



Plenary sitting

A8-9999/2018

2.2.2018

*****I**

REPORT

on the 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
(COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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 (COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0799),
 - having regard to Article 294(2) and Article 33, Article 43(2), Article 53(1), Article 62, Article 64(2), Article 91, Article 100(2), Article 114, Article 153(2)(b), Article 168(4) (a), Article 168(4)(b), Article 172, Article 192(1), Article 207, Article 214(3), and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0524/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 1 June 2017¹,
 - having regard to the opinion of the Committee of the Regions of 12 December 2017²,
 - having regard to the letters of the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and also the opinions and position in the form of amendments of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism and the Committee on Agriculture and Rural Development (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 288, 31.8.2017, p. 29.

² OJ C ...

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Treaty of Lisbon ***introduced 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).

Amendment

(1) The Treaty of Lisbon ***has substantially modified the legal framework governing the powers conferred on the Commission by the legislator, introducing a clear*** 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).

Amendment 2

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Bundling and presenting empowerments that are not closely linked with each other within a single delegated act of the Commission impedes the exercise of Parliament's right of scrutiny, as it is forced to simply accept or refuse the entire delegated act, which leaves no room to express an opinion on each empowerment individually.

Amendment 3

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 1

Directive 2009/31/EC

Article 29 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 29a amending the Annexes.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 29a amending the Annexes ***to this Directive in order to adapt to technical and scientific progress.***

Justification

Necessary to ensure consistency with the wording used in the Commission proposal no COM(2016)0789, notably its Article 2(2).

Amendment 4

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 2

Directive 2009/31/EC

Article 29 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 5

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 3

Directive 2009/31/EC

Article 30

Text proposed by the Commission

(3) Article 30 is ***deleted***.

Amendment

(3) Article 30 is ***replaced by the following***:

“Article 30

Committee procedure

1. The Commission shall be assisted by the Climate Change Committee established by Article 26 of Regulation (EU) No 525/2013 of the European Parliament and of the Council*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council**.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.”

**** Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).***

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

Justification

Necessary to ensure consistency with the wording used in the Commission proposal no COM(2016)0789, notably its Article 2(4).

Amendment 6

Proposal for a regulation Annex I – Part I – point 2

Text proposed by the Commission

Amendment

[...]

deleted

Justification

Given that the choice of delegation of power from RPS to DA / IA as regards the Effort Sharing Decision is not uncontroversial, and that the obligations under the Decision will be replaced by another Regulation for the 2021-2030 period, it would be preferable not to include 406/2009/EC in this Omnibus proposal.

Amendment 7

Proposal for a regulation Annex I – Part I – point 3 – paragraph 3 – point 1 Regulation (EC) No 1005/2009 Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the form and content of the label to be used.”

“The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning the form and content of the label to be used.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 8

Proposal for a regulation Annex I – Part I – point 3 – paragraph 3 – point 2 – point a Regulation (EC) No 1005/2009 Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the form and content of the label to be used.”

“The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning the form and content of the label to be used.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 9

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 3 – point a

Regulation (EC) No 1005/2009

Article 10 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the form and content of the label to be used.

The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning the form and content of the label to be used.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 10

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 3 – point b

Regulation (EC) No 1005/2009

Article 10 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning a mechanism for the allocation of quotas to producers and importers.

The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning a mechanism for the allocation of quotas to producers and importers.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 11

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 6

Regulation (EC) No 1005/2009

Article 19 – paragraph 1

Text proposed by the Commission

"The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning additional measures for the monitoring of controlled substances or new substances and of products and equipment containing or relying on controlled substances placed under temporary storage, customs warehousing or free zone procedure or in transit through the customs territory of the Union and subsequently re-exported, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, taking into account the environmental benefits and socio-economic impacts of such measures."

Amendment

"The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation by establishing rules** concerning additional measures for the monitoring of controlled substances or new substances and of products and equipment containing or relying on controlled substances placed under temporary storage, customs warehousing or free zone procedure or in transit through the customs territory of the Union and subsequently re-exported, on the basis of an evaluation of the potential risks of illegal trade linked to such movements, taking into account the environmental benefits and socio-economic impacts of such measures."

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 12

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 7

Regulation (EC) No 1005/2009

Article 20 – paragraph 2

Text proposed by the Commission

"2. The Commission is empowered to adopt delegated acts in accordance with Article 24a **concerning** the rules, in line with decisions taken by the Parties,

Amendment

"2. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation by establishing** the rules, in line with

applicable to the release for free circulation in the Union of products and equipment imported from any State not party to the Protocol which were produced using controlled substances but do not contain substances which can be positively identified as controlled substances. The identification of such products and equipment shall comply with periodical technical advice given to the Parties.”

decisions taken by the Parties, applicable to the release for free circulation in the Union of products and equipment imported from any State not party to the Protocol which were produced using controlled substances but do not contain substances which can be positively identified as controlled substances. The identification of such products and equipment shall comply with periodical technical advice given to the Parties.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 13

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 8 – point b

Regulation (EC) No 1005/2009

Article 22 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning a list of products and equipment, in line with decisions taken by the Parties, for which the recovery of controlled substances or destruction of products and equipment without prior recovery of controlled substances shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation by establishing rules** concerning a list of products and equipment, in line with decisions taken by the Parties, for which the recovery of controlled substances or destruction of products and equipment without prior recovery of controlled substances shall be considered technically and economically feasible, specifying, if appropriate, the technologies to be applied.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 14

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 8 – point c

Regulation (EC) No 1005/2009

Article 22 – paragraph 5 – subparagraphs 2 and 3

Text proposed by the Commission

“The Commission shall evaluate the measures taken by the Member States and is empowered to adopt delegated acts in accordance with Article 24a concerning those minimum qualification requirements, in the light of that evaluation and of technical and other relevant information.”

Amendment

“The Commission shall evaluate the measures taken by the Member States and is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning those minimum qualification requirements, in the light of that evaluation and of technical and other relevant information.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 15

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 9 – point a – point i

Regulation (EC) No 1005/2009

Article 23 – paragraph 4 – subparagraph 1

Text proposed by the Commission

“Member States shall define the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 2. In the light of an evaluation of those measures taken by the Member States and of technical and other relevant information, the Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the harmonisation of those minimum qualification requirements.”

Amendment

“Member States shall define the minimum qualification requirements for the personnel carrying out activities referred to in paragraph 2. In the light of an evaluation of those measures taken by the Member States and of technical and other relevant information, the Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by establishing rules*** concerning the harmonisation of those minimum qualification requirements.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 16

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 9 – point b

Text proposed by the Commission

“7. The Commission is empowered to adopt delegated acts in accordance with Article 24a establishing a list of technologies or practices to be used by undertakings to prevent and minimise any leakage and emissions of controlled substances.”

Amendment

“7. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation** by establishing a list of technologies or practices to be used by undertakings to prevent and minimise any leakage and emissions of controlled substances.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 17

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 11

Regulation (EC) No 1005/2009

Article 24 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(2), Article 8(3) and (5), Article 10(3) and (6), Article 13(2), Article 18(9), Article 19, Article 20(2), Article 22(3), (4) and (5), Article 23(4) and (7), Article 24(2) and (3), Article 26(3) and Article 27(10) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 7(2), Article 8(3) and (5), Article 10(3) and (6), Article 13(2), Article 18(9), Article 19, Article 20(2), Article 22(3), (4) and (5), Article 23(4) and (7), Article 24(2) and (3), Article 26(3) and Article 27(10) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 18

Proposal for a regulation

Annex I – Part I – point 3 – paragraph 3 – point 14

Regulation (EC) No 1005/2009

Article 27 – paragraph 10

Text proposed by the Commission

“10. The Commission is empowered to adopt delegated acts in accordance with Article 24a **concerning amendments** to the reporting requirements laid down in paragraphs **1 to 7** of this Article in order to meet the commitments under the Protocol or to facilitate their application.”

Amendment

“10. The Commission is empowered to adopt delegated acts in accordance with Article 24a to **amend** the reporting requirements laid down in paragraphs **1to 7** of this Article in order to meet the commitments under the Protocol or to facilitate their application.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 19

Proposal for a regulation

Annex I – Part II – point 4 – paragraph 2 – point 1

Directive 2002/58/EC

Article 4 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 14b, **concerning** the circumstances, format and procedures applicable to the information and notification requirements referred to in paragraphs 2, 3 and 4 of this Article, following consultation with the European Network and Information Security Agency (ENISA), the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC and the European Data

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 14b **to supplement this Directive in respect of** the circumstances, format and procedures applicable to the information and notification requirements referred to in paragraphs 2, 3 and 4 of this Article, following consultation with the European Network and Information Security Agency (ENISA), the Working Party on the Protection of Individuals with regard to the Processing of Personal Data established by Article 29 of Directive 95/46/EC and the

*Justification**Clarification of empowerment (i.e. to supplement).***Amendment 20****Proposal for a regulation****Annex I – Part II – point 4 – paragraph 2 – point 3**

Directive 2002/58/EC

Article 14 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [from the date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 4(5) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

*Justification**Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).***Amendment 21****Proposal for a regulation****Annex I – Part II – point 5 – paragraph 2 – point 1**

Regulation (EC) No 733/2002

Article 3 – paragraph 1 – point a

*Text proposed by the Commission**Amendment*

“(a) adopt delegated acts in accordance with Article 5a establishing the criteria and the procedure for the designation of the Registry.

Where, in the case of establishing the criteria and the procedure for the designation of the Registry, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this Article;”

“(a) adopt delegated acts in accordance with Article 5a **to supplement this Regulation by** establishing the criteria and the procedure for the designation of the Registry.

Where, in the case of establishing the criteria and the procedure for the designation of the Registry, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this Article;”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 22

Proposal for a regulation

Annex I – Part II – point 5 – paragraph 2 – point 2 – point a

Regulation (EC) No 733/2002

Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

“After consulting the Registry, the Commission is empowered to adopt delegated acts in accordance with Article 5a setting out public policy rules on the implementation and function of the .eu TLD and public policy principles on registration.”

Amendment

“After consulting the Registry, the Commission is empowered to adopt delegated acts in accordance with Article 5a **to supplement this Regulation by** setting out public policy rules on the implementation and function of the .eu TLD and public policy principles on registration.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 23

Proposal for a regulation

Annex I – Part II – point 5 – paragraph 2 – point 2 – point b

Regulation (EC) No 733/2002

Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

“Where a Member State or the Commission within 30 days of publication raises an objection to an item included in a notified list, the Commission is empowered to adopt delegated acts, in accordance with Article 5a, to remedy the situation.”

“Where a Member State or the Commission within 30 days of publication raises an objection to an item included in a notified list, the Commission is empowered to adopt delegated acts, in accordance with Article 5a, to remedy the situation **by supplementing this Regulation.**”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 24

Proposal for a regulation

Annex I – Part II – point 5 – paragraph 2 – point 3

Regulation (EC) No 733/2002

Article 5 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(1) and Article 5(1) and (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 3(1) and Article 5(1) and (2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 25

Proposal for a regulation

Annex I – Part IV – point 8 – paragraph 2 – point 3

Directive 89/391/EEC

Article 17 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16a shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 16a shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 26

Proposal for a regulation

Annex I – Part IV – point 9 – paragraph 2 – point 2

Directive 89/654/EEC

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***a*** period of ***five years*** from ...[date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 27

Proposal for a regulation

Annex I – Part IV – point 10 – paragraph 2 – point 2

Directive 89/656/EEC

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for ***a*** period of ***five years*** from ...[date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 28

Proposal for a regulation

Annex I – Part IV – point 11 – paragraph 2 – point 2

Directive 90/269/EEC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 29

Proposal for a regulation

Annex I – Part IV – point 12 – paragraph 2 – point 2

Directive 90/270/EEC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 30

Proposal for a regulation

Annex I – Part IV – point 13 – paragraph 2 – point 2

Directive 92/29/EEC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 31

Proposal for a regulation

Annex I – Part IV – point 14 – paragraph 2 – point 2

Directive 92/57/EEC

Article 13 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for *a* period of *five years* from ...[date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 32

Proposal for a regulation

Annex I – Part IV – point 15 – paragraph 2 – point 2

Directive 92/58/EEC

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for *a* period of *five years* from ...[date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 33

Proposal for a regulation

Annex I – Part IV – point 16 – paragraph 2 – point 2

Directive 92/91/EEC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in 11 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 34

Proposal for a regulation

Annex I – Part IV – point 17 – paragraph 2 – point 2

Directive 92/104/EEC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for *an indeterminate*

Amendment

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for *a* period of *five*

period of **time** from [date of entry into force of this **Omnibus**].

years from ...[date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 35

Proposal for a regulation

Annex I – Part IV – point 18 – paragraph 2 – point 2

Directive 93/103/EC

Article 12 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 36

Proposal for a regulation

Annex I – Part IV – point 19 – paragraph 2 – point 2

Directive 94/33/EC

Article 15 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 37

Proposal for a regulation

Annex I – Part IV – point 20 – paragraph 2 – point 1

Directive 98/24/EC

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 12a *concerning the establishment or revision of* indicative occupational exposure limit values, taking into account the availability of measurement techniques.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 12a *to supplement this Directive by establishing or revising* indicative occupational exposure limit values, taking into account the availability of measurement techniques.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 38

Proposal for a regulation

Annex I – Part IV – point 20 – paragraph 2 – point 3

Directive 98/24/EC

Article 12 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(2) and Article 12(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article Article 3(2) and Article 12(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 39

Proposal for a regulation

Annex I – Part IV – point 21 – paragraph 2 – point 2

Directive 1999/92/EC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of

force of this *Omnibus*].

this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 40

Proposal for a regulation

Annex I – Part IV – point 22 – paragraph 2 – point 2

Directive 2000/54/EC

Article 19 a – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 41

Proposal for a regulation

Annex I – Part IV – point 23 – paragraph 2 – point 2

Directive 2002/44/EC

Article 11 a – paragraph 2

Text proposed by the Commission

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

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 42

Proposal for a regulation

Annex I – Part IV – point 24 – paragraph 2 – point 2

Directive 2003/10/EC

Article 12 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 43

Proposal for a regulation

Annex I – Part IV – point 25 – paragraph 2 – point 2

Directive 2004/37/EC

Article 17 a – 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 [date of entry into force of this ***Omnibus***].

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 44

Proposal for a regulation

Annex I – Part IV – point 26 – paragraph 2 – point 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 45

Proposal for a regulation

Annex I – Part IV – point 27 – paragraph 2 – point 2

Directive 2009/104/EC

Article 11 a – paragraph 2

Text proposed by the Commission

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

Amendment

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 ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 46

Proposal for a regulation

Annex I – Part IV – point 28 – paragraph 2 – point 3

Directive 2009/148/EC

Article 18 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 18 (2) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 47

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 1

Directive 2009/73/EC

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

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

“4. The Commission is empowered to adopt delegated acts in accordance with Article 50a *to supplement this Directive by* establishing Guidelines for regional cooperation in a spirit of solidarity.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 48

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 2

Directive 2009/73/EC

Article 11 – paragraph 10

Text proposed by the Commission

Amendment

“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.”

