



2017/0035(COD)

22.1.2018

AMENDMENTS

14 - 79

Draft opinion
Angélique Delahaye
(PE615.396v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers

Proposal for a regulation
(COM(2017)0085 – C8-0034/2017 – 2017/0035(COD))

Amendment 14
Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) ***The*** system established by Regulation (EC) No 182/2011 ***has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended*** to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Amendment

(2) ***It has become evident that there are marked limitations to the*** system established by Regulation (EU) No 182/2011 ***in those cases in which Member States fail to reach the majorities required in the committees set up by the basic acts and deliver a "no opinion" instead of taking a position. In such cases, the Commission is called upon to adopt decisions that are often extremely problematic, for politically sensitive matters which lie outside the Commission's remit but fall within the political preserve of the European Parliament and the Council, especially where this concerns decisions that have a direct impact on citizens and enterprises, as for example in the field of health and safety of humans, animals or plants. That system should therefore be changed radically*** to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Or. it

Amendment 15
Mireille D'Ornano

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The system established by

Amendment

(2) The system established by

Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except *for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.*

Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved, *except in cases where the appeal committee does not manage to take a decision and where the adoption of the draft implementing act is at the discretion of the Commission.* That system should therefore continue to function unchanged except *in the abovementioned situation.*

Or. fr

Amendment 16

Joëlle Mélin, Sylvie Goddyn, Matteo Salvini, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The system established by Regulation (EC) No 182/2011 *has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved.* That system should therefore *continue to function unchanged except for certain* targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts *without, however, modifying the legal and institutional responsibilities for implementing acts as organised by*

Amendment

(2) The system established by Regulation (EC) No 182/2011 *has led to a plethora of implementing acts, making it difficult for Parliament and the Council to exercise their control function. It is clear from the number of objections that Parliament has adopted, particularly to the authorisation of genetically modified organisms (GMOs) or pesticides – matters on which public opinion is clear – that the system of adoption and control of implementing acts takes scant account of democratic parliamentary representation.* That system should therefore *be changed, particularly through the adoption of* targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are

Regulation (EU) No 182/2011.

intended to ensure *that Member State governments assume* wider political accountability and ownership of politically sensitive implementing acts.

Or. fr

Amendment 17
Karin Kadenbach

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Amendment

(2) The system established by Regulation (EC) No 182/2011 has, overall, proven to work well in practice and struck an appropriate institutional balance as regards the roles of the Commission and the other actors involved. That system should therefore continue to function unchanged except for certain targeted amendments concerning specific aspects of *the advisory procedure and examination procedure, including the* procedure at the level of the appeal committee. These amendments are intended to ensure wider political accountability and ownership of politically sensitive implementing acts without, however, modifying the legal and institutional responsibilities for implementing acts as organised by Regulation (EU) No 182/2011.

Or. en

Justification

The objective of greater Member States' accountability and transparency as argued in the proposal must be achieved throughout the whole comitology procedure and not be solely limited to the level of Appeal Committee.

Amendment 18
Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed **and plant protection products**.

Amendment

(3) In a number of specific cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to **authorisations for plant protection products and other active substances**, genetically modified organisms and genetically modified food and feed.

Or. it

Amendment 19
Mireille D'Ornano

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In a number of **specific** cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products.

Amendment

(3) In a **significant** number of cases, Regulation (EU) No 182/2011 provides for referral to the appeal committee. In practice, the appeal committee has been seized in cases where no qualified majority, either in favour or against, was attained within the committee in the context of the examination procedure and thus no opinion was delivered. In the majority of cases this happened in relation to genetically modified organisms and genetically modified food and feed and plant protection products.

Or. fr

Amendment 20

Joëlle Mélin, Sylvie Goddyn, Matteo Salvini, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions.

Amendment

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions ***despite the fact that the Member States are consulted at the examination procedure stage, and those positions may remain undisclosed when the matter goes to the vote.***

Or. fr

Amendment 21

Luke Ming Flanagan

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered. The appeal committee has therefore not helped in providing clarity on Member State positions.

Amendment

(4) Experience has shown that, in the vast majority of cases, the appeal committee repeats the outcome of the examination committee and results in no opinion being delivered, ***resulting in disproportionate responsibility being placed on the Commission.*** The appeal committee has therefore not helped in providing clarity on Member State positions.

