"6. The Commission shall adopt guidance documents referring to harmonisation procedures approved by the Forum of the Accreditation and Licensing Bodies by means of implementing acts. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 49[...]3).

Those documents shall be made publicly available. ";

(4) in Article 46, paragraph 6 is replaced by the following:

"6. The Commission shall adopt the sectoral reference documents referred to in paragraph 1 and the guide referred to in paragraph 4 by means of implementing acts in accordance with the **examination** procedure referred to in Article 49([...]3).";

(5) Article 48 is replaced by the following:

"Article 48

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 48a amending the Annexes where appropriate, in the light of experience gained in the operation of EMAS, in response to identified needs for guidance on EMAS requirements and in the light of any changes in international standards or new standards which are of relevance to the effectiveness of this Regulation.";

(6) the following Article 48a is inserted:

"Article 48a

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 power to adopt delegated acts referred to in Article 17(3) and Article 48 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in Article 17(3) and Article 48 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to Article 17(3) and Article 48 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.

* OJ L 123, 12.5.2016, p. 1.”;

(7) in Article 49, paragraph 3 is [...] **replaced by the following.**

“3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.”

* Regulation (EU) No 182/2011 of the European Parliament and 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).”.

54. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel²⁴

In order to update Regulation (EC) No 66/2010 **in the light of the experience gained and to facilitate the achievement of the objectives of this Regulation** [...], the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission [...] to amend the Annexes to that Regulation;

- [...]
- [...]

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 66/2010, implementing powers should be conferred on the Commission concerning the granting of certain derogations and the establishment of specific EU Ecolabel criteria. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

As regards the development of EU Ecolabel criteria for food and feed, in 2011 the Commission published a study on the feasibility of developing Ecolabel criteria for food and feed products. Based on the final report of that feasibility study and the opinion of the European Union Ecolabelling Board, the Commission does not intend to develop Ecolabel criteria for food and feed products at this time. Therefore, it is not necessary to [...] **confer on** the Commission **implementing powers** to decide for which food and feed groups the development of Ecolabel criteria is feasible.

Accordingly, Regulation (EC) No 66/2010 is amended as follows:

²⁴ OJ L 27, 30.1.2010, p. 1.

(1) Article 6 is amended as follows:

(a) in paragraph 5, the second subparagraph is deleted;

(b) paragraph 7 is replaced by the following:

"7. For specific categories of goods containing substances referred to in paragraph 6, and only in the event that it is not technically feasible to substitute them as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category, the Commission **may, by means of implementing acts, [...]** grant derogations from paragraph 6 of this Article. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).**

No derogation shall be given concerning substances that meet the criteria of Article 57 of Regulation (EC) No 1907/2006 and that are identified in accordance with the procedure set out in Article 59(1) of that Regulation, present in mixtures, in an article or in any homogeneous part of a complex article in concentrations higher than 0,1 % (weight by weight).";

(2) in Article 8, paragraph 2 is replaced by the following:

"2. The Commission **shall, by means of implementing acts,** lay [...] down, no later than nine months after consulting the EUEB, measures to establish specific EU Ecolabel criteria for each product group. These measures shall be published in the *Official Journal of the European Union*. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).**

In exercising the [...] **power to adopt implementing acts** [...] referred to in the first subparagraph, the Commission shall take into account the comments of the EUEB and shall clearly highlight, document and provide explanations for the reasoning behind any changes in its final proposal compared to the proposal for draft criteria following the consultation of the EUEB.";

(3) Article 15 is replaced by the following:

"Article 15

Amendment of Annexes

Where justified in the light of the experience gained and in order to facilitate the achievement of the objectives of this Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 15a amending the Annexes.

As regards modifications of the maximum fees provided for in Annex III the Commission shall take into account the need for fees to cover the costs of running the scheme.";

(4) the following Articles 15a **and 15b** are [...] inserted:

"Article 15a

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 power to adopt delegated acts referred to in [...] Article 15 shall be conferred on the Commission for [...] **a period of five years from [date of entry into force of this 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.**

3. The delegation of power referred to in [...] Article 15 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.

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

6. A delegated act adopted pursuant to [...] Article 15 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.

* OJ L 123, 12.5.2016, p. 1.”;

Article 15b

Separate delegated acts for different delegated powers

The Commission shall adopt a separate delegated act in respect of each power delegated to it pursuant to this Regulation. "

(5) Article 16 (2) is [...] **replaced by the following:**

“2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.”

* Regulation (EU) No 182/2011 of the European Parliament and 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)."