“10. The Commission is empowered to adopt delegated acts in accordance with Article 50a *to supplement this Directive by* establishing Guidelines setting out the details of the procedure to be followed for the application of this Article.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 49

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 3

Directive 2009/73/EC

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

“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

“3. The Commission is empowered to adopt delegated acts in accordance with Article 50a *to supplement this Directive by* establishing Guidelines to ensure full and effective compliance of the transmission system owner and of the storage system

of this Article.”

operator with paragraph 2 of this Article.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 50

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 4

Directive 2009/73/EC

Article 36 – paragraph 10

Text proposed by the Commission

“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.”

Amendment

“10. The Commission is empowered to adopt delegated acts in accordance with Article 50a **to supplement this Directive by** 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.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 51

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 5

Directive 2009/73/EC

Article 42 – paragraph 5

Text proposed by the Commission

“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.”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 50a **to supplement this Directive by** establishing Guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with the Agency.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 52

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 6

Directive 2009/73/EC

Article 43 – paragraph 9

Text proposed by the Commission

“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.”

Amendment

“9. The Commission is empowered to adopt delegated acts in accordance with Article 50a ***to supplement this Directive by*** 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.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 53

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 7

Directive 2009/73/EC

Article 44 – paragraph 4

Text proposed by the Commission

“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.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 50a ***to supplement this Directive by*** 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.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 54

Proposal for a regulation

Annex I – Part V – point 29 – paragraph 2 – point 8

Directive 2009/73/EC

Article 50 a – paragraph 2

Text proposed by the Commission

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***].

Amendment

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 ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 55

Proposal for a regulation

Annex I – Part V – point 30 – paragraph 2 – point 1

Regulation (EC) No 715/2009

Article 3 – paragraph 5

Text proposed by the Commission

“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

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 27a ***to supplement this Regulation*** ***by*** establishing Guidelines setting out the details of the procedure to be followed for

1 and 2 of this Article.”

the application of paragraphs 1 and 2 of this Article.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 56

Proposal for a regulation

Annex I – Part V – point 30 – paragraph 2 – point 2

Regulation (EC) No 715/2009

Article 6 – paragraph 11 – subparagraph 2

Text proposed by the Commission

“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.”

Amendment

“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 **to supplement this Regulation by** adopting such network codes.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 57

Proposal for a regulation

Annex I – Part V – point 30 – paragraph 2 – point 4

Regulation (EC) No 715/2009

Article 12 – paragraph 3

Text proposed by the Commission

“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

Amendment

“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 **to supplement this Regulation by** determining the geographical area covered by each regional cooperation structure, taking into account existing

purpose, the Commission shall consult the Agency and the ENTSO for Gas.”

regional cooperation structures. For that purpose, the Commission shall consult the Agency and the ENTSO for Gas.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 58

Proposal for a regulation

Annex I – Part V – point 30 – paragraph 2 – point 5

Regulation (EC) No 715/2009

Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“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.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 27a **to supplement this Regulation by** establishing Guidelines on the issues listed in paragraph 1 of this Article and **to amend** the Guidelines referred to in points (a), (b) and (c) thereof.”

Justification

Clarification of empowerment (i.e. to supplement and i.e. to amend).

Amendment 59

Proposal for a regulation

Annex I – Part V – point 30 – paragraph 2 – point 6

Regulation (EC) No 715/2009

Article 27 a – paragraph 2

Text proposed by the Commission

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**].

Amendment

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 **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 60

Proposal for a regulation

Annex I – Part V – point 31 – paragraph 2 – point 2

Regulation (EC) No 1222/2009

Article 12 a – paragraph 2

Text proposed by the Commission

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

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 61

Proposal for a regulation

Annex I – Part VI – point 32 – paragraph 2 – point 6

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(2), Article 4(3), Article 5(3), Article 11(2) and Article 12(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 3(2), Article 4(3), Article 5(3), Article 11(2) and Article 12(3) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 62

Proposal for a regulation

Annex I – Part VI – point 33 – paragraph 2 – point 2

Directive 91/676/EEC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 63

Proposal for a regulation

Annex I – Part VI – point 34 – paragraph 2 – point 3

Directive 94/63/EC

Article 7 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(1) and Article 7 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 64

Proposal for a regulation

Annex I – Part VI – point 35 – paragraph 2 – point 1

Directive 96/59/EC

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 10b:

2. The Commission is empowered to adopt delegated acts in accordance with Article 10b *to supplement this Directive for the following purposes:*

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 65

Proposal for a regulation

Annex I – Part VI – point 35 – paragraph 2 – point 3

Directive 96/59/EC

Article 10 b – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 10(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

2. The power to adopt delegated acts referred to in Article 10(2) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 66

Proposal for a regulation

Annex I – Part VI – point 36 – paragraph 4 – point 2

Directive 98/83/EC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 67

Proposal for a regulation

Annex I – Part VI – point 37 – paragraph 3 – point 2

Directive 2000/53/EC

Article 5 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***concerning*** minimum requirements for the certificate of destruction.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Directive by establishing*** minimum requirements for the certificate of destruction.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 68

Proposal for a regulation

Annex I – Part VI – point 37 – paragraph 3 – point 4

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** the detailed rules necessary to control compliance of Member States with the targets set out in the first subparagraph. When preparing such rules, the Commission shall take into account all relevant factors, inter alia, the availability of data and the issue of exports and imports of end-of-life vehicles.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Directive by establishing** the detailed rules necessary to control compliance of Member States with the targets set out in the first subparagraph. When preparing such rules, the Commission shall take into account all relevant factors, inter alia, the availability of data and the issue of exports and imports of end-of-life vehicles.”

Justification

Clarification of empowerment (i.e. to supplement)

Amendment 69

Proposal for a regulation

Annex I – Part VI – point 37 – paragraph 3 – point 5

Directive 2000/53/EC

Article 8 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** the standards referred to in paragraph 1. When preparing such standards, the Commission shall take account of the work going on in this area in the relevant international forums and contribute to this work as appropriate.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Directive by establishing** the standards referred to in paragraph 1. When preparing such standards, the Commission shall take account of the work going on in this area in the relevant international forums and contribute to this work as appropriate.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 70

Proposal for a regulation

Annex I – Part VI – point 37 – paragraph 3 – point 6

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2)(b), Article 5(5), Article 6(6), Article 7(2) and Article 8(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in point (b) of Article 4(2), Article 5(5), Article 6(6), Article 7(2) and Article 8(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 71

Proposal for a regulation

Annex I – Part VI – point 38 – paragraph 3 – point 1

Directive 2000/60/EC
Article 8 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 20a laying down technical specifications and standardised methods for analysis and monitoring of water status.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 20a ***to supplement this Directive by*** laying down technical specifications and standardised methods for analysis and monitoring of water status.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 72

Proposal for a regulation

Annex I – Part VI – point 38 – paragraph 3 – point 3

Directive 2000/60/EC

Article 20 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(3), in the first subparagraph of Article 20(1) and in Annex V, paragraph 1.4.1, point (ix), shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 8(3), in the first subparagraph of Article 20(1) and in Annex V, paragraph 1.4.1, point (ix), shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 73

Proposal for a regulation

Annex I – Part VI – point 38 – paragraph 3 – point 5

Directive 2000/60/EC

Annex V – paragraph 1.4.1 – point ix

Text proposed by the Commission

“(ix) The Commission is empowered to adopt delegated acts in accordance with Article 20a setting out the results of the intercalibration exercise and establishing the values of the Member State monitoring system classifications in accordance with points (i) to (viii). ***It*** shall be published

Amendment

“(ix) The Commission is empowered to adopt delegated acts in accordance with Article 20a ***to supplement this Directive by*** setting out the results of the intercalibration exercise and ***by*** establishing the values of the Member State monitoring system classifications in accordance with points (i)

within six months of the completion of the intercalibration exercise.”

to (viii). **They** shall be published within six months of the completion of the intercalibration exercise.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 74

Proposal for a regulation

Annex I – Part VI – point 39 – paragraph 2 – point 3

Directive 2002/49/EC

Article 12 a – paragraph 2

Text proposed by the Commission

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 ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 75

Proposal for a regulation

Annex I – Part VI – point 40 – paragraph 2 – point 2

Directive 2004/42/EC

Article 11 a – paragraph 2

Text proposed by the Commission

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

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 76

Proposal for a regulation

Annex I – Part VI – point 41 – paragraph 2 – point 2

Directive 2004/107/EC

Article 5 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(15) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 77

Proposal for a regulation

Annex I – Part VI – point 42 – paragraph 3 – point 1

Directive 2006/7/EC

Article 15 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) specifying the EN/ISO standard on the equivalence of microbiological methods for the purposes of Article 3(9);

(a) ***to supplement this Directive by*** specifying the EN/ISO standard on the equivalence of microbiological methods for the purposes of Article 3(9);

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 78

Proposal for a regulation

Annex I – Part VI – point 42 – paragraph 3 – point 1

Directive 2006/7/EC

Article 15 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ***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) ***to amend*** 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;

Justification

Clarification of empowerment (i.e. to amend)

Amendment 79

Proposal for a regulation

Annex I – Part VI – point 42 – paragraph 3 – point 1

Directive 2006/7/EC

Article 15 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) ***amending*** Annex V where necessary in the light of scientific and technical progress.;

(c) ***to amend*** Annex V where necessary in the light of scientific and technical progress.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 80

Proposal for a regulation

Annex I – Part VI – point 42 – paragraph 3 – point 2

Directive 2006/7/EC

Article 15 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 15(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 15(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 81

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 22a **necessary** for the following:

2. The Commission is empowered to adopt delegated acts in accordance with Article 22a **to supplement this Directive** for the following **purposes**:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 82

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) **the elaboration of** the technical requirements for the purposes of Article 13(6), including technical requirements relating to the definition of weak acid dissociable cyanide and its measurement method;

(a) **to elaborate** the technical requirements for the purposes of Article 13(6), including technical requirements relating to the definition of weak acid dissociable cyanide and its measurement method;

Justification

Clarification of empowerment.

Amendment 83

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) **the completion of** the technical requirements for waste characterisation contained in Annex II;

(b) **to complete** the technical requirements for waste characterisation contained in Annex II;

Justification

Clarification of empowerment.

Amendment 84

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *the* interpretation of the definition contained in point 3 of Article 3;

(c) *to provide an* interpretation of the definition contained in point 3 of Article 3;

Justification

Clarification of empowerment.

Amendment 85

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *the definition of* the criteria for the classification of waste facilities in accordance with Annex III;

(d) *to define* the criteria for the classification of waste facilities in accordance with Annex III;

Justification

Clarification of empowerment.

Amendment 86

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 1

Directive 2006/21/EC

Article 22 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) *the determination of* any

(e) *to determine* any harmonised

harmonised standards for sampling and analysis methods needed for the technical implementation of this Directive.

standards for sampling and analysis methods needed for the technical implementation of this Directive.

Justification

Clarification of empowerment.

Amendment 87

Proposal for a regulation

Annex I – Part VI – point 43 – paragraph 3 – point 2

Directive 2006/21/EC

Article 22 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 22(2) and (3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 22(2) and (3) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 88

Proposal for a regulation

Annex I – Part VI – point 44 – paragraph 2 – point 2

Directive 2006/118/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 89

Proposal for a regulation

Annex I – Part VI – point 45 – paragraph 2 – point 1

Regulation (EC) No 166/2006

Article 8 – paragraph 3

Text proposed by the Commission

“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.”

Amendment

“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 ***supplement this Regulation by initiating*** reporting on releases of relevant pollutants from one or more diffuse sources using, where appropriate, internationally approved methodologies.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 90

Proposal for a regulation

Annex I – Part VI – point 45 – paragraph 2 – point 3

Regulation (EC) No 166/2006

Article 18 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(3) and Article 18 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 91

Proposal for a regulation

Annex I – Part VI – point 46 – paragraph 3 – point 2

Directive 2007/2/EC

Article 7 – paragraph 1

Text proposed by the Commission

“1. The Commission is empowered to adopt delegated acts in accordance with Article 21a laying 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

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 21a ***to supplement this Directive by*** laying 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

as feasibility and cost-benefit considerations shall be taken into account in the development of those arrangements.”

data sets, as well as feasibility and cost-benefit considerations shall be taken into account in the development of those arrangements.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 92

Proposal for a regulation

Annex I – Part VI – point 46 – paragraph 3 – point 3

Directive 2007/2/EC

Article 16 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 21a **concerning rules**, laying down, in particular, the following **to supplement this Chapter**:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 21a **to supplement this Directive by** laying down, in particular, the following:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 93

Proposal for a regulation

Annex I – Part VI – point 46 – paragraph 3 – point 4

Directive 2007/2/EC

Article 17 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 21a laying down rules governing those conditions. Those rules shall fully respect the principles set out in paragraphs 1, 2 and 3 of this Article.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 21a **to supplement this Directive by** laying down rules governing those conditions. Those rules shall fully respect the principles set out in paragraphs 1, 2 and 3 of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 94

Proposal for a regulation

Annex I – Part VI – point 46 – paragraph 3 – point 5

Directive 2007/2/EC

Article 21 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(7), Article 7(1), Article 16 and Article 17(8) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 4(7), Article 7(1), Article 16 and Article 17(8) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 95

Proposal for a regulation

Annex I – Part VI – point 47 – paragraph 2 – point 2

Directive 2007/60/EC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for ***an***

Amendment

2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for ***a*** period

indeterminate period of *time* from [date of entry into force of this **Omnibus**].

of *five years* from ... [date of entry into force of this **amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 96

Proposal for a regulation

Annex I – Part VI – point 48 – paragraph 2 – point 2

Directive 2008/50/EC

Article 28 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 28(1) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 28(1) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this **amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 97

Proposal for a regulation

Annex I – Part VI – point 49 – paragraph 2 – point 1

Directive 2008/56/EC

Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 24a laying 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.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Directive by** laying 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.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 98

Proposal for a regulation

Annex I – Part VI – point 49 – paragraph 2 – point 2

Directive 2008/56/EC

Article 11 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 24a laying down specifications and standardised methods for monitoring and assessment, which take into account existing commitments and ensure comparability between monitoring and assessment results.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Directive by** laying down specifications and standardised methods for monitoring and assessment, which take into account existing commitments and ensure comparability between monitoring and assessment results.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 99

Proposal for a regulation

Annex I – Part VI – point 49 – paragraph 2 – point 4

Directive 2008/56/EC

Article 24 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9(3), Article 11(4) and Article 24(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 9(3), Article 11(4) and Article 24(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 100

Proposal for a regulation

Annex I – Part VI – point 50 – paragraph 3 – point 4

Regulation (EC) No 1272/2008

Article 53 a – paragraph 2

Text proposed by the Commission

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 ***an indeterminate*** period of ***time*** from [date of entry into force of this *Omnibus*].

Amendment

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 ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 101

Proposal for a regulation

Annex I – Part VI – point 51 – paragraph 2 – point 2

Directive 2009/126/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 102

Proposal for a regulation

Annex I – Part VI – point 52 – paragraph 2 – point 2

Directive 2009/147/EC

Article 15 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 103

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 1

Text proposed by the Commission

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

Amendment

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 ***and to provide sectoral reference documents as well as guidance documents referring to registration of organisations and to harmonisation procedures.*** It is of

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.