Or. en

Amendment 22
Mireille D'Ornano

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion.

Amendment

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion, ***an unacceptable situation under the most basic rules of a democratic system.***

Or. fr

Amendment 23
Monika Beňová

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion.

Amendment

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission discretion, ***subject to the procedure laid down, without prejudice to the limitations laid down.***

Or. en

Amendment 24
Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission *discretion*.

Amendment

(5) Regulation (EU) No 182/2011 provides that the Commission may in such cases adopt the draft implementing act, thus giving the Commission *discretionary power that is normally the preserve of the European Parliament and the Council*.

Or. it

Amendment 25

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) That discretion is, however, *significantly* reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment

(6) That discretion is, however, reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision. *Throughout the procedure, moreover, the Commission may choose to disregard Parliament's position entirely, as it has done on almost 20 occasions in the past three years, thus, while undoubtedly complying with the Treaties, giving members of the public every reason to be mistrustful of the EU.*

Or. fr

Amendment 26

Lampros Fountoulis

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) That discretion *is*, however, ***significantly*** reduced in cases relating to the authorisation of products or substances, ***such as*** in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment

(6) That discretion ***should***, however, ***be extremely*** reduced in cases relating to the authorisation of products or substances, ***especially*** in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Or. el

Amendment 27
Mireille D'Ornano

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) That discretion is, however, ***significantly*** reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Amendment

(6) That discretion is, however, reduced in cases relating to the authorisation of products or substances, such as in the area of genetically modified food and feed, as the Commission is obliged to adopt a decision within a reasonable time and cannot abstain from taking a decision.

Or. fr

Amendment 28
Mireille D'Ornano

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) ***While*** the Commission ***is empowered to decide*** in ***such*** cases, ***due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however,***

Amendment

(7) ***The option of*** the Commission ***deciding*** in cases ***where the appeal committee takes no decision should therefore be removed.***

is not the case when Member States are not able to reach a qualified majority, due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.

Or. fr

Amendment 29
Bart Staes

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should **also fully** assume **their** responsibility in the decision-making process. ***This, however, is not the case when*** Member States are not able to reach a qualified majority, ***due to, amongst others, a significant number of abstentions or non-appearances at the moment of the vote.***

Amendment

(7) While the Commission is **currently** empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should assume **greater** responsibility in the decision-making process. ***Where the act concerns the protection of the health or safety of humans, animals or plants, greater weight should be given to political accountability. When in such cases*** Member States are not able to reach a qualified majority ***in favour of proposals to grant authorisation for a product or substance, that authorisation should be deemed to have been refused.***

Or. en

Justification

The Commission has large powers when it comes to implementing acts. Legally, in the current system, they could even decide against a simple majority in the appeal committee. This goes against political accountability. The rules should be changed so that authorisations in sensitive sectors can only be granted if they are supported by a qualified majority.

Amendment 30
Julie Girling

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to, ***amongst others***, a significant number of abstentions or non-appearances at the moment of the vote.

Amendment

(7) While the Commission is empowered to decide in such cases, due to the particular sensitivity of the issues at stake, Member States should also fully assume their responsibility in the decision-making process. This, however, is not the case when Member States are not able to reach a qualified majority, due to ***a variety of reasons including*** a significant number of abstentions or non-appearances at the moment of the vote.

Or. en

Amendment 31
Mireille D'Ornano

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) ***In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.***

Amendment

deleted

Or. fr

Amendment 32
Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

deleted

Or. it

Amendment 33
Julie Girling

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility, *in exceptional circumstances*, of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Or. en

Amendment 34
Frédérique Ries

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Amendment

(8) In order to increase the added value of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee, ***at the earliest opportunity***, whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee should be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to deliver an opinion should be extended.

Or. fr

Amendment 35
Mireille D'Ornano

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to increase the ***added value*** of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee ***should*** be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to ***deliver an opinion*** should be extended.

Amendment

(8) In order to increase the ***legitimacy*** of the appeal committee its role should therefore be strengthened by providing for the possibility of holding a further meeting of the appeal committee whenever no opinion is delivered. The appropriate level of representation at the further meeting of the appeal committee ***may*** be ministerial level, to ensure a political discussion. To allow the organisation of such a further meeting the timeframe for the appeal committee to ***indicate its position*** should be extended.

