



**2016/0399(COD)**

19.12.2017

# **AMENDMENTS**

## **4 - 19**

### **Draft report**

**József Szájer**

Adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the EU

Proposal for a regulation

(COM(2016)0798 – C8-0525/2016 – 2016/0399(COD))



**Amendment 4**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The Treaty of Lisbon **introduced** a distinction between **the** powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred upon the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

*Amendment*

(1) The Treaty of Lisbon **has substantially modified the legal framework provisions governing the powers conferred on the Commission by the legislature, introducing** a distinction between powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred upon the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).

Or. ro

**Amendment 5**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) The European Parliament, the Council and the Commission subsequently agreed on a new framework for delegated acts in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>17</sup> and acknowledged the need to align all existing legislation to the legal framework introduced by the Lisbon Treaty. In particular, they agreed on the need to give high priority to the prompt alignment of all basic acts which still refer to the regulatory procedure with scrutiny. The Commission gave a commitment to prepare a proposal for that alignment by the end of 2016.

*Amendment*

(4) The European Parliament, the Council and the Commission subsequently agreed on a new framework for delegated acts in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>17</sup> and acknowledged the need to align all existing legislation to the legal framework introduced by the Lisbon Treaty. In particular, they agreed on the need to give high priority to the prompt alignment of all basic acts which still refer to the regulatory procedure with scrutiny. **The Interinstitutional Agreement and, in particular, the Common Understanding on delegated acts annexed thereto are**

*helping to improve the framework provisions for delegated acts, providing for a clear commitment to a systematic consultation of experts from the Member States in the preparation of delegated acts, including the draft text, thereby fulfilling a key condition for a successful second attempt to align the old RPS provisions to the Lisbon Treaty.* The Commission gave a commitment to prepare a proposal for that alignment by the end of 2016.

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<sup>17</sup> OJ L 123, 12.5.2016, p. 1.

Or. ro

## **Amendment 6**

**Daniel Buda**

### **Proposal for a regulation**

#### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5a) Bundling and presenting empowerments that are not closely linked with each other within a single Commission delegated act impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire package, which leaves no room to express an opinion on each empowerment individually.*

Or. ro

## **Amendment 7**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 14a*

*The Commission shall not bundle multiple empowerments in a single delegated act.*

Or. ro

## **Amendment 8**

**Daniel Buda**

### **Proposal for a regulation**

#### **Annex I – part 1 – paragraph 2 – point 2**

Regulation (EC) No 1206/2001

Article 19b – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

2. The power to adopt delegated acts referred to in Article 19a shall be conferred on the Commission for a period of *five years from [date of entry into force of this 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.*

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*(Annex I – part 1 – paragraph 2 – point 2 Article 19b – paragraph 2)*

#### *Justification*

*The standard five-year renewable delegation of power should apply to all legal files, as in the previous term.*

## **Amendment 9**

**Jens Rohde**

### **Proposal for a regulation**

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**Annex I – part 1 – paragraph 2 – point 2**  
Regulation (EC) No 1206/2001  
Article 19b – paragraph 4

*Text proposed by the Commission*

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*.\*.

*Amendment*

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 *of 13 April 2016* on Better Law-Making\* *and in particular, the Commission shall invite the European Parliament's experts to meetings with national experts if so requested by the European Parliament committee responsible.*

Or. en

**Amendment 10**  
**Jens Rohde**

**Proposal for a regulation**  
**Annex I – part 1 – paragraph 2 – point 2**  
Regulation (EC) No 1206/2001  
Article 19b – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. *The delegated act shall be added to the public register for delegated acts in a timely manner.*

Or. en

**Amendment 11**  
**Jens Rohde**

**Proposal for a regulation**  
**Annex I – part 1 – paragraph 2 – point 2**  
Regulation (EC) No 1206/2001  
Article 19b – paragraph 6

*Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 19a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Amendment*

6. A delegated act adopted pursuant to Article 19a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

**Amendment 12**  
**Daniel Buda**

**Proposal for a regulation**  
**Annex I – part 2 – paragraph 2 – point 2**  
Regulation (EC) No 805/2004  
Article 31a – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. The power to adopt delegated acts referred to in Article 31 shall be conferred on the Commission for **a** period of **five years from [date of entry into force of this 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.**

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*Justification*

*The standard five-year renewable delegation of power should apply to all legal files, as in the previous term.*

**Amendment 13**

**Jens Rohde**

**Proposal for a regulation**

**Annex I – part 2 – paragraph 2 – point 2**

Regulation (EC) No 805/2004

Article 31a – paragraph 4

*Text proposed by the Commission*

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\**.

*Amendment*

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 *of 13 April 2016* on Better Law-Making\* *and in particular, the Commission shall invite the European Parliament's experts to meetings with national experts if so requested by the European Parliament committee responsible.*

Or. en

**Amendment 14**

**Jens Rohde**

**Proposal for a regulation**

**Annex I – part 2 – paragraph 2 – point 2**

Regulation (EC) No 805/2004

Article 31a – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. *The delegated act shall be added to the public register for delegated acts in a timely manner.*



## Amendment 15

Jens Rohde

### Proposal for a regulation

#### Annex I – part 2 – paragraph 2 – point 2

Regulation (EC) No 805/2004

Article 31a – paragraph 6

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 16

Daniel Buda

### Proposal for a regulation

#### Annex I – part 3 – paragraph 2 – point 2

Regulation (EC) No 1393/2007

Article 17a – paragraph 2

#### *Text proposed by the Commission*

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

#### *Amendment*

2. The power to adopt delegated acts referred to in Article 17 shall be conferred on the Commission for **a** period of **five years from [date of entry into force of this 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.*

*(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

Or. ro

*(Annex I – part 3 – paragraph 2 – point 2 Article 17a – paragraph 2)*

*Justification*

*The standard five-year renewable delegation of power should apply to all legal files, as in the previous term.*

**Amendment 17**  
**Jens Rohde**

**Proposal for a regulation**  
**Annex I – part 3 – paragraph 2 – point 2**  
Regulation (EC) No 1393/2007  
Article 17a – paragraph 4

*Text proposed by the Commission*

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\**.

*Amendment*

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 *of 13 April 2016* on Better Law-Making\* *and in particular, the Commission shall invite the European Parliament's experts to meetings with national experts if so requested by the European Parliament committee responsible.*

Or. en

**Amendment 18**  
**Jens Rohde**

**Proposal for a regulation**  
**Annex I – part 3 – paragraph 2 – point 2**  
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*Text proposed by the Commission*

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

*Amendment*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. ***The delegated act shall be added to the public register for delegated acts in a timely manner.***

Or. en

**Amendment 19**  
**Jens Rohde**

**Proposal for a regulation**  
**Annex I – part 3 – paragraph 2 – point 2**  
Regulation (EC) No 1393/2007  
Article 17a – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

Or. en