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 *of 13 April 2016* on Better Law-Making. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 104

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 2

Text proposed by the Commission

Amendment

<i>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.</i>	<i>deleted</i>
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Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 105

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 1
Regulation (EC) No 1221/2009
Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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 procedure referred to in Article 49(2).

The Commission is empowered to adopt
delegated acts in accordance with Article
48a to supplement this Regulation by
establishing guidance documents on the
harmonisation procedures approved by the
Forum of Competent Bodies.

Justification

*Amendment to align a measure previously submitted under Regulatory Procedure with
Scrutiny to delegated acts.*

Amendment 106

Proposal for a regulation
Annex I – Part VI – point 53 – paragraph 3 – point 2
Regulation (EC) No 1221/2009
Article 17 – paragraph 3

Text proposed by the Commission

Amendment

“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. The Commission is empowered to
adopt delegated acts in accordance with
Article 48a ***to supplement this Regulation***
by establishing 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.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 107

Proposal for a regulation
Annex I – Part VI – point 53 – paragraph 3 – point 3
Regulation (EC) No 1221/2009
Article 30 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

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 procedure referred to in Article 49(2).**

The Commission *is empowered to* adopt **delegated acts in accordance with Article 48a to supplement this Regulation by establishing guidance documents on the** harmonisation procedures approved by the Forum of the Accreditation and Licensing Bodies.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 108

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 4

Regulation (EC) No 1221/2009

Article 46 – paragraph 6

Text proposed by the Commission

Amendment

“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 procedure referred to in Article 49(2).**”

“6. The Commission *is empowered to adopt delegated acts in accordance with Article 48a to supplement this Regulation by adopting* the sectoral reference documents referred to in paragraph 1 and the guide referred to in paragraph 4.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 109

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 6

Regulation (EC) No 1221/2009

Article 48 a

Text proposed by the Commission

Amendment

“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 *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].
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 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 **16(4)**, Article 17(3), **Article 30(6)**, **Article 46(6)** and Article 48 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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 **16(4)**, Article 17(3), **Article 30(6)**, **Article 46(6)** 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 *of 13 April 2016* on Better Law-Making ***.
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.”

Article **16(4)**, Article 17(3), **Article 30(6)**, **Article 46(6)** and Article 48 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.”

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9) and update of the references in line with previous amendments.

Amendment 110

Proposal for a regulation

Annex I – Part VI – point 54 – paragraph 4 – point 1 – point b

Regulation (EC) No 66/2010

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

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 is empowered to adopt delegated acts in accordance with Article 15a granting derogations from paragraph 6 of this Article.

Amendment

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 is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by laying down measures** granting derogations from paragraph 6 of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 111

Proposal for a regulation

Annex I – Part VI – point 54 – paragraph 4 – point 2

Regulation (EC) No 66/2010

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 15a laying 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.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 15a ***to supplement this Regulation by*** laying 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.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 112

Proposal for a regulation

Annex I – Part VI – point 54 – paragraph 4 – point 4

Regulation (EC) No 66/2010

Article 15 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(7), Article 8(2) and Article 15 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 6(7), Article 8(2) and Article 15 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 113

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 1

Regulation (EEC) No 3924/91

Article 2 – paragraph 6

Text proposed by the Commission

“6. The Commission is empowered to adopt delegated acts in accordance with Article 9a updating the Prodcom list and the information actually collected for each heading.”

Amendment

“6. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by*** updating the Prodcom list and the information actually collected for each heading.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 114

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 2

Regulation (EEC) No 3924/91

Article 3 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***concerning*** detailed rules for applying paragraph 3 of this Article, including for the adjustment to technical progress.”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by adopting*** detailed rules for applying paragraph 3 of this Article, including for the adjustment to technical progress.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 115

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 3

Regulation (EEC) No 3924/91

Article 4 – paragraph 2

Text proposed by the Commission

However, for certain headings in the Prodcom list, the Commission is empowered to adopt delegated acts in accordance with Article 9a providing that monthly or quarterly surveys are to be conducted.

Amendment

However, for certain headings in the Prodcom list, the Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by** providing that monthly or quarterly surveys are to be conducted.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 116

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 4

Regulation (EEC) No 3924/91

Article 5 – paragraph 1

Text proposed by the Commission

“1. The required information shall be collected by the Member States using survey questionnaires the content of which shall comply with the arrangements defined by the Commission. The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** those arrangements.”

Amendment

“1. The required information shall be collected by the Member States using survey questionnaires the content of which shall comply with the arrangements defined by the Commission. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by defining** those arrangements.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 117

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 5

Regulation (EEC) No 3924/91

Article 6 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning the** detailed rules in accordance with which Member States shall process the completed questionnaires referred to in Article 5(1) or the information from other sources referred to in Article 5(3).;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by defining** detailed rules in accordance with which Member States shall process the completed questionnaires referred to in Article 5(1) or the information from other sources referred to in Article 5(3).

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 118

Proposal for a regulation

Annex I – Part VII – point 55 – paragraph 3 – point 6

Regulation (EEC) No 3924/91

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(6), Article 3(5), Article 4, Article 5(1) and Article 6 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 2(6), Article 3(5), Article 4, Article 5(1) and Article 6 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this *amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 119

Proposal for a regulation

Annex I – Part VII – point 56 – paragraph 2 – point 1

Regulation (EEC) No 696/93

Article 6 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 6a amending *in particular* the statistical units of the production system, the criteria used and the definitions specified in the Annex in order to adapt them to economic and technical developments.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the statistical units of the production system, the criteria used and the definitions specified in the Annex in order to adapt them to economic and technical developments.

Justification

Clarification of empowerment.

Amendment 120

Proposal for a regulation

Annex I – Part VII – point 56 – paragraph 2 – point 2

Regulation (EEC) No 696/93

Article 6 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 121

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 1 – indent 4

Text proposed by the Commission

- supplement that Regulation with the criteria for the measurement of quality;

Amendment

- supplement that Regulation with the criteria for the measurement of quality ***of the variables***;

Justification

Alignment of the introductory text (recital) with amendment proposed for Article 10(5) of Regulation (EC) No 1165/98.

Amendment 122

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 2 – introductory part

Text proposed by the Commission

(2) in Article 4(2), the second subparagraph is replaced by the following:

Amendment

(2) in ***point (d) of the first subparagraph of*** Article 4(2), the second subparagraph is replaced by the following:

Justification

Following recent Court of Justice case law, it is advisable that the empowerment clearly specifies whether the power is to supplement or to amend the legal act. This has been consistently done throughout the text.

Amendment 123

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 2

Regulation (EC) No 1165/98

Article 4 – paragraph 2 – subparagraph 1 – point d – subparagraph 2

Text proposed by the Commission

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** their approval and application.;

Amendment

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by further specifying** their approval and application.

Justification

Following recent Court of Justice case law, it is advisable that the empowerment clearly specifies whether the power is to supplement or to amend the legal act. This has been consistently done throughout the text.

Amendment 124

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 3

Regulation (EC) No 1165/98

Article 10 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the criteria for the measurement of quality.”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by specifying** the criteria for the measurement of quality **of the variables**.”

Justification

Amendment specifies empowerment (to supplement) and the precise subject of the delegated act.

Amendment 125

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 4 a (new)

Regulation (EC) No 1165/98

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(4a) in Article 18, paragraph 3 is deleted;

Justification

Paragraph 3 is a procedural provision relating to the Regulatory Procedure with Scrutiny, which is now redundant and thus deleted.

Amendment 126

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(3), Article 4(2), Article **10**, **Annex A** points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, **Annex B** points (b) 4 and (d) 2, **Annex C** points (b) 2, (d) 2 and (g) 2 and **Annex D** points (b) 2 and (d) 2 shall be conferred on the Commission for **an indeterminate** period of **time** **[from the entry into force of this Omnibus]**.

2. The power to adopt delegated acts referred to in Article 3(3), **the second subparagraph of point (d) of the first subparagraph of** Article 4(2), Article **10(5)**, points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9 **of Annex A**, points (b) 4 and (d) 2 **of Annex B**, points (b) 2, (d) 2 and (g) 2 **of Annex C** and points (b) 2 and (d) 2 **of Annex D** shall be conferred on the Commission for **a period of five years from ...[date of entry into force of this amending 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.**

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The delegation of power is changed from an indefinite period to a period of five years consistent with the established practice in legislation in the area of ECON responsibilities and with the general Parliament approach. This is done consistently

throughout the text.

Amendment 127

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18 a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3(3), Article 4(2), Article **10**, **Annex A** points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, **Annex B** points (b) 4 and (d) 2, **Annex C** points (b) 2, (d) 2 and (g) 2 and **Annex D** points (b) 2 and (d) 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.

Amendment

3. The delegation of power referred to in Article 3(3), **the second subparagraph of point (d) of the first subparagraph of** Article 4(2), Article **10(5)**, points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9 **of Annex A**, points (b) 4 and (d) 2 **of Annex B**, points (b) 2, (d) 2 and (g) 2 **of Annex C** and points (b) 2 and (d) 2 **of Annex D** 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.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers.

Amendment 128

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18 a – paragraph 6

Text proposed by the Commission

A delegated act adopted pursuant to Article 3(3), Article 4(2), Article **10**, **Annex A** points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, **Annex B** points (b) 4 and (d) 2,

Amendment

A delegated act adopted pursuant to Article 3(3), **the second subparagraph of point (d) of the first subparagraph of** Article 4(2), Article **10(5)**, points (a), (b) 3, (c) 2, (c) 10,

Annex C points (b) 2, (d) 2 and (g) 2 and **Annex D** points (b) 2 and (d) 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.

(d) 2, (f) 8 and 9 **of Annex A**, points (b) 4 and (d) 2 **of Annex B**, points (b) 2, (d) 2 and (g) 2 **of Annex C** and points (b) 2 and (d) 2 **of Annex D** shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The scrutiny period is set at three months extendable once for further three months in line with the established practice in legislation in the area of ECON responsibilities. This is done consistently throughout the text.

Amendment 129

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 6 – point ii

Regulation (EC) No 1165/98

Annex A – point b – point 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.”

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 130

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 6 – point iii

Text proposed by the Commission

“2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the conditions for assuring the necessary data quality.”

Amendment

“2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the conditions for assuring the necessary data quality.”

Justification

Clarification of empowerment (to supplement).

Amendment 131

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 6 – point vi

Regulation (EC) No 1165/98

Annex A – point d – point 2

Text proposed by the Commission

“2. In addition, the production variable (No 110) and the hours-worked variable (No 220) are to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the amendment of** the list of variables to be transmitted in working-day adjusted form.”

Amendment

“2. In addition, the production variable (No 110) and the hours-worked variable (No 220) are to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **amending** the list of variables to be transmitted in working-day adjusted form.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 132

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 6 – point vii

Regulation (EC) No 1165/98

Annex A – point f – point 8

Text proposed by the Commission

“8. For the import price variable (No 340), the Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the determination** of the terms for applying a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2).”

Amendment

“8. For the import price variable (No 340), the Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement that Regulation by determining** the terms for applying a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 133

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 6 – point viii

Regulation (EC) No 1165/98

Annex A – point f – point 9

Text proposed by the Commission

“9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into **euro-zone and non-euro- zone**. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into **euro-zone and non-euro-zone**. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and

Amendment

“9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into **euro-area and non-euro-area**. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into **euro-area and non-euro-area**. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and

Division 2-digit level of CPA. For the distinction into the *euro-zone and non-euro-zone*, the Commission is empowered to adopt delegated acts in accordance with Article 18a *concerning the determination of* the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from *non-euro-zone* countries. The distinction into the *euro-zone* and non- *euro-zone* for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.”

Division 2-digit level of CPA. For the distinction into the *euro-area and non-euro-area*, the Commission is empowered to adopt delegated acts in accordance with Article 18a *to supplement this Regulation by determining* the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from *non-euro-area* countries. The distinction into the *euro-area* and non- *euro-area* for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.”

Justification

The term ‘euro area’ is the official term for the group of countries that have adopted the euro as their single currency. Clarification of empowerment (to supplement).

Amendment 134

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 7 – point i

Regulation (EC) No 1165/98

Annex B – point b – point 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 18a *concerning the use of* other observation units.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 18a *to supplement this Regulation by providing for the possibility to use* other observation units.”

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 135

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 7 – point iv

Regulation (EC) No 1165/98

Annex B – point d – point 2 – subparagraph 2

Text proposed by the Commission

Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the amendment of** the list of variables to be transmitted in working-day adjusted form.

Amendment

Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **amending** the list of variables to be transmitted in working-day adjusted form.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 136

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 8 – point i

Regulation (EC) No 1165/98

Annex C – point b – point 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.”

(The numbering of the Commission proposal should be corrected. Point (9) is actually point (8))

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 137

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 8 – point iii

Regulation (EC) No 1165/98

Annex C – point c – point 4

Text proposed by the Commission

Amendment

(iii) in point (c) 4., the **last paragraph** is deleted;

(iii) in point (c)4, the **third subparagraph** is deleted;

(The numbering of the Commission proposal should be corrected. Point (9) is actually point (8))

Justification

Aligning the wording to the standards for legal drafting of Union legislation.

Amendment 138

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 8 – point iv

Regulation (EC) No 1165/98

Annex C – point d – point 2

Text proposed by the Commission

Amendment

“2. The turnover variable (No 120) and the volume of sales variable (No 123) are also to be transmitted in a working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the amendment of** the list of variables to be transmitted in working-day adjusted form.”

“2. The turnover variable (No 120) and the volume of sales variable (No 123) are also to be transmitted in a working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a **amending** the list of variables to be transmitted in working-day adjusted form.”

(The numbering of the Commission proposal should be corrected. Point (9) is actually point (8))

Justification

Clarification of empowerment (i.e. to amend).

Amendment 139

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 8 – point v

Regulation (EC) No 1165/98

Annex C – point g – point 2

Text proposed by the Commission

“2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the terms of the allocation of a European sample scheme.”

Amendment

“2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the terms of the allocation of a European sample scheme.”

(The numbering of the Commission proposal should be corrected. Point (9) is actually point (8))

Justification

Clarification of empowerment (to supplement).

Amendment 140

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 9 – point i

Regulation (EC) No 1165/98

Annex D – point b – point 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.”

(The numbering of the Commission proposal should be corrected. Point (10) is actually point (9))

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 141

Proposal for a regulation

Annex I – Part VII – point 57 – paragraph 4 – point 9 – point iv

Regulation (EC) No 1165/98

Annex D – point d – point 2

Text proposed by the Commission

“2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***concerning the amendment of*** the list of variables to be transmitted in working-day adjusted form ***may be amended by the Commission.***”

Amendment

“2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***amending*** the list of variables to be transmitted in working-day adjusted form”;

(The numbering of the Commission proposal should be corrected. Point (10) is actually point (9))

Amendment 142

Proposal for a regulation

Annex I – Part VII – point 58 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be provided and the quality evaluation ***criteria***. It is of particular importance that

Amendment

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be provided and the ***criteria for*** quality evaluation ***of the statistics***. It is of

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.