Amendment 36

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) *The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.* **deleted**

Or. it

Amendment 37

Mireille D'Ornano

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) *The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for* **deleted**

Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Or. fr

Amendment 38

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The voting rules for the appeal committee ***should*** be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no

Amendment

(9) The voting rules for the appeal committee ***ought to*** be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no

opinion, as is the case today.

opinion, as is the case today. *We would point out, however, that amending the rules for the calculation of the qualified majority in this way would be in breach of the Treaties^{1a}.*

^{1a}[http://www.europarl.europa.eu/RegData/docs_autres_institutions/parlements_nationaux/com/2017/0085/PL_SENATE_CONTI-COM\(2017\)0085_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/parlements_nationaux/com/2017/0085/PL_SENATE_CONTI-COM(2017)0085_EN.pdf)
[http://www.europarl.europa.eu/RegData/docs_autres_institutions/parlements_nationaux/com/2017/0085/FR_SENATE_CONTI-COM\(2017\)0085_FR.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/parlements_nationaux/com/2017/0085/FR_SENATE_CONTI-COM(2017)0085_FR.pdf)

Or. fr

Amendment 39

Luke Ming Flanagan

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a *simple* majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Amendment

(9) The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, and which do not abstain, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a *qualified* majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Amendment 40**Bart Staes****Proposal for a regulation****Recital 9***Text proposed by the Commission*

(9) The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented, **and which do not abstain**, should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Amendment

(9) The voting rules for the appeal committee should be changed in order to reduce the risk of no opinion being delivered and to provide an incentive for Member State representatives to take a clear position. To this end only Member States which are present or represented should be considered as participating Member States for the calculation of the qualified majority. In order to ensure that the voting outcome is representative a vote should only be considered valid if a simple majority of the Member States are participating members of the appeal committee. If the quorum is not reached before expiry of the time-limit for the committee to take a decision, it will be considered that the committee delivered no opinion, as is the case today.

Or. en

Justification

The Commission has large powers when it comes to implementing acts. Legally, they could even decide against a simple majority in the appeal committee. This goes against political accountability. Abstentions are a legitimate political position (especially in coalition governments). While it is legitimate to discount absences, it is unacceptable for the Commission to further enlarge its powers by dismissing abstentions. Abstentions should continue to count.

Amendment 41**Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh**

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to *ask* the Council *to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications*. The Commission should *take account of any position expressed* by the Council *within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.*

Amendment

(10) The Commission should have the possibility, in specific cases, to *refer* the *matter to the* Council. The Commission should *adopt the proposal referred back to it* by the Council.

Or. it

Amendment 42
Karin Kadenbach

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate *its* views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the *two co-legislators, the European Parliament and* Council, to indicate *their* views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the *European Parliament and the* Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. en

Justification

If new responsibilities are created for the Council, which currently enjoys only a right of scrutiny together with the European Parliament, then the European Parliament itself needs to be involved in the process as well. The Council and the Parliament as co-legislators must remain on equal footing throughout the process as according to the functional separation of powers in the EU politically sensitive issues must be decided by EU legislative, i.e. the Council and the European Parliament.

Amendment 43

Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate *its* views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the ***European Parliament and the*** Council to indicate ***their*** views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the ***European Parliament and the*** Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. it

Amendment 44

Julie Girling

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the

absence of an opinion, including the institutional, legal, political and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

absence of an opinion, including the institutional, legal, political, *financial* and international implications. The Commission should take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. en

Amendment 45
Mireille D'Ornano

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should *take account of* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

(10) The Commission should have the possibility, in specific cases, to ask the Council to indicate its views and orientation on the wider implications of the absence of an opinion, including the institutional, legal, political and international implications. The Commission should *comply with* any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. fr

Amendment 46
Karin Kadenbach

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Transparency *on the votes of Member State representatives at* the appeal committee level should be increased

Amendment

(11) Transparency *throughout the entire advisory and examination procedures, including* the appeal

and the individual Member State representatives' votes should be made public.

committee level should be increased. ***In particular***, the individual Member State representatives' votes, ***including their voting intentions, in case no formal vote takes place, accompanied by clear justifications***, should be made public.

Or. en

Justification

The objective of greater Member States' accountability and transparency as argued in the proposal must be achieved throughout the whole comitology procedure and not be solely limited to the level of Appeals Committee. Therefore making public voting indications and voting intentions of individual Member States shall apply to all procedures as making the voting public clarifies the responsibility of the individual Member States.

Amendment 47

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and the individual Member State representatives' votes should be made public.

Amendment

(11) Transparency on the votes of Member State representatives at the appeal committee level, ***and during the prior examination procedure***, should be increased, ***States should be invited to explain their votes*** and the individual Member State representatives' votes should be made public.

Or. fr

Amendment 48

Luke Ming Flanagan

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and the individual Member State representatives' votes should be made public.

Amendment

(11) Transparency on the votes of Member State representatives at the appeal committee level should be increased and the individual Member State representatives' ***attendance at the appeals committee and their*** votes should be made public.

Or. en

Amendment 49

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) For Regulation (EU) No 182/2001 to improve further the functioning of the institutional system, the right of the European Parliament and of the Council to scrutinise the legality of Union acts should be made effective. If the European Parliament or the Council indicate to the Commission that in their opinion a draft implementing act exceeds the implementing powers provided for in the basic act, the Commission should not be able to adopt said draft implementing act without changes thereto.

Or. it

Amendment 50

Karin Kadenbach

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to guarantee full accountability of decisions taken throughout the comitology process, the appropriate level of transparency has to be ensured. This should include making the proposals, written comments submitted by Member States, all proposed amendments and detailed minutes of committee meetings public. Moreover, each standing committee should ensure balanced participation of stakeholders under observer status in its meetings.

Or. en

Justification

Current rules are characterised by clear lack of accountability and transparency. Access to documents such as positions of Member States presented at the meetings, their written comments and justifications is key as it is the only possible way for the public to become informed about the decisions being taken and hold their governments accountable.

Amendment 51

Bart Staes

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Where it appears difficult to obtain positive opinions from the Member States in relation to similar draft implementing acts, consideration should be given to reviewing the implementing powers conferred on the Commission in the relevant basic acts.

Or. en

Justification

Systematic problems with similar draft implementing acts may warrant a review of the implementing powers in the relevant basic act.

Amendment 52

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Regulation (EU) No 182/2011 should therefore be amended accordingly,

Amendment

(12) Regulation (EU) No 182/2011 should therefore be amended accordingly ***once it has been duly confirmed that it will be compatible with the Treaties,***

Or. fr

Amendment 53

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

(1) ***in Article 3(7), the following sixth subparagraph is added:***

"Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.";

Amendment

deleted

Or. it

Amendment 54

Frédérique Ries

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Amendment

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level ***and at the earliest possible opportunity***. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

The Commission may decide in exceptional and duly justified cases to reduce the time limits provided for in this paragraph.

Or. fr

Amendment 55

Piernicola Pedicini, Eleonora Evi

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.”;

Amendment

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level.
Upon a reasoned request from the European Parliament, one Member of the European Parliament per political group shall be admitted to this meeting as observers. In such cases the appeal committee shall deliver its opinion within 3 months of the initial date of referral.

Amendment 56

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) No 182/2011

Article 3 – paragraph 7 – subparagraph 6

Text proposed by the Commission

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within **3** months of the initial date of referral.

Amendment

Where no opinion is delivered in the appeal committee pursuant to the second subparagraph of Article 6(3), the chair may decide that the appeal committee shall hold a further meeting, at ministerial level. In such cases the appeal committee shall deliver its opinion within **2** months of the initial date of referral.

Or. fr

Justification

Given that it is rarely necessary to hold a second appeal committee meeting, it is fair to expect Member State representatives to attend at reasonable notice.

Amendment 57

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Regulation (EU) No 182/2011

Article 5 – paragraph 4

Present text

4. *Where* no opinion is delivered, the Commission may adopt the draft implementing act, except in the cases provided for in the second subparagraph.

Amendment

(1a) In Article 5, paragraph 4 is replaced by the following:

"4. *Without prejudice to Article 7, where* no opinion is delivered, the Commission may *not* adopt the draft implementing act, except in the cases

Where *the Commission does not adopt the draft* implementing act, the chair may submit *to the committee* an amended version *thereof*.