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 *of 13 April 2016* on Better Law-Making. 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.

Justification

Alignment with the amendment proposed for Article 10(3) of Regulation (EC) No 530/1999.

Amendment 143

Proposal for a regulation

Annex I – Part VII – point 58 – paragraph 3 – point 1

Regulation (EC) No 530/1999

Article 6 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.”

Justification

Clarification of empowerment (to supplement).

Amendment 144

Proposal for a regulation

Annex I – Part VII – point 58 – paragraph 3 – point 3

Regulation (EC) No 530/1999

Article 10 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning the** quality evaluation **criteria**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying the criteria for** quality evaluation **of the statistics**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.”

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 145

Proposal for a regulation

Annex I – Part VII – point 58 – paragraph 3 – point 4

Council Regulation (EC) No 530/1999

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of duration of empowerment to the established practice in legislation in the area of ECON responsibilities and to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 146

Proposal for a regulation

Annex I – Part VII – point 58 – paragraph 3 – point 4

Regulation (EC) No 530/1999

Article 10 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(3) and Article 10(3) 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 6(3) and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the duration of the scrutiny period to the established practice in legislation in the area of ECON responsibilities.

Amendment 147

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 4

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 2150/2002 concerning the production of results, the appropriate format for the transmission of results and the **contents** of the quality reports implementing powers

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 2150/2002 concerning the production of results, the appropriate format for the transmission of results and the **structure and detailed arrangements** of the quality

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

reports implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

In line with amendment to Article aligning the wording to recent legislation in the area of statistics.

Amendment 148

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 1

Regulation (EC) No 2150/2002

Article 1 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning the establishment of** a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Commission Decision 2000/532/EC.*

* Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 5b **to supplement this Regulation by establishing** a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Commission Decision 2000/532/EC.*

* Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 149

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 2 – point a

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning** the definition the quality and accuracy conditions.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 5b **to supplement this Regulation by defining** the quality and accuracy conditions.”

Justification

Clarification of empowerment (to supplement).

Amendment 150

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 4

Regulation (EC) No 2150/2002

Article 5 a – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning the adjustment** to economic and technical developments in the collection and statistical processing of data, as well as the processing and the transmission of results and **the adaptation of** the specifications listed in the Annexes.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 5b **to amend this Regulation by adjusting it** to economic and technical developments in the collection and statistical processing of data, as well as the processing and the transmission of results and **by adapting** the specifications listed in the Annexes.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 151

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 4

Regulation (EC) No 2150/2002

Article 5 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 1(5), Article 3(1) and (4) and Article 5a, shall be conferred on the

Amendment

2. The power to adopt delegated acts referred to in Article 1(5), Article 3(1) and (4), and Article 5a, shall be conferred on

Commission for ***an indeterminate*** period of ***time*** from [[date of entry into force of this ***Omnibus***].

the Commission for ***a period of five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 152

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 5

Regulation (EC) No 2150/2002

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the ***contents*** of the quality reports as referred to in Section 7 of Annex I and Section 7 of Annex II.

Amendment

(c) the ***structure and detailed arrangements*** of the quality reports as referred to in Section 7 of Annex I and Section 7 of Annex II.

Justification

This amendment is consistent with other amendments to this proposal and with more recent legislation in the area of statistics. Since the appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, this is clarified by the proposed amendment. In the spirit of good cooperation with the other institutions this amendment is also showing the effort of the European Parliament to find an agreement on this file by accepting the proposed procedure.

Amendment 153

Proposal for a regulation

Annex I – Part VII – point 60 – paragraph 3 – point 2

Regulation (EC) No 437/2003

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a ***concerning the establishment of*** other standards of accuracy.

The Commission is empowered to adopt delegated acts in accordance with Article 10a ***to supplement this Regulation by establishing*** other standards of accuracy.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 154

Proposal for a regulation

Annex I – Part VII – point 60 – paragraph 3 – point 5

Regulation (EC) No 437/2003

Article 10 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(1) and Article 5 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 3(1) and Article 5 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 155

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

- **supplement that Regulation by adopting measures regarding the provision of the data pursuant to the results of the feasibility studies.**

Justification

Alignment of introduction with proposed changes to Article 10(5) of Regulation (EC) No 450/2003.

Amendment 156

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the **content of** the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the **structure and detailed arrangements for** the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

Alignment of introduction with proposed changes to Article 8(2) of Regulation (EC) No 450/2003.

Amendment 157

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 1

Regulation (EC) No 450/2003

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments to redefine the technical specification of the

“4. The Commission is empowered to adopt delegated acts in accordance with Article 11a **amending the Annex** to redefine the technical specification of the

index and revise the weighting structure.”

index and revise the weighting structure.”

Justification

Clarification of the empowerment.

Amendment 158

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 2

Regulation (EC) No 450/2003

Article 3 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the amendments for** the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies **defined** in Article 10.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 11a **amending this Regulation as regards** the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies **provided for** in Article 10.”

Justification

Clarification of the empowerment. Article 10 of Regulation (EC) No 450/2003 establishes the drawing-up of feasibility studies, but does not define them.

Amendment 159

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the identification of the** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of NACE Rev. 2 divisions (2-digit

Amendment

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation as regards the breakdown by** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of

level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

NACE Rev. 2 divisions (2-digit level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 160

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the determination** of these economic activities, taking into account the feasibility studies **defined** in Article 10.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by determining** these economic activities, taking into account the feasibility studies **provided for** in Article 10.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 161

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the establishment** of the methodology for chaining the index.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by establishing** the methodology for chaining the index.”

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 162

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 1

Text proposed by the Commission

“1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the definition of** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.”

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by defining** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.”

Justification

Clarification of empowerment (to supplement).

Amendment 163

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 2

Text proposed by the Commission

“2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **content** of the reports shall be defined by the Commission by means of implementing **act**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).”

Amendment

“2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **structure and detailed arrangements for** the reports shall be defined by the Commission by means of implementing **acts**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).”

Justification

It is not appropriate to set out the content of such reports by means of implementing act. Since the appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, this is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 164

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 4 a (new)

Regulation (EC) No 450/2003

Article 9

Text proposed by the Commission

Amendment

(4a) Article 9 is deleted.

Justification

Article 9 pertains to transposition periods and derogations which have expired in the meantime. The article is thus superfluous and should be deleted.

Amendment 165

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 5 – point a

Regulation (EC) No 450/2003

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

“5. The Commission *shall* adopt *measures pursuant to the results of the feasibility studies by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure* referred to in Article 12(2). Those *measures* shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents.”

“5. The Commission *is empowered to* adopt *delegated acts in accordance with Article 11a to supplement this Regulation concerning the provision of the data referred to in paragraph 2 of this Article pursuant to the results of the feasibility studies* referred to in *this* Article. Those *delegated acts* shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents.”

Justification

It is not appropriate to for such measures to be adopted by means of implementing acts, as the empowerment goes beyond the setting ‘of uniform conditions for implementing legally binding Union acts’ as described in Article 291 TFEU. This empowerment must therefore be in the form of a delegated act.

Amendment 166

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2) **and** Article 4 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2), Article 4(1), (2) **and** (3), **Article 8(1) and Article 10(5)** shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of references and duration of the empowerment (see Parliament's resolution of 25 February 2014, paragraph 9).

Amendment 167

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11 a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2(4), Article 3(2) **and** Article 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

Amendment

3. The delegation of power referred to in Article 2(4), Article 3(2), Article 4(1), (2) **and** (3), **Article 8(1) and Article 10(5)** 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

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.

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.

Justification

Alignment of references.

Amendment 168

Proposal for a regulation

Annex I – Part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(4), Article 3(2) **and** Article 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.

Amendment

6. A delegated act adopted pursuant to Article 2(4), Article 3(2), Article 4(**I**), (**2**) **and** (**3**), **Article 8(1) and Article 10(5)** shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of references, scrutiny period and its extension.

Amendment 169

Proposal for a regulation

Annex I – Part VI – point 62 – paragraph 3 – point 2

Regulation (EC) No 808/2004

Article 8 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 170

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

- amend that Regulation to ***adapt*** the proportion of the Union total;

- amend that Regulation to ***adjust*** the proportion of the Union total;

Justification

Alignment with the amendment proposed for Article 3(3).

Amendment 171

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 1 – point a

Regulation (EC) No 1161/2005

Article 2 – paragraph 2

Text proposed by the Commission

Amendment

“2. The Commission is empowered to

“2. The Commission is empowered to

adopt delegated acts in accordance with Article 7a **concerning** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and **any decision to require** a breakdown of the transactions listed in the Annex by counterpart sector. Any such **decision** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.”

adopt delegated acts in accordance with Article 7a **to supplement this Regulation by specifying** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and **by requiring** a breakdown of the transactions listed in the Annex by counterpart sector. Any such **delegated act** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.”

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 172

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 1 – point b a (new)

Regulation (EC) No 1161/2005

Article 2 – paragraph 5

Text proposed by the Commission

Amendment

(ba) paragraph 5 is deleted;

Justification

Paragraph 5 refers to transmission data in 2004 and is thus obsolete; it should be deleted.

Amendment 173

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 2

Regulation (EC) No 1161/2005

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article **as regards** the proportion of the Union total.”

“3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article **to adjust** the proportion (**1%**) of the Union total.”

Justification

Clarification of the (scope of the) empowerment.

Amendment 174

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 3

Regulation (EC) No 1161/2005

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

“1. The Commission is empowered to adopt delegated acts in accordance with Article 7a **concerning the adoption of** common quality standards.”

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 7a **to supplement this Regulation by establishing** common quality standards.”

Justification

Clarification of empowerment (to supplement).

Amendment 175

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this *amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 176

Proposal for a regulation

Annex I – Part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(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.

Amendment

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(1) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 177

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 1

Regulation (EC) No 1552/2005

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In addition, the Commission is empowered to adopt delegated acts in accordance with Article 13a **concerning** the extension of that definition, if such extension would substantially enhance the representativeness and the quality of the

Amendment

In addition, the Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by adopting** the extension of that definition, if such extension would substantially enhance the

result of the survey in the Member States concerned.;

representativeness and the quality of the result of the survey in the Member States concerned.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 178

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 2

Regulation (EC) No 1552/2005

Article 7 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 13a determining the sampling and precision requirements, the sample sizes needed to meet those requirements, and the detailed specifications of the NACE Rev. 2 and size categories into which the results can be broken down.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by** determining the sampling and precision requirements, the sample sizes needed to meet those requirements, and the detailed specifications of the NACE Rev. 2 and size categories into which the results can be broken down.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 179

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 3

Regulation (EC) No 1552/2005

Article 8 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **concerning** the specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by establishing** the specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 180

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 4 – point a

Regulation (EC) No 1552/2005

Article 9 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **concerning** the quality requirements for the data to be collected and transmitted for European statistics on vocational training in enterprises, and any measures necessary for assessing or improving the quality of the data.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by establishing** the quality requirements for the data to be collected and transmitted for European statistics on vocational training in enterprises, and **by adopting** any measures necessary for assessing or improving the quality of the data.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 181

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 4 – point b

Regulation (EC) No 1552/2005

Article 9 – paragraph 5

Text proposed by the Commission

“5. **The Commission shall determine the structure of** the quality reports referred to in paragraph 2 by means of implementing **act**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).”

Amendment

“5. **When drawing up** the quality reports referred to in paragraph 2, **Member States shall comply with the quality requirements and any other measure established pursuant to paragraph 4. In order to assess the quality of the data transmitted, they shall use the format determined by the** Commission by means of implementing **acts**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).”

Justification

This amendment makes it clear that the structure of the quality reports, adopted by means of implementing act, refers to the format that Member States shall use when they have to assess the quality of data transmitted, and that this assessment is based on the quality criteria already adopted by means of delegated acts.

Amendment 182

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 5

Regulation (EC) No 1552/2005

Article 10 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **concerning the determination of** the first reference year for which the data are to be collected.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by determining** the first reference year for which the data are to be collected.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 183

Proposal for a regulation

Annex I – Part VII – point 64 – paragraph 4 – point 7

Regulation (EC) No 1552/2005

Article 13 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(2), Article 7(3), Article 8(2), Article 9(4), Article 10(2) and Article 13 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 5(2), Article 7(3), Article 8(2), Article 9(4), Article 10(2) and Article 13 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 184

Proposal for a regulation

Annex I – Part VII – point 65 – paragraph 2 – point 1

Regulation (EC) No 1893/2006

Article 6 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending ***the*** Annex to take account of technological or economic developments or to align it with other economic and social classifications.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending Annex ***I*** to take account of technological or economic developments or to align it with other economic and social classifications.”

Justification

Specification of the reference (as there is more than one Annex).

Amendment 185

Proposal for a regulation

Annex I – Part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 186

Proposal for a regulation

Annex I – Part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(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.

Amendment

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of scrutiny period and its extension.

Amendment 187

Proposal for a regulation

Annex I – Part VII – point 66 – paragraph 2 – point 2

Regulation (EC) No 458/2007

Article 7 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 7a establishing the first year for which full data shall be collected, and adopting measures relating to the detailed classification of data covered and the definitions to be used.

The Commission is empowered to adopt delegated acts in accordance with Article 7a **to supplement this Regulation by** establishing the first year for which full data shall be collected, and **by** adopting measures relating to the detailed classification of data covered and the definitions to be used.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 188

Proposal for a regulation

Annex I – Part VII – point 66 – paragraph 2 – point 3

Regulation (EC) No 458/2007

Article 7 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 7(3) and Annex I, point 1.1.2.4. shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 7(3) and Annex I, point 1.1.2.4. shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 189

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates.

Amendment

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates **and common quality standards**.

Justification

More specific description of the empowerment, see also amendment to Article 6(3) of this Regulation (EC) No 716/2007).

Amendment 190

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 2

Regulation (EC) No 716/2007

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by determining** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

Justification

Clarification of empowerment (to supplement).

Amendment 191

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 3

Regulation (EC) No 716/2007

Article 6 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** common quality standards.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing the** common quality standards **referred to in paragraph 1.**”

Justification

Clarification of empowerment (to supplement) and scope, in order to make them more specific.

Amendment 192

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 4 – point a – point ii

Regulation (EC) No 716/2007

Article 9 – paragraph 1 – point c

Text proposed by the Commission

“(c) defining the **contents** and periodicity of the quality reports.”

Amendment

“(c) defining the **structure, detailed arrangements** and periodicity of the quality reports **referred to in Article 6(2).**”

Justification

It is not appropriate to set out the content of such reports by means of implementing act. Since the appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, this is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 193

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time [from the*** entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in ***the second paragraph of*** Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for a period of ***five years from ... [date of*** entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 194

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9 a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2, Article 5(4) and Article 6(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.

Amendment

3. The delegation of power referred to in ***the second paragraph of*** Article 2, Article 5(4) and Article 6(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.

Justification

Technical correction.

Amendment 195

Proposal for a regulation

Annex I – Part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2, Article 5(4) and Article 6(3) 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 ***the second paragraph of*** Article 2, Article 5(4) and Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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 ***three*** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 196

Proposal for a regulation

Annex I – Part VII – point 68 – paragraph 2 – point 1

Regulation (EC) No 862/2007

Article 9 a – subparagraph 2 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 10a:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a ***to supplement this Regulation by:***

Amendment 197

Proposal for a regulation

Annex I – Part VII – point 68 – paragraph 2 – point 3

Regulation (EC) No 862/2007

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9a shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 9a shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 198

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 1

Regulation (EC) No 1445/2007

Article 3 – paragraph 1 a

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions *set out in the first paragraph* and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.”

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required by Article 290 of the Treaty.

Amendment 199

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 2 – point a

Regulation (EC) No 1445/2007

Article 7 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning** common criteria on which the quality control is based.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by establishing** common criteria on which the quality control **referred to in paragraph 1** is based.”

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required by Article 290 of the Treaty.

Amendment 200

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 2 – point b

Regulation (EC) No 1445/2007

Article 7 – paragraph 5

Text proposed by the Commission

“5. The Commission shall **adopt** the structure **of** the quality reports, as specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).”

Amendment

“5. The Commission shall **set out** the structure **and detailed arrangements for** the quality reports, as **referred to in paragraph 3 and** specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).”

Justification

The scope of the empowerment needs to be clearly defined.

Amendment 201

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3 and Article 7(4) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in ***the second paragraph of*** Article 3 and Article 7(4) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 202

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10 a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3 and Article 7(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

Amendment

3. The delegation of power referred to in ***the second paragraph of*** Article 3 and Article 7(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

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.

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.

Justification

Technical correction.

Amendment 203

Proposal for a regulation

Annex I – Part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3 and Article 7(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.

Amendment

6. A delegated act adopted pursuant to **the second paragraph of** Article 3 and Article 7(4) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 204

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No

Amendment

In order to adapt Regulation (EC) No

177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common quality *standards* and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. 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.

177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common *standards for the quality of business registers* and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. 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 *of 13 April 2016* on Better Law-Making. 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.

Justification

Alignment with proposed amendment in Article 6(3) of Regulation (EC) No 177/2008.

Amendment 205

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 1

Regulation (EC) No 177/2008

Article 3 – paragraph 6

Text proposed by the Commission

“6. The Commission is empowered to adopt delegated acts in accordance with Article 15a determining the extent to which enterprises with less than half a person

Amendment

“6. The Commission is empowered to adopt delegated acts in accordance with Article 15a *to supplement this Regulation* by determining the extent to which

employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.”

enterprises with less than half a person employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.”

Justification

Clarification of empowerment (to supplement).

Amendment 206

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** common **quality** standards.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** common standards **for the quality of business registers as referred to in paragraph 1.**

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required by Article 290 of the Treaty.

Amendment 207

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt decisions concerning the **content** and periodicity of the quality reports by means of implementing **act**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).

Amendment

The Commission shall adopt decisions concerning the **structure, detailed arrangements** and periodicity of the quality reports **referred to in paragraph 2** by means of implementing **acts**. Those implementing acts shall be adopted in

accordance with the procedure referred to in Article 16(2).

Justification

It is not appropriate to set out the content of such reports by means of implementing act. Since the appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, this is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 208

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 4

Regulation (EC) No 177/2008

Article 8 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** the rules for updating registers.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** the rules for updating registers.”

Justification

Clarification of empowerment (to supplement).

Amendment 209

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 6

Regulation (EC) No 177/2008

Article 15 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **an indeterminate** period of **time [from the entry into force of the Omnibus]**.

Amendment

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **a** period of **five years from ... [date of entry into force of this amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 210

Proposal for a regulation

Annex I – Part VII – point 70 – paragraph 3 – point 6

Regulation (EC) No 177/2008

Article 15 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(6), Article 5(2), Article 6(3) and Article 8(3) 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 3(6), Article 5(2), Article 6(3) and Article 8(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 211

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 1

Regulation (EC) No 295/2008

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

“The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** its scope, list of characteristics, reference period, activities to be covered and quality requirements. The delegated act shall be adopted at least 12 months before the beginning of the reference period. The Commission shall also specify the need for the information and the impact of the data collection in respect of the burden on businesses and the costs to the Member States.”

Amendment

“The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing the scope of the flexible module, its** list of characteristics, reference period, activities to be covered and quality requirements. The delegated act shall be adopted at least 12 months before the beginning of the reference period. The Commission shall also specify the need for the information and the impact of the data collection in respect of the burden on businesses and the costs to the Member States.”

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 212

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 2

Regulation (EC) No 295/2008

Article 4 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the measures necessary on the basis of the evaluation of the pilot studies.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by defining** the measures necessary on the basis of the evaluation of the pilot studies.”

Justification

Clarification of empowerment (to supplement).

Amendment 213

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 3

Regulation (EC) No 295/2008

Article 7 – paragraph 2

Text proposed by the Commission

“2. ***In order that*** Union aggregates ***may be compiled***, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b.”

Amendment

“2. ***For the purposes of compiling*** Union aggregates, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b ***supplementing this Regulation by determining the relevant levels of NACE Rev. 2.***”

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required by Article 290 of the Treaty.

Amendment 214

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 4 – point a

Regulation (EC) No 295/2008

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning*** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j) ***and this*** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time starting from the

Amendment

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by specifying*** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j), ***which*** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time

end of the reference period ***which shall be laid down*** in accordance with ***that procedure*** for the modules provided for in Article 3(2)(a) to (g) ***and*** shall be no longer than 10 months.

starting from the end of the reference period. ***The Commission is empowered to adopt delegated acts*** in accordance with ***Article 11b to supplement this Regulation by specifying that period*** for the modules provided for in Article 3(2)(a) to (g), ***which period*** shall be no longer than 10 months.

Justification

Clarification of empowerment (to supplement). Since the wording "...that procedure..." referred to the Regulatory Procedure with Scrutiny, this needs to be adapted in order to refer to the procedure for the adoption of delegated acts.

Amendment 215

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 4 – point b

Regulation (EC) No 295/2008

Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning the review of*** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by reviewing*** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.”

Justification

Clarification of empowerment (to supplement).

Amendment 216

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11 a – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning***:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation as***

regards the following:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 217

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, **Annex I**, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, **Annex VI**, Section 7, **Annex VIII**, Sections 3, 4(2) and (3), **Annex IX** Sections 8(2) and (3) and 10(2), shall be conferred on the Commission for *an indeterminate* period of *time* [from the entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Sections 5, 6, 8(1) and (2) **of Annex I**, Section 6 of Annexes II, III and IV, Section 7 **of Annex VI**, Sections 3, 4(2) and (3) **of Annex VIII**, Sections 8(2) and (3) and 10(2) **of Annex IX** shall be conferred on the Commission for *a* period of *five years from ... [date of entry into force of this amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 218

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, **Annex I**, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, **Annex VI**, Section 7, **Annex VIII**, Sections 3, 4(2) and (3), **Annex IX** Sections 8(2) and (3) and 10(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.”

Amendment

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Sections 5, 6, 8(1) and (2) **of Annex I**, Section 6 of Annexes II, III and IV, Section 7 **of Annex VI**, Sections 3, 4(2) and (3) **of Annex VIII**, Sections 8(2) and (3) and 10(2) **of Annex IX**, shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 219

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 5 – paragraph 1

Text proposed by the Commission

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66 are to be

Amendment

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2,

compiled.

64.3 and 64.9 and division 66 are to be compiled.

Justification

Clarification of empowerment (to supplement).

Amendment 220

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 6 – paragraph 1

Text proposed by the Commission

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the key characteristics.

Amendment

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 221

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 8 – point b – point i

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 1

Text proposed by the Commission

“1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission

Amendment

“1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission

delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.”

delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.”

Justification

Clarification of empowerment (to supplement).

Amendment 222

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 8 – point b – point ii

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the division 66 of NACE Rev. 2**, the transmission of preliminary results or estimates.”

Amendment

“These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission of preliminary results or estimates **for division 66 of NACE Rev. 2.**”

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 223

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 9

Regulation (EC) No 295/2008

Annex II – section 6 – paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 %

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 %

which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.

which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 224

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 10

Regulation (EC) No 295/2008

Annex III – section 6 – paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 225

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 11

Regulation (EC) No 295/2008

Annex IV – section 6 – paragraph 1

Text proposed by the Commission

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 226

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 12

Regulation (EC) No 295/2008

Annex VI – section 7 – paragraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.

Justification

Clarification of empowerment (to supplement).

Amendment 227

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 13 – point a

Regulation (EC) No 295/2008

Annex VIII – section 3 – paragraph 1 – sentence 5

Text proposed by the Commission

Amendment

“On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the changing of** the lower limit.”

“On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b **to amend this Regulation by changing** the lower limit **of the reference population.**”

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 228

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 13 – point b

Regulation (EC) No 295/2008

Annex VIII – section 4 – paragraphs 2 and 3 – table

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the determination of** product breakdown.”

“The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing the** product breakdown.”

(This amendment concerns the table ‘Breakdown of turnover by product type’, the sentence in the column ‘Comment’.)

Justification

Clarification of empowerment (to supplement).

Amendment 229

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning some results that** shall also be broken down into size classes

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing that some results** shall also

to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

be broken down into size classes to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

Justification

Clarification of empowerment (to supplement).

Amendment 230

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning some results that*** shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by establishing that some results*** shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

Justification

Clarification of empowerment (to supplement).

Amendment 231

Proposal for a regulation

Annex I – Part VII – point 71 – paragraph 3 – point 14 – point b

Regulation (EC) No 295/2008

Annex IX – section 10 – paragraph 2 – subsection "Special aggregates"

Text proposed by the Commission

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is empowered to adopt delegated acts in

Amendment

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is empowered to adopt delegated acts in

accordance with Article 11b **concerning** a number of special aggregates of the NACE Rev. 2 to be transmitted..

accordance with Article 11b **to supplement this Regulation by establishing** a number of special aggregates of the NACE Rev. 2 to be transmitted..

Justification

Clarification of empowerment (to supplement).

Amendment 232

Proposal for a regulation

Annex I – Part VII – point 72 – paragraph 2 – point 1

Regulation (EC) No 451/2008

Article 6 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex:

(a) to take account of technological or economic developments;

(b) to align it with other economic and social classifications.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex to take account of technological or economic developments and to align it with other economic and social classifications”.

Justification

Alignment of wording as (a) and (b) is not necessary.

Amendment 233

Proposal for a regulation

Annex I – Part VII – point 72 – paragraph 2 – point 2

Regulation (EC) No 451/2008

Article 6 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of

Amendment

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into

entry into force of this *Omnibus*].

force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 234

Proposal for a regulation

Annex I – Part VII – point 72 – paragraph 2 – point 2

Regulation (EC) No 451/2008

Article 6 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(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.

Amendment

6. A delegated act adopted pursuant to Article 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or 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 *three* months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 235

Proposal for a regulation

Annex I – Part VII – point 73 – paragraph 3 – point 1

Regulation (EC) No 452/2008

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 6a **concerning**:

1. The Commission is empowered to adopt delegated acts in accordance with Article 6a **to supplement this Regulation as regards the following**:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 236

Proposal for a regulation

Annex I – Part VII – point 73 – paragraph 3 – point 2

Regulation (EC) No 452/2008

Article 6 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 6(1) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

2. The power to adopt delegated acts referred to in Article 6(1) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 237

Proposal for a regulation

Annex I – Part VII – point 74 – paragraph 3 – point 1 – point b

Regulation (EC) No 453/2008

Article 2 – paragraph 2

Text proposed by the Commission

“For the purposes of point 1 of the first paragraph, the Commission is empowered to adopt delegated acts in accordance with Article 8a defining the concepts ‘active steps to find a suitable candidate’ and ‘specific period of time.’”

Amendment

“For the purposes of point 1 of the first paragraph, the Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Regulation by** defining the concepts ‘active steps to find a suitable candidate’ and ‘specific period of time.’”

Amendment 238

Proposal for a regulation

Annex I – Part VII – point 74 – paragraph 3 – point 2

Regulation (EC) No 453/2008

Article 3 – paragraph 1

Text proposed by the Commission

“1. Member States shall compile the quarterly data with reference to specific reference dates. The Commission is empowered to adopt delegated acts in accordance with Article 8a determining those specific reference dates.”

Amendment

“1. Member States shall compile the quarterly data with reference to specific reference dates. The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Regulation by** determining those specific reference dates.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 239

Proposal for a regulation

Annex I – Part VII – point 74 – paragraph 3 – point 3

Regulation (EC) No 453/2008

Article 5 – paragraph 1

Text proposed by the Commission

“1. The Commission is empowered to adopt delegated acts in accordance with Article 8a determining the date of the first reference quarter as well as the transmission deadlines. Any revision of quarterly data for previous quarters shall be transmitted at the same time.

Member States shall transmit the data and metadata to the Commission (Eurostat) according to a format determined by the Commission by means of implementing **act**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3).”

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Regulation by** determining the date of the first reference quarter as well as the transmission deadlines **applicable to Member States**. Any revision of quarterly data for previous quarters shall be transmitted at the same time.

Member States shall transmit the data and metadata to the Commission (Eurostat), **and specify their source**, according to a **technical** format determined by the Commission by means of implementing **acts**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3).”

Justification

This provision should exclusively concern the technical format and the deadlines for transmission of data from the Member States. The source of data should be specified.

Amendment 240

Proposal for a regulation

Annex I – Part VII – point 74 – paragraph 3 – point 4

Regulation (EC) No 453/2008

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 8a **concerning** the appropriate framework for the establishment of a series of feasibility studies.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Regulation by establishing** the appropriate framework for the establishment of a series of feasibility studies.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 241

Proposal for a regulation

Annex I – Part VII – point 74 – paragraph 3 – point 5

Regulation (EC) No 453/2008

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2, Article 3(1), Article 5(1) and Article 7(1) and (3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 2, Article 3(1), Article 5(1) and Article 7(1) and (3) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 242

Proposal for a regulation

Annex I – Part VII – point 75 – paragraph 2 – point 1 – point a

Regulation (EC) No 763/2008

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 7a ***concerning the establishment of*** the subsequent reference years. Reference years shall fall during the beginning of every decade;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 7a ***to supplement this Regulation by establishing*** the subsequent reference years. Reference years shall fall during the beginning of every decade;

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 243

Proposal for a regulation

Annex I – Part VII – point 75 – paragraph 2 – point 1 – point b

Regulation (EC) No 763/2008

Article 5 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a **concerning** establishing a programme of the statistical data and of the metadata to be transmitted to fulfil the requirements of this Regulation.