Without prejudice to Article 7, the Commission shall not adopt the draft implementing act where:

(a) *that act concerns taxation, financial services, the protection of the health or safety of humans, animals or plants, or definitive multilateral safeguard measures;*

(b) *the basic act provides that the draft implementing act may not be adopted where no opinion is delivered; or*

(c) *a simple majority of the component members of the committee opposes it.*

In any of the cases referred to in the second subparagraph, where an implementing act is deemed to be necessary, the chair may either submit an amended version of that act to the same committee within 2 months of the vote, or submit the draft implementing act within 1 month of the vote to the appeal committee for further deliberation.

provided for in the second subparagraph.

Where *an* implementing act *is deemed to be necessary*, the chair may *either* submit an amended version of that act to the same committee within 2 months of the vote, or submit the draft implementing act within 1 month of the vote to the appeal committee for further deliberation.".

Or. it

Amendment 58

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EU) No 182/2011

Article 6 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

Amendment

(a) *in paragraph 1, the following
second subparagraph is added:* **deleted**

"However, only members of the appeal committee who are present or represented at the time of the vote, and do not abstain from voting, shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.";

Or. it

Amendment 59
Mireille D'Ornano

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a
Regulation (EU) No 182/2011
Article 6 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

Amendment

(a) *in paragraph 1, the following
second subparagraph is added:* **deleted**

However, only members of the appeal committee who are present or represented at the time of the vote, and do not abstain from voting, shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.

Or. fr

Amendment 60
Bart Staes

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EU) No 182/2011

Article 6 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

However, only members of the appeal committee who are present or represented at the time of the vote, ***and do not abstain from voting***, shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.

Amendment

However, only members of the appeal committee who are present or represented at the time of the vote shall be considered as participating members of the appeal committee. The majority referred to in Article 5(1) shall be the qualified majority referred to in Article 238(3) (a) TFEU. A vote shall only be considered to be valid if a simple majority of the Member States are participating members.

Or. en

Justification

The Commission has large powers when it comes to implementing acts. Legally, they could even decide against a simple majority in the appeal committee. This goes against political accountability. Abstentions are a legitimate political position (especially in coalition governments). While it is legitimate to discount absences, it is unacceptable for the Commission to further enlarge its powers by dismissing abstentions. Abstentions should continue to count.

Amendment 61
Mireille D'Ornano

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

(aa) The second subparagraph of paragraph 3 shall be deleted.

Or. fr

Amendment 62

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

(aa) in paragraph 3, the second subparagraph is deleted;

Or. it

Amendment 63

Bart Staes

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

Text proposed by the Commission

Amendment

(b) The following paragraph 3a is inserted deleted

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.;

Or. en

Justification

There is no need to create an instance above the appeal committee.

Amendment 64
Karin Kadenbach

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b
Regulation (EU) No 182/2011
Article 6 – paragraph 3 a

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the ***European Parliament and the*** Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by the ***European Parliament and the*** Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. en

Justification

If new responsibilities are created for the Council, which currently enjoys only a right of scrutiny together with the European Parliament, then the European Parliament itself needs to be involved in the process as well. The Council and the Parliament as co-legislators must remain on equal footing throughout the process as according to the functional separation of powers in the EU politically sensitive issues must be decided by EU legislative, i.e. the Council and the European Parliament.

Amendment 65
Eleonora Evi, Piernicola Pedicini

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission **may** refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

3a. Where no opinion is delivered in the appeal committee, the Commission **shall** refer the matter to **the European Parliament and** the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall take account of any position expressed by **the European Parliament and** the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. it

Amendment 66

Joëlle Mélin, Matteo Salvini, Sylvie Goddyn, Jean-François Jalkh, Marie-Christine Boutonnet

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission **may** refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall **take account of any position expressed by the Council** within 3 months **after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.**

Amendment

3a. Where no opinion is delivered in the appeal committee, the Commission **shall** refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. **The Council shall make recommendations which shall be forwarded to the Commission, the Member States and Parliament.** The Commission shall **use the recommendations to draw up a fresh proposal for an implementing act** within 3 months.