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a **to supplement this Regulation by** establishing a programme of the statistical data and of the metadata to be transmitted to fulfil the requirements of this Regulation.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 244

Proposal for a regulation

Annex I – Part VII – point 75 – paragraph 2 – point 3

Regulation (EC) No 763/2008

Article 7 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(1) and (3) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 5(1) and (3) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 245

Proposal for a regulation

Annex I – Part VII – point 76 – paragraph 3 – point 2

Regulation (EC) No 1099/2008

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 10a **further clarifying** the terminology by adding relevant NACE references after a revision of the NACE classification has entered into force.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a **to amend this Regulation in order to clarify** the terminology by adding relevant NACE references after a revision of the NACE classification has entered into force.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 246

Proposal for a regulation

Annex I – Part VII – point 76 – paragraph 3 – point 4

Regulation (EC) No 1099/2008

Article 8 – paragraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 10a **regarding** the set of annual nuclear statistics.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by establishing** the set of annual nuclear statistics.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 247

Proposal for a regulation

Annex I – Part VII – point 76 – paragraph 3 – point 5 – point a

Regulation (EC) No 1099/2008

Article 9 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 10a **regarding** the set of renewable energy statistics and the set of final energy consumption statistics.

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by establishing** the set of renewable energy statistics and the set of final energy consumption statistics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 248

Proposal for a regulation

Annex I – Part VII – point 76 – paragraph 3 – point 7

Regulation (EC) No 1099/2008

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(3), Article 4(2) and (3), Article 5(3), Article 8, and Article 9(2) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 3(3), Article 4(2) and (3), Article 5(3), Article 8, and Article 9(2) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 249

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 2

Regulation (EC) No 1338/2008

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The data shall be provided in accordance with the time limits set out, at the intervals provided for, and in respect of the reference periods which are indicated in the Annexes or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 9a.

Amendment

The data shall be provided in accordance with the time limits set out, at the intervals provided for, and in respect of the reference periods which are indicated in the Annexes or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 9a ***by supplementing this Regulation.***

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 250

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 3

Regulation (EC) No 1338/2008

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***concerning:***

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by laying down the following:***

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 251

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 4

Regulation (EC) No 1338/2008

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2), Article 7(2) and Article 9(1) and in points (c), (d) and (e) of Annexes I, II, III, IV and V shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 6(2), Article 7(2) and Article 9(1) and in points (c), (d) and (e) of Annexes I, II, III, IV and V shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 252

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 6 – point a

Regulation (EC) No 1338/2008

Annex I – point c – paragraph 1

Text proposed by the Commission

Statistics shall be provided every five years from the EHIS; a different frequency may be needed for other data collections, such as those on morbidity or accidents and injuries, as well as for some specific survey modules. The Commission is empowered to adopt delegated acts in accordance with

Amendment

Statistics shall be provided every five years from the EHIS; a different frequency may be needed for other data collections, such as those on morbidity or accidents and injuries, as well as for some specific survey modules. The Commission is empowered to adopt delegated acts in accordance with

Article 9a concerning the measures relating to the first reference year, the interval and the time limit for provision of the data.

Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the first reference year, the interval and the time limit for provision of the data.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 253

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 6 – point b

Regulation (EC) No 1338/2008

Annex I – point d – paragraph 2

Text proposed by the Commission

Not all subjects are necessarily to be covered at the time of each data provision. The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Amendment

Not all subjects are necessarily to be covered at the time of each data provision. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 254

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 6 – point c

Regulation (EC) No 1338/2008

Annex I – point e – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the provision of metadata, including metadata concerning characteristics of surveys and

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the provision of metadata,

other sources used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

including metadata concerning characteristics of surveys and other sources used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 255

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 7 – point a

Regulation (EC) No 1338/2008

Annex II – point c – paragraph 1

Text proposed by the Commission

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the first reference year, the interval and the time limit for provision of the data.

Amendment

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the first reference year, the interval and the time limit for provision of the data.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 256

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 7 – point b

Regulation (EC) No 1338/2008

Annex II – point d – paragraph 4

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the characteristics, namely variables, definitions and classifications of

characteristics.

the subjects listed above, and the
breakdown of characteristics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 257

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 7 – point c

Regulation (EC) No 1338/2008

Annex II – point e – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the provision of metadata, including metadata concerning characteristics of sources and compilations used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the provision of metadata, including metadata concerning characteristics of sources and compilations used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 258

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 8 – point a

Regulation (EC) No 1338/2008

Annex III – point c – paragraph 1

Text proposed by the Commission

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the first reference year. The data shall be submitted no later than 24 months after the end of the reference year. Provisional or

Amendment

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the first reference year. The data shall be submitted no later than 24 months

estimated data can be provided earlier. In the case of public-health incidents, additional special data collections may be established, either for all deaths or for specific causes of death.

after the end of the reference year. Provisional or estimated data can be provided earlier. In the case of public-health incidents, additional special data collections may be established, either for all deaths or for specific causes of death.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 259

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 8 – point b

Regulation (EC) No 1338/2008

Annex III – point d – paragraph 4

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 260

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 8 – point c

Regulation (EC) No 1338/2008

Annex III – point e – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the provision of metadata, including metadata concerning population covered and information about any national specificity

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the provision of metadata, including metadata concerning population

essential for the interpretation and compilation of comparable statistics and indicators.

covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 261

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 9 – point a

Regulation (EC) No 1338/2008

Annex IV – point c – paragraph 1

Text proposed by the Commission

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the first reference year. The data shall be submitted no later **than 18** months after the end of the reference year.

Amendment

Statistics shall be provided annually. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing rules** concerning the measures relating to the first reference year. The data shall be submitted no later **than 18** months after the end of the reference year.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 262

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 9 – point b

Regulation (EC) No 1338/2008

Annex IV – point d – paragraph 4

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing rules** concerning the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the

breakdown of characteristics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 263

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 9 – point c

Regulation (EC) No 1338/2008

Annex IV – point e – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the provision of metadata, including metadata concerning population covered, the declaration rates for accidents at work and, when relevant, sampling characteristics, as well as information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules*** concerning the measures relating to the provision of metadata, including metadata concerning population covered, the declaration rates for accidents at work and, when relevant, sampling characteristics, as well as information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 264

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 10 – point a

Regulation (EC) No 1338/2008

Annex V – point c – paragraph 1

Text proposed by the Commission

For occupational diseases, statistics shall be provided annually and submitted no later than 15 months after the end of the reference year. The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the reference periods,

Amendment

For occupational diseases, statistics shall be provided annually and submitted no later than 15 months after the end of the reference year. The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by establishing rules***

the intervals and the time limits for provision of the other data collections.

concerning the measures relating to the reference periods, the intervals and the time limits for provision of the other data collections.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 265

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 10 – point b

Regulation (EC) No 1338/2008

Annex V – point d – paragraph 4

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing** the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 266

Proposal for a regulation

Annex I – Part VII – point 77 – paragraph 2 – point 10 – point c

Regulation (EC) No 1338/2008

Annex V – point e – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 9a concerning the measures relating to the provision of metadata, including metadata concerning population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing rules** concerning the measures relating to the provision of metadata, including metadata concerning population covered and information about any national specificity essential for the interpretation

indicators.

and compilation of comparable statistics
and indicators.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 267

Proposal for a regulation

Annex I – Part VII – point 78 – paragraph 2 – point 2

Regulation (EC) No 1185/2009

Article 5 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(1a), (2) and (3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in 5(1a), (2) and (3) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 268

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 1 – point a

Regulation (EC) No 1606/2002

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt

Amendment

The Commission is empowered to adopt

delegated acts in accordance with Article 5a **concerning** the applicability within the Union of international accounting standards.

delegated acts in accordance with Article 5a **to supplement this Regulation by establishing** the applicability within the Union of international accounting standards (**'adopted international accounting standards'**).

Justification

Clarification of empowerment (to supplement) and the links to the provisions in the other paragraphs of the basic act.

Amendment 269

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 1 – point a

Regulation (EC) No 1606/2002

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where, in the case of possible imminent risks to the stability of financial markets, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this paragraph.;

deleted

Justification

The use of the urgency procedure does not seem justified. If necessary, the European Parliament and the Council can raise an early non-objection (see proposed amendment to delete Article 5b of Regulation (EC) No 1606/2002).

Amendment 270

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 1 a (new)

Regulation (EC) No 1606/2002

Article 4 – paragraph 1

Present text

Amendment

“For each financial year starting on or after 1 January 2005, companies governed by

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

“For each financial year starting on or after 1 January 2005, companies governed by

the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)* if, at their balance sheet date, their securities are admitted to trading on a regulated market *of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field* ⁽¹⁾.”

the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with **Article 3(1)**, if, at their balance sheet date, their securities are admitted to trading on a regulated market *as defined in point (21) of Article 4(1) of Directive 2014/65/EU*.”

Justification

There is no need to refer to 'of a Member State' as the definition of a regulated market in Article 44 MiFID includes only those authorised in the EU.

Amendment 271

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 1 b (new)

Regulation (EC) No 1606/2002

Article 5

Present text

"Article 5

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,

in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)*.”

Amendment

(1 b) Article 5 is replaced by the following:

"Article 5

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,

in conformity with the international accounting standards adopted in accordance with **Article 3(1)**.”

Justification

Alignment of the applicable procedure (Article 6 of Regulation (EC) No 1606/2002 is deleted;

empowerment for adoption of delegated acts is now in Article 3 thereof).

Amendment 272

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** [from the entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for ***a*** period of ***five years from ...*** [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 273

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5 a – paragraph 6

Text proposed by the Commission

A delegated act adopted pursuant to Article 3(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

Amendment

6. A delegated act adopted pursuant to Article 3(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ***three*** months of notification of that act to the European Parliament and the

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.

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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 274

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5 b

Text proposed by the Commission

Amendment

Article 5b

deleted

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 5a(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.

Justification

The use of the urgency procedure does not seem justified. If necessary, the European Parliament and the Council can raise an early non-objection.

Amendment 275

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 3

Regulation (EC) No 1606/2002

Articles 6 and 7

Text proposed by the Commission

Amendment

(3) **Articles 6 and 7 are** deleted.

(3) **Article 6 is** deleted.

Justification

Only Article 6 is deleted because there is no longer comitology procedure.

Amendment 276

Proposal for a regulation

Annex I – Part VIII – point 79 – paragraph 2 – point 3 a (new)

Regulation (EC) No 1606/2002

Article 7

Present text

Amendment

“Article 7

(3 a) Article 7 is replaced by the following:

“Article 7

Reporting and coordination

Reporting and coordination

1. The Commission shall ***liaise on a regular basis with the Committee about*** the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

1. The Commission shall ***inform*** on a regular basis ***the European Parliament and the Council*** about the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

2. The Commission shall duly report to the ***Committee*** in a timely manner if it intends not to propose the adoption of a standard.”

2. The Commission shall duly report to the ***European Parliament and to the Council*** in a timely manner if it intends not to propose the adoption of a standard.”

Justification

It is appropriate to establish certain reporting obligations to the Parliament and the Council as regards the preparation of draft international accounting standards. This would be in line

with requests by Parliament (Stolojan report) and the text agreed in Article 9(6a) of the EFRAG Financing report.

Amendment 277

Proposal for a regulation

Annex I – Part VIII – point 80 – paragraph 1

Text proposed by the Commission

In order to adapt Directive 2009/110/EC to take account of inflation or technological and market developments, and to ensure a convergent application of certain exemptions set out in that Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend 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.

Amendment

Directive 2009/110/EC includes in Article 14 an empowerment for the Commission to adopt measures which are necessary to update the provisions of the Directive "in order to take account of inflation or technological and market developments" in accordance with the regulatory procedure with scrutiny. Such empowerment, if adapted to an empowerment for the adoption of delegated acts without further changes, would not satisfy the requirements of Article 290 TFEU regarding the necessary specification of objectives, content and scope of the delegation of power. Taking into account that the Commission has not used the empowerment to date, it should be deleted.

Justification

This amendment explains why the empowerment in this Directive is deleted entirely.

Amendment 278

Proposal for a regulation

Annex I – Part VIII – point 80 – paragraph 2 – point 1

Directive 2009/110/EC

Article 14

Text proposed by the Commission

Amendment

(1) Article 14 is ***replaced by the following:***

(1) Article 14 is ***deleted.***

Article 14

Delegated acts

The Commission is empowered to adopt delegated acts in accordance with Article 14a:

a) amending this Directive in order to take account of inflation or technological and market developments;

b) amending Article 1(4) and (5) to ensure the convergent application of the exemptions referred to in those provisions.;

Justification

The empowerment is too broad to be appropriate for a delegated act under Article 290 TFEU and it has not been used so far. Therefore, it should be deleted.

Amendment 279

Proposal for a regulation

Annex I – Part VIII – point 80 – paragraph 2 – point 2

Directive 2009/110/EC

Article 14 a

Text proposed by the Commission

Amendment

(2) ***the following Article 14a is inserted:***

deleted

‘Article 14a

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 14 shall be conferred on the Commission for an indeterminate period of time [from the entry into force of this Omnibus].

3. *The delegation of power referred to in Article 14 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 14 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;* ’

Justification

Following the above amendments, there are no longer provisions empowering the Commission to adopt delegated acts; therefore, this procedural provision should be deleted.

Amendment 280

Proposal for a regulation

Annex I – Part IX – point 81 – paragraph 2 – point 4

Directive 75/324/EEC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 281

Proposal for a regulation

Annex I – Part IX – point 81 – paragraph 2 – point 4

Directive 75/324/EEC

Article 10 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 5 and Article 10(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

Amendment

6. A delegated act adopted pursuant to Article 5 and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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

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.

Council have both informed the Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 282

Proposal for a regulation

Annex I – Part IX – point 82 – paragraph 2 – point 2

Directive 76/211/EEC

Article 6 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 283

Proposal for a regulation

Annex I – Part IX – point 82 – paragraph 2 – point 2

Directive 76/211/EEC

Article 6 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6 shall enter into force only if no

Amendment

6. A delegated act adopted pursuant to Article 6 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.

objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 284

Proposal for a regulation

Annex I – part IX – point 83 – paragraph 2 – point 1

Directive 80/181/EEC

Article 6 a – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 6c establishing supplementary indications.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 6c **to supplement this Directive by** establishing supplementary indications.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 285

Proposal for a regulation

Annex I – Part IX – point 83 – paragraph 2 – point 2

Directive 80/181/EEC

Article 6 c – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into

Amendment

2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of

force of this *Omnibus*].

this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 286

Proposal for a regulation

Annex I – Part IX – point 83 – paragraph 2 – point 2

Directive 80/181/EEC

Article 6 c – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6a 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.

Amendment

6. A delegated act adopted pursuant to Article 6a shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 287

Proposal for a regulation

Annex I – Part IX – point 84 – paragraph 2 – point 1

Directive 97/67/EC

Article 16 – paragraph 6

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 21a specifying such standardised conditions.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 21a **to supplement this Directive by** specifying such standardised conditions.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 288

Proposal for a regulation

Annex I – Part IX – point 84 – paragraph 2 – point 3

Directive 97/67/EC

Article 20 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 289

Proposal for a regulation

Annex I – Part IX – point 85 – paragraph 2 – point 1

Directive 2000/14/EC

Article 17 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 18a shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 18a shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 290

Proposal for a regulation

Annex I – Part IX – point 86 – paragraph 2 – point 3

Regulation (EC) No 2003/2003

Article 31 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

The standard 5-year renewable delegation of power (if neither the Council nor the European Parliament withdraw it) should apply to all files in this policy area, as was the case in the previous legislation. This is also consistent with Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 291

Proposal for a regulation

Annex I – Part IX – point 87 – paragraph 2 – point 2

Directive 2004/9/EC

Article 6 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(3) and Article 8(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 6(3) and Article 8(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 292

Proposal for a regulation

Annex I – Part IX – point 88 – paragraph 2 – point 2

Directive 2004/10/EC

Article 3 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3a and Article 5(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 3a and Article 5(2) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 293

Proposal for a regulation

Annex I – Part IX – point 89 – paragraph 3 – point 3

Directive 2006/42/EC

Article 21 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 294

Proposal for a regulation

Annex I – Part IX – point 89 – paragraph 3 – point 3

Directive 2006/42/EC

Article 21 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 8(1) 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.