Amendment 67

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EU) No 182/2011

Article 6 – paragraph 3 a

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council *for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications*. The Commission *shall take account of any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.*";

Amendment

3a. Where no opinion is delivered in the appeal committee, the Commission may:

(a) *withdraw the draft implementing act; or*

(b) refer the matter to the Council. The *Council shall by the majority laid down in Article 5(1) propose to the Commission either that it adopt the draft implementing act, with or without amendments, or that it not adopt it. The Commission shall adopt without delay the Council's proposal.*

Or. it

Amendment 68

Mireille D'Ornano

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Text proposed by the Commission

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall **take account of** any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Amendment

3a. Where no opinion is delivered in the appeal committee, the Commission may refer the matter to the Council for an opinion indicating its views and orientation on the wider implications of the absence of opinion, including the institutional, legal, political and international implications. The Commission shall **comply with** any position expressed by the Council within 3 months after the referral. In duly justified cases, the Commission may indicate a shorter deadline in the referral.

Or. fr

Amendment 69

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4

Present text

4. By way of derogation from **paragraph 3**, for the adoption of definitive multilateral safeguard measures, in the absence of a positive opinion voted by the majority provided for in Article 5(1), the Commission shall not adopt the draft measures.

Amendment

(ba) Paragraph 4 is replaced by the following:

"4. By way of derogation from **paragraphs 3 and 3a**, for the adoption of definitive multilateral safeguard measures, in the absence of a positive opinion voted by the majority provided for in Article 5(1), the Commission shall not adopt the draft measures."

Or. it

Amendment 70

Eleonora Evi, Piernicola Pedicini

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) 182/2011

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is inserted:

"4a. By way of derogation from paragraph 3, where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act for which the basic act provides involves a proposal to grant authorisation for a product or substance, in the absence of a positive opinion voted by the majority provided for in Article 5(1), the Commission shall not adopt that draft implementing act and the authorisation shall be deemed to have been refused."

Or. it

Amendment 71

Bart Staes

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EU) No 182/2011

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

"4a. By way of derogation from paragraph 3, where the basic act concerns the protection of the health or safety of humans, animals or plants and the draft implementing act for which the basic act provides involves proposing to grant authorisation for a product or substance, in the absence of a positive opinion voted by the majority provided for in Article

5(1), the Commission shall not adopt that draft implementing act and the authorisation shall be deemed to have been refused.”.

Or. en

Justification

The Commission has large powers when it comes to implementing acts. Legally, in the current system, they could even decide against a simple majority in the appeal committee. This goes against political accountability. The rules should be changed so that authorisations in sensitive sectors can only be granted if they are supported by a qualified majority.

Amendment 72
Karin Kadenbach

Proposal for a regulation
Article 1 – paragraph 1 – point 2 a (new)
Regulation (EU) 182/2011
Article 9 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) in Article 9, paragraph 1 the following third subparagraph is added after subparagraph 2:

“Each committee shall ensure balanced participation of stakeholders under the observer status in all meetings.”;

Or. en

Amendment 73
Karin Kadenbach

Proposal for a regulation
Article 3 – paragraph 1 – point 3 – point -a (new)
Regulation (EU) No 182/2011
Article 10 – paragraph 1 – point c

Present text

Amendment

(-a) in paragraph 1, point (c) is

(c) the summary records, together with the lists of *the authorities and organisations to which the* persons designated by the Member States *to represent them* belong;

replaced by the following:

"(c) the summary records, together with the lists of persons designated by the Member States *and the authorities and organisations they belong to, written comments submitted by the Member States, all proposed amendments and detailed minutes of each meeting;*"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011R0182&from=EN>)

Amendment 74
Karin Kadenbach

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EU) No 182/2011
Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) the voting results including, *in the case of the appeal committee*, the votes expressed by the representative of each Member State; ;

Amendment

(e) the voting results including the votes expressed by the representative of each Member State *and, in case no formal vote takes place, Member States' voting intentions accompanied by clear justifications;*

Or. en

Amendment 75
Luke Ming Flanagan

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EU) No 182/2011
Article 10 – paragraph 1 – point e

Text proposed by the Commission

(e) the voting results including, in the case of the appeal committee, the votes expressed by the representative of each

Amendment

(e) the voting results including, in the case of the appeal committee, the votes expressed by, *and the attendance of*, the

Member State;

representative of each Member State;

Or. en

Amendment 76

Karin Kadenbach

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EU) No 182/2011

Article 10 – paragraph 5

Text proposed by the Commission

5. ***The references of*** all documents referred to in points (a) to (d), (f) and (g) of paragraph 1 as well as the information referred to in points (e) and (h) of that paragraph shall be made public in the register.