Amendment

6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 295

Proposal for a regulation

Annex I – Part IX – point 90 – paragraph 2 – point 1

Directive 2006/123/EC

Article 23 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 39a establishing common criteria for defining, for the purposes of the insurance or guarantees referred to in paragraph 1 of this Article, what is appropriate to the nature and extent of the risk.;

The Commission is empowered to adopt delegated acts in accordance with Article 39a **to supplement this Directive by** establishing common criteria for defining, for the purposes of the insurance or guarantees referred to in paragraph 1 of this Article, what is appropriate to the nature and extent of the risk.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 296

Proposal for a regulation

Annex I – Part IX – point 90 – paragraph 2 – point 2

Directive 2006/123/EC

Article 36 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 39a **in order to specify** the time-limits provided for in Articles 28 and 35.

The Commission is empowered to adopt delegated acts in accordance with Article 39a **to supplement this Directive by specifying** the time-limits provided for in Articles 28 and 35.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 297

Proposal for a regulation

Annex I – Part IX – point 90 – paragraph 2 – point 3

Directive 2006/123/EC

Article 39 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for **an indeterminate** period of **time** from [date

2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending Regulation**].

of entry into force of this *Omnibus*].

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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 298

Proposal for a regulation

Annex I – Part IX – point 90 – paragraph 2 – point 3

Directive 2006/123/EC

Article 39 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 23(4) and Article 36 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 23(4) and Article 36 shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 299

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 1 – second indent

Text proposed by the Commission

- to amend the Annexes to that Regulation *in certain cases*;

Amendment

- to amend the Annexes to that Regulation;

Justification

This amendment clarifies that the Annexes are always amended by delegated acts (in line with the new wording of Article 131 of Regulation (EC) No 1907/2006).

Amendment 300

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 1

Regulation (EC) No 1907/2006

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 131a laying down test methods.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 131a **to supplement this Regulation by** laying down test methods.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 301

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 2

Regulation (EC) No 1907/2006

Article 41 – paragraph 7

Text proposed by the Commission

“7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to **vary** the percentage of dossiers selected and to amend or **include** further criteria in paragraph 5.”

Amendment

“7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to **amend this Regulation by varying** the percentage of dossiers selected and **by updating or including** further criteria in paragraph 5.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 302

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 4 a (new)

Regulation (EC) No 1907/2006

Article 73 – paragraph 2

Present text

2. A final decision *shall be taken* in accordance with *the procedure referred to in Article 133(4)*. *The Commission shall send the draft amendment to the Member States at least 45 days before voting.*

Amendment

(4a) in Article 73, paragraph 2 is replaced by the following:

“2. The Commission is empowered to adopt a delegated act in accordance with Article 131a to supplement this Regulation with the final decision on amending Annex XVII.”

Justification

Amending paragraph 2 in order to align the measure to delegated acts (there can be no reference to Article 133(4) (RPS) as it will be deleted from the act).

Amendment 303

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 6

Regulation (EC) No 1907/2006

Article 131a

Text proposed by the Commission

Amendment

“Article 131a

Exercise of the Delegation

1. The power to adopt delegated acts conferred on the Commission is subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) shall be conferred on the Commission for *an indeterminate* period of *time* from [date

“Article 131a

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 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), **Article 73(2)**, Article 131 and Article 138(9) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this

of entry into force of this *Omnibus*].

3. The delegation of power referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) 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 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) 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

amending 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 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), **Article 73(2)**, Article 131 and Article 138(9) 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 *of 13 April 2016* on Better Law-Making *.

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 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), **Article 73(2)**, Article 131 and Article 138(9) 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.”

extended by two months at the initiative of the European Parliament or of the Council.

* OJ L 123, 12.5.2016, p.1.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 304

Proposal for a regulation

Annex I – Part IX – point 92 – paragraph 3 – point 3

Directive 2009/34/EC

Article 16 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 305

Proposal for a regulation

Annex I – Part IX – point 92 – paragraph 3 – point 3

Directive 2009/34/EC

Article 16 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 16 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.

Amendment

6. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 306

Proposal for a regulation

Annex I – Part IX – point 93 – paragraph 2 – point 3

Directive 2009/43/EC

Article 13 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for **an indeterminate** period of **time** from **the** [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 307

Proposal for a regulation

Annex I – Part IX – point 93 – paragraph 2 – point 3

Directive 2009/43/EC

Article 13 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 4(3) and Article 13 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.

Amendment

6. A delegated act adopted pursuant to Article 4(3) and Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 308

Proposal for a regulation

Annex I – Part IX – point 94 – paragraph 3 – point 2

Directive 2009/48/EC

Article 46 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 309

Proposal for a regulation

Annex I – Part IX – point 94 – paragraph 3 – point 2

Directive 2009/48/EC

Article 46 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 46 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.

Amendment

6. A delegated act adopted pursuant to Article 46 shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 310

Proposal for a regulation

Annex I – Part IX – point 95 – paragraph 2 – point 1

Regulation (EC) No 79/2009

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 12a in the light of technical progress concerning:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 12a ***to supplement this Regulation*** in the light of technical progress concerning:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 311

Proposal for a regulation

Annex I – Part IX – point 95 – paragraph 2 – point 2

Regulation (EC) No 79/2009

Article 12 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from ***the*** date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for ***a*** period of ***five years from ...*** [date of entry into force of this ***amending*** 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 312

Proposal for a regulation

Annex I – Part IX – point 95 – paragraph 2 – point 2

Text proposed by the Commission

6. A delegated act adopted pursuant to 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.

Amendment

6. A delegated act adopted pursuant to 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 **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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 313

Proposal for a regulation

Annex I – Part IX – point 96 – paragraph 2 – point 3

Directive 2009/81/EC

Article 66 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 314

Proposal for a regulation

Annex I – Part IX – point 96 – paragraph 2 – point 3

Directive 2009/81/EC

Article 66 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) 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.

Amendment

6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 315

Proposal for a regulation

Annex I – Part IX – point 97 – paragraph 2 – point 1 – point a

Directive 2009/125/EC

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt such delegated acts in accordance with Article 18a.

Amendment

The Commission is empowered to adopt such delegated acts in accordance with Article 18a **by supplementing this Directive.**

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 316

Proposal for a regulation

Annex I – Part IX – point 97 – paragraph 2 – point 1 – point c

Directive 2009/125/EC

Article 15 – paragraph 10

Text proposed by the Commission

“10. Where appropriate a delegated act laying down ecodesign requirements shall include provisions on the balancing of various environmental aspects.”

Amendment

“10. Where appropriate a delegated act laying down ecodesign requirements shall include provisions on the balancing of various environmental aspects. ***The Commission is empowered to adopt such delegated acts in accordance with Article 18a by supplementing this Directive.***”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 317

Proposal for a regulation

Annex I – Part IX – point 97 – paragraph 2 – point 2

Directive 2009/125/EC

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt those measures by delegated acts in accordance with Article 18a.”

Amendment

“The Commission is empowered to adopt those measures by delegated acts in accordance with Article 18a ***by supplementing this Directive.***”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 318

Proposal for a regulation

Annex I – Part IX – point 97 – paragraph 2 – point 3

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15(1) and Article 16(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 15(1) and Article 16(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 319

Proposal for a regulation

Annex I – Part IX – point 98 – paragraph 2 – point 2

Regulation (EC) No 661/2009

Article 14

Text proposed by the Commission

“Article 14

Delegated powers

The Commission is empowered to adopt delegated acts in accordance with Article 14a ***required*** in the light of technical progress ***in respect of***:

Amendment

“Article 14

Delegated powers

The Commission is empowered to adopt delegated acts in accordance with Article 14a ***to amend this Regulation*** in the light of technical progress ***by laying down the following***:

(a) ***measures amending the limit values on rolling resistance and rolling noise laid down in Parts B and C of Annex II insofar as is necessary as a result of changes in test procedures and***

without lowering the level of protection of the environment;

(b) measures amending Annex IV to include the UNECE Regulations that are mandatory under Article 4(4) of Decision 97/836/EC.

The Commission is empowered to adopt delegated acts in accordance with Article 14a to supplement this Regulation in the light of technical progress by laying down the following:

(a) detailed rules concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;

(b) detailed rules concerning specific safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States, taking account of UNECE Regulation 105;

(c) a more precise definition of the physical characteristics and performance requirements a tyre must fulfil to be defined as ‘special use tyre’, ‘off-road professional tyre’, ‘reinforced tyre’, ‘extra load tyre’, ‘snow tyre’, ‘T-type temporary-use spare tyre’ or ‘traction tyre’ in accordance with points 8 to 13 of the second paragraph of Article 3;

(d) measures amending the limit values on rolling resistance and rolling noise laid down in Parts B and C of Annex II insofar as is necessary as a result of changes in test procedures and without lowering the level of protection of the environment;

(e) detailed rules on the procedure for the determination of the noise levels referred to in point 1 of Part C of Annex II;

(f) measures amending Annex IV to include the UNECE Regulations that are mandatory under Article 4(4) of Decision

(a) detailed rules concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;

(b) detailed rules concerning specific safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States, taking account of UNECE Regulation 105;

(c) a more precise definition of the physical characteristics and performance requirements a tyre must fulfil to be defined as ‘special use tyre’, ‘off-road professional tyre’, ‘reinforced tyre’, ‘extra load tyre’, ‘snow tyre’, ‘T-type temporary-use spare tyre’ or ‘traction tyre’ in accordance with points 8 to 13 of the second paragraph of Article 3;

(d) detailed rules on the procedure for the determination of the noise levels referred to in point 1 of Part C of Annex II;

97/836/EC;

(g) administrative provisions concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;

(h) measures exempting certain vehicles or classes of vehicles of categories M2, M3, N2 and N3 from the obligation to install advanced vehicle systems referred to in Article 10 where, following a cost/benefit analysis and taking into account all relevant safety aspects, the application of those systems proves not to be appropriate to the vehicle or class of vehicles concerned;

(i) other measures necessary for the application of this Regulation.”

(e) administrative provisions concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;

(f) measures exempting certain vehicles or classes of vehicles of categories M2, M3, N2 and N3 from the obligation to install advanced vehicle systems referred to in Article 10 where, following a cost/benefit analysis and taking into account all relevant safety aspects, the application of those systems proves not to be appropriate to the vehicle or class of vehicles concerned;

(g) other measures necessary for the application of this Regulation.”

Justification

Clarification of empowerment.

Amendment 320

Proposal for a regulation

Annex I – Part IX – point 98 – paragraph 2 – point 3

Regulation (EC) No 661/2009

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for *an indeterminate* period of *time from the* date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for *a* period of *five years from ...* [date of entry into force of this *amending* 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.

(The numbering of the Commission proposal should be corrected. Point (2) is actually point (3))

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 321

Proposal for a regulation

Annex I – Part IX – point 98 – paragraph 2 – point 3

Regulation (EC) No 661/2009

Article 14 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 14 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.

Amendment

6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 322

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 1 – indent 8 a (new)

Text proposed by the Commission

Amendment

- to supplement this Regulation by authorising derogations from the

prohibition on animal testing, in case a serious concern arises as regards the safety of an existing cosmetics ingredient.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 323

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation (EC) No 1223/2009 concerning derogations in relation to animal testing, implementing powers should be conferred on the Commission to adopt decisions authorising derogations from the prohibition on animal testing. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 324

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 6

Regulation (EC) No 1223/2009

Article 18 – paragraph 2 – subparagraph 9

Text proposed by the Commission

Amendment

“The measures referred to in the sixth subparagraph shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to

“The Commission is empowered to adopt delegated acts in accordance with Article 31a to supplement this Regulation by providing authorisation for the derogation referred to in the sixth subparagraph.”

in Article 32(2).”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 325

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 7

Regulation (EC) No 1223/2009

Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive 2005/29/EC.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 31a **to supplement this Regulation by** establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive 2005/29/EC.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 326

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 9

Regulation (EC) No 1223/2009

Article 31 a

Text proposed by the Commission

“Article 31a

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 2(3), Article 13(8),

Amendment

“Article 31a

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 2(3), Article 13(8),

Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (3) 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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), Article 20(2) and Article 31(1), (2) and (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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (3) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (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 *of 13 April 2016* on Better Law-Making ***.

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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council

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.”

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.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 327

Proposal for a regulation

Annex I – Part X – point 100 – paragraph 2 – point 2

Directive 92/85/EEC

Article 13 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 13(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 13(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 328

Proposal for a regulation

Annex I – Part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for **an indeterminate** period of **time** from [the entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for **a** period of **five years** from ... [**date of** entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 329

Proposal for a regulation

Annex I – Part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 19(5) 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

Amendment

6. A delegated act adopted pursuant to Article 19(5) shall enter into force only if no objection has been expressed either by the European Parliament or 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.

informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 330

Proposal for a regulation

Annex I – Part XI – point 102 – paragraph 2 – point 2

Regulation (EEC) No 3922/91

Article 11 a – paragraph 2

Text proposed by the Commission

2. The **power to adopt delegated acts** referred to in Article 11(1) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The **delegation of power** referred to in Article 11(1) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Amendment 331

Proposal for a regulation

Annex I – Part XI – point 103 – paragraph 2 – point 2

Directive 95/50/EC

Article 9 aa – paragraph 2

Text proposed by the Commission

2. The **power to adopt delegated acts** referred to in Article 9a shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into

Amendment

2. The **delegation of power** referred to in Article 9a shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this

force of this *Omnibus*].

amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 332

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 1

Text proposed by the Commission

In order to adapt Directive 97/70/EC to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in order to apply subsequent amendments to the Torremolinos Protocol. 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.

Amendment

In order to adapt Directive 97/70/EC to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in order to apply subsequent amendments to the Torremolinos Protocol *and to supplement it by adopting provisions for a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties.*

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty

should be delegated to the Commission amending this Directive in order to exclude from its scope any amendment to the Torremolinos Protocol if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or that such amendment would be incompatible with the latter.

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 *of 13 April 2016* on Better Law-Making. 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.

Amendment 333

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Directive 97/70/EC, implementing powers should be conferred on the Commission to adopt provisions for a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, as far as necessary to ensure their

Amendment

deleted

*consistent implementation in the Union.
Those powers should be exercised in
accordance with Regulation (EU) No
182/2011.*

Amendment 334

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 3 – point 1

Directive 97/70/EC

Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission *may* establish a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, *as far as necessary to ensure their consistent implementation in the Union, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(2).*

Amendment

2. The Commission *is empowered to adopt delegated acts in accordance with Article 8a supplementing this Directive in order to* establish a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties.