Amendment

5. All documents referred to in points (a) to (d), (f) and (g) of paragraph 1 as well as the information referred to in points (e) and (h) of that paragraph shall be made public in the register.

Or. en

Amendment 77

Matteo Salvini, Joëlle Mélin, Sylvie Goddyn, Jean-François Jalkh

Proposal for a regulation

Article 1 – paragraph 1 – point 3 a (new)

Regulation (EU) No 182/2011

Article 11 – paragraph 1

Present text

Where a basic act is adopted under the ordinary legislative procedure, either the European Parliament or the Council may at any time indicate to the Commission that, in its view, a draft implementing act exceeds the implementing powers provided for in the basic act. In such a case, the Commission shall review the draft implementing act, taking account of the positions expressed, and shall inform the

Amendment

(3a) Article 11 is replaced by the following:

"Where a basic act is adopted under the ordinary legislative procedure, either the European Parliament or the Council may at any time ***before the Commission refers the matter to the Council in accordance with Article 6(3a)(b)***, indicate to the Commission that, in its view, a draft implementing act exceeds the implementing powers provided for in the basic act. In such a case, the Commission

European Parliament and the Council
*whether it intends to maintain, amend or
withdraw the draft implementing act.*

shall review the draft implementing act,
taking account of the positions expressed,
and shall *within two months*:

(a) *submit an amended version
thereof to the committee; or*

(b) *refer the draft implementing act
back to the Council in accordance with
Article 6(3a)(b); or*

(c) *withdraw it.*

The Commission shall inform the
European Parliament and the Council *of
the decision taken."*

Or. it

Amendment 78
Bart Staes

Proposal for a regulation
Article 1 – paragraph 1 – point 3 a (new)
Regulation (EU) No 182/2011
Article 11 – paragraph 1

Present text

Where a basic act is adopted under the
ordinary legislative procedure, either the
European Parliament or the Council may at
any time indicate to the Commission that,
in its view, a draft implementing act
exceeds the implementing powers provided
for in the basic act. In such a case, the
Commission shall review the draft
implementing act, taking account of the
positions expressed, and shall inform the
European Parliament and the Council
whether it intends to *maintain*, amend or
withdraw the draft implementing act.

Amendment

**(3a) in Article 11, paragraph 1 is
replaced by the following:**

"Where a basic act is adopted under the
ordinary legislative procedure, either the
European Parliament or the Council may at
any time indicate to the Commission that,
in its view, a draft implementing act
exceeds the implementing powers provided
for in the basic act, *or is not consistent
with Union law in other respects*. In such a
case, the Commission shall review the draft
implementing act, taking account of the
positions expressed, and shall inform the
European Parliament and the Council
whether it intends to amend or withdraw
the draft implementing act."

Or. en

([http://eur-lex.europa.eu/legal-
content/EN/TXT/?qid=1516208034834&uri=CELEX:32011R0182](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1516208034834&uri=CELEX:32011R0182))

Justification

In accordance with Rule 106 of the EP Rules of Procedure, the scrutiny rights of Parliament and Council should include the possibility to indicate not only that a Commission draft implementing act exceeds the implementing powers provided for in the basic act, but also that it is not consistent with Union law in other respects. In case of an objection by either institution, the Commission should no longer be allowed to maintain its position, but should amend or withdraw it.

Amendment 79

Bart Staes

Proposal for a regulation

Article 1 – paragraph 1 – point 3 b (new)

Regulation (EU) No 182/2011

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(3b) In Article 11, the following paragraph is added:

“In addition, where either the European Parliament or the Council considers that the conferral of implementing powers on the Commission in the basic act needs to be reviewed, it may, at any time, call on the Commission to submit a proposal to amend that basic act.”

Or. en

Justification

Where it appears difficult to obtain a positive opinion of the Member States in similar cases, it may be opportune to review the implementing powers conferred on the Commission.