Amendment 335

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 3 – point 1

Directive 97/70/EC

Article 8 – paragraph 3

Text proposed by the Commission

3. The *amendments* to the international instrument referred to in Article 2(4) *may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council**.

Amendment

3. The *Commission is empowered to adopt delegated acts in accordance with Article 8a amending this Directive in order to exclude from its scope any amendment* to the international instrument referred to in Article 2(4) *if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would*

be incompatible with the latter.

Amendment 336

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(I) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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 years 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 337

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8 a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 8(I) 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

Amendment

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 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.

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.

Amendment 338

Proposal for a regulation

Annex I – Part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8 a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 8(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.

Amendment

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.

Amendment 339

Proposal for a regulation

Annex I – Part XI – point 105 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission amending this Directive in order to exclude from its scope any amendment to Marpol 73/78 if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established

by Union maritime legislation, or would be incompatible with the latter.

Amendment 340

Proposal for a regulation

Annex I – Part XI – point 105 – paragraph 3 – point 1

Directive 2000/59/EC

Article 13 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 341

Proposal for a regulation

Annex I – Part XI – point 105 – paragraph 3 – point 3

Directive 2000/59/EC

Article 15 – paragraph 3

Text proposed by the Commission

3. The *amendments* to the international instruments referred to in Article 2 *may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European*

Amendment

3. The *Commission is empowered to adopt delegated acts in accordance with Article 13a amending this Directive in order to exclude from its scope any amendment to the international instrument referred to in*

Parliament and of the Council.*

Article 2 if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

** Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1)."*

Amendment 342

Proposal for a regulation

Annex I – Part XI – point 106 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission amending this Directive in order to exclude from its scope any amendment to the international instruments referred to in Article 3 of this Directive, if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendments would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 343

Proposal for a regulation

Annex I – Part XI – point 106 – paragraph 3 – point 2

Directive 2001/96/EC

Article 15 – footnote

Text proposed by the Commission

Amendment

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

deleted

Justification

Wrong reference

Amendment 344

Proposal for a regulation

Annex I – Part XI – point 106 – paragraph 3 – point 2

Directive 2001/96/EC

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

The *amendments* to the international instruments referred to in Article 3 *may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.*

The *Commission is empowered to adopt delegated acts in accordance with Article 15a amending this Directive in order to exclude from its scope any amendment to the international instrument referred to in Article 3 if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.*

Amendment 345

Proposal for a regulation

Annex I – Part XI – point 106 – paragraph 3 – point 3

Directive 2001/96/EC

Article 15 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts

2. The power to adopt delegated acts

referred to in Article 15 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 346

Proposal for a regulation

Annex I – Part XI – point 107 – paragraph 3 – point 2

Directive 2002/59/EC

Article 27 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see

resolution of 25 February 2014, paragraph 9).

Amendment 347

Proposal for a regulation

Annex I – Part XI – point 108 – paragraph 2 – point 3

Regulation (EC) No 2099/2002

Article 7 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of *the* entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 348

Proposal for a regulation

Annex I – Part XI – point 109 – paragraph 2 – point 2

Directive 2003/25/EC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 349

Proposal for a regulation

Annex I – Part XI – point 110 – paragraph 2 – point 2

Directive 2003/59/EC

Article 11 a – paragraph 2

Text proposed by the Commission

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

Amendment

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 *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 350

Proposal for a regulation

Annex I – Part XI – point 111 – paragraph 3 – point 1 – point a – point ii

Regulation (EC) No 782/2003

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 8a **concerning the establishment of a harmonised** survey and certification regime for the ships referred to in point (b) of this paragraph, if necessary.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Regulation by establishing a harmonized** survey and certification regime for the ships referred to in point (b) of **the first subparagraph of** this paragraph, if necessary.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 351

Proposal for a regulation

Annex I – Part XI – point 111 – paragraph 3 – point 4

Regulation (EC) No 782/2003

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(1) and Article 8 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 6(1) and Article 8 shall be conferred on the Commission for a period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 352

Proposal for a regulation

Annex I – Part XI – point 112 – paragraph 3 – point 1 – point b

Directive 2004/52/EC

Article 4 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 4a ***concerning the definition of*** the European electronic toll service. Such acts shall only be adopted if all the conditions, evaluated on the basis of appropriate studies, are in place to enable interoperability to work from all points of view, including technical, legal and commercial conditions.

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 4a ***to supplement this Regulation by defining*** the European electronic toll service. Such acts shall only be adopted if all the conditions, evaluated on the basis of appropriate studies, are in place to enable interoperability to work from all points of view, including technical, legal and commercial conditions.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 353

Proposal for a regulation

Annex I – Part XI – point 112 – paragraph 3 – point 1 – point b

Directive 2004/52/EC

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 4a ***concerning*** technical decisions relating to the realisation of the European electronic toll service.;

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 4a ***to supplement this Directive by adopting*** technical decisions relating to the realisation of the European electronic toll service.;

Amendment 354

Proposal for a regulation

Annex I – Part XI – point 112 – paragraph 3 – point 2

Directive 2004/52/EC

Article 4 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2), (4) and (5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), (4) and (5) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 355

Proposal for a regulation

Annex I – Part XI – point 113 – paragraph 2 – point 2

Directive 2004/54/EC

Article 16 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 356

Proposal for a regulation

Annex I – Part XI – point 114 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 725/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation in order to integrate the amendments to certain international instruments. 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.

Amendment

In order to adapt Regulation (EC) No 725/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation in order to integrate the amendments to certain international instruments *and to supplement it in order to establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope 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 *of 13 April 2016* on Better Law-Making. 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.

Amendment 357

Proposal for a regulation

Annex I – Part XI – point 114 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 725/2004 implementing powers should be conferred on the Commission in order to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of that Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. ***deleted***

Amendment 358

Proposal for a regulation

Annex I – Part XI – point 114 – paragraph 3 – point 1

Regulation (EC) No 725/2004

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission ***shall*** establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation. ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).***

3. The Commission ***is empowered to adopt delegated acts in accordance with Article 10a supplementing this Regulation in order to*** establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation.";

Amendment 359

Proposal for a regulation

Annex I – Part XI – point 114 – paragraph 3 – point 2

Regulation (EC) No 725/2004

Article 10 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 10(2) shall be

2. The power to adopt delegated acts referred to in Article 10(2) shall be

conferred on the Commission for *an indeterminate* period of *time* from [date of *the* entry into force of this *Omnibus*].

conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 360

Proposal for a regulation

Annex I – Part XI – point 115 – paragraph 2 – point 3

Regulation (EC) No 785/2004

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(5) and Article 7(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 6(5) and Article 7(2) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 361

Proposal for a regulation

Annex I – Part XI – point 116 – paragraph 2 – point 3

Regulation (EC) No 789/2004

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 9(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 362

Proposal for a regulation

Annex I – Part XI – point 117 – paragraph 2 – point 1

Regulation (EC) No 868/2004

Article 5 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 14a ***concerning*** a detailed methodology for determining the existence of unfair pricing practices. This methodology shall cover, inter alia, the manner in which normal competitive pricing, actual costs and reasonable profit

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 14a ***to supplement this Regulation by establishing*** a detailed methodology for determining the existence of unfair pricing practices. This methodology shall cover, inter alia, the manner in which normal competitive pricing, actual costs and

margins are to be assessed in the specific context of the aviation sector.”

reasonable profit margins are to be assessed in the specific context of the aviation sector.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 363

Proposal for a regulation

Annex I – Part XI – point 117 – paragraph 2 – point 2

Regulation (EC) No 868/2004

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 364

Proposal for a regulation

Annex I – Part XI – point 118 – paragraph 2 – point 2

Directive 2005/44/EC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 365

Proposal for a regulation

Annex I – Part XI – point 119 – paragraph 2 – point 2

Directive 2005/65/EC

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 366

Proposal for a regulation

Annex I – Part XI – point 120 – paragraph 2 – point 2

Regulation (EC) No 2111/2005

Article 8 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 14a laying down detailed rules in respect of the procedures referred to in this Chapter taking due account of the need for decisions to be taken swiftly on updating the Community list.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 14a ***to supplement this Regulation by*** laying down detailed rules in respect of the procedures referred to in this Chapter taking due account of the need for decisions to be taken swiftly on updating the Community list.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 367

Proposal for a regulation

Annex I – Part XI – point 120 – paragraph 2 – point 3

Regulation (EC) No 2111/2005

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(2) and Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 3(2) and Article 8 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 368

Proposal for a regulation

Annex I – Part XI – point 121 – paragraph 3 – point 1 – point a

Directive 2006/126/EC

Article 1 – paragraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 8a **concerning** requirements for the microchip referred to in Annex I. Those requirements shall provide for EC type-approval, which shall only be granted when the ability to resist attempts to tamper with or alter data is demonstrated.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Directive by laying down** requirements for the microchip referred to in Annex I. Those requirements shall provide for EC type-approval, which shall only be granted when the ability to resist attempts to tamper with or alter data is demonstrated.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 369

Proposal for a regulation

Annex I – Part XI – point 121 – paragraph 3 – point 2

Directive 2006/126/EC

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 8a **in order to establish appropriate** anti-forgery specifications.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 8a **to supplement this Directive by establishing appropriate** anti-forgery specifications.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 370

Proposal for a regulation

Annex I – Part XI – point 121 – paragraph 3 – point 4

Directive 2006/126/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 1(2) and (3), Article 3(2) and Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 1(2) and (3), Article 3(2) and Article 8 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 371

Proposal for a regulation

Annex I – Part XI – point 122 – paragraph 2 – point 2

Regulation (EC) No 336/2006

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [***the***

Amendment

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

date of entry into force of this *Omnibus*].

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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 372

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 1

Directive 2007/59/EC

Article 4 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing, on the basis of a draft prepared by the Agency, a Community model for the licence, the certificate and the certified copy of the certificate, and to determine their physical characteristics, taking into account therein anti-forgery measures.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 31a *to supplement this Directive by* establishing, on the basis of a draft prepared by the Agency, a Community model for the licence, the certificate and the certified copy of the certificate, and to determine their physical characteristics, taking into account therein anti-forgery measures.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 373

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 1

Directive 2007/59/EC

Article 4 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing, on the basis of a recommendation prepared by the Agency, the Community Codes for the different types in categories A and B as referred to in paragraph 3 of this Article. ;

The Commission is empowered to adopt delegated acts in accordance with Article 31a **to supplement this Directive by** establishing, on the basis of a recommendation prepared by the Agency, the Community Codes for the different types in categories A and B as referred to in paragraph 3 of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 374

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 2

Directive 2007/59/EC

Article 22 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

“To this end, the Commission is empowered to adopt delegated acts in accordance with Article 31a establishing, on the basis of a draft prepared by the Agency, the basic parameters of the registers to be set up, such as data to be recorded, their format and the data exchange protocol, access rights, the duration of data retention and the procedures to be followed in cases of bankruptcy.”

“To this end, the Commission is empowered to adopt delegated acts in accordance with Article 31a **to supplement this Directive by** establishing, on the basis of a draft prepared by the Agency, the basic parameters of the registers to be set up, such as data to be recorded, their format and the data exchange protocol, access rights, the duration of data retention and the procedures to be followed in cases of bankruptcy.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 375

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 3 – point b

Directive 2007/59/EC

Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 31a ***in order to establish*** those criteria.”

“The Commission is empowered to adopt delegated acts in accordance with Article 31a ***to supplement this Directive by establishing*** those criteria.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 376

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 4

Directive 2007/59/EC

Article 25 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

The choice of examiners and examinations may be subject to Union criteria. The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing such Union criteria on the basis of a draft prepared by the Agency.

The choice of examiners and examinations may be subject to Union criteria. The Commission is empowered to adopt delegated acts in accordance with Article 31a ***to supplement this Directive by*** establishing such Union criteria on the basis of a draft prepared by the Agency.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 377

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 6

Directive 2007/59/EC

Article 31 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 4(4), Article 22(4), Article 23(3), Article 25(5), Article 31(1) and Article 34 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of

2. The power to adopt delegated acts referred to in Article 4(4), Article 22(4), Article 23(3), Article 25(5), Article 31(1) and Article 34 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending Regulation***]. ***The Commission***

this *Omnibus*].

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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 378

Proposal for a regulation

Annex I – Part XI – point 123 – paragraph 3 – point 8

Directive 2007/59/EC

Article 34 – paragraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 31a laying down the technical and operating specifications for such a smartcard.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 31a *to supplement this Directive by* laying down the technical and operating specifications for such a smartcard.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 379

Proposal for a regulation

Annex I – Part XI – point 124 – paragraph 3 – point 1

Regulation (EC) No 1371/2007

Article 34 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34a *concerning* the measures referred to in Articles 2, 10 and 12.

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 34a *to supplement this Regulation by adopting* the measures referred to in

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 380

Proposal for a regulation

Annex I – Part XI – point 124 – paragraph 3 – point 2

Regulation (EC) No 1371/2007

Article 34 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 33 and Article 34 shall be conferred on the Commission for *an indeterminate* period of *time* from [*the* date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 33 and Article 34 shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 381

Proposal for a regulation

Annex I – Part XI – point 125 – paragraph 2 – point 2

Directive 2008/68/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(1) shall be

Amendment

2. The power to adopt delegated acts referred to in Article 8(1) shall be

conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 382

Proposal for a regulation

Annex I – Part XI – point 126 – paragraph 3 – point 1

Directive 2008/96/EC

Article 7 – paragraph 1 a

Text proposed by the Commission

“1a. The Commission is empowered to adopt delegated acts in accordance with Article 12a determining common criteria according to which accident severity, including number of fatalities and injured persons, is to be reported.”

Amendment

“1a. The Commission is empowered to adopt delegated acts in accordance with Article 12a *to supplement this Directive by* determining common criteria according to which accident severity, including number of fatalities and injured persons, is to be reported.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 383

Proposal for a regulation

Annex I – Part XI – point 126 – paragraph 3 – point 4

Directive 2008/96/EC

Article 12 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(1a) and Article 12 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 7(1a) and Article 12 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 384

Proposal for a regulation

Annex I – Part XI – point 127 – paragraph 3 – point 1 – point a – point i

Regulation (EC) No 300/2008

Article 4 – paragraph 2 – subparagraph 1

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 18a laying down certain elements of the common basic standards.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by*** laying down certain elements of the common basic standards.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 385

Proposal for a regulation

Annex I – Part XI – point 127 – paragraph 3 – point 1 – point b

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 18a setting criteria to allow Member States to derogate from the common basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by*** setting criteria to allow Member States to derogate from the common basic standards referred to in paragraph 1 and to adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment. Such alternative measures shall be justified by reasons relating to the size of the aircraft, or by reasons relating to the nature, scale or frequency of operations or of other relevant activities.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 386

Proposal for a regulation

Annex I – Part XI – point 127 – paragraph 3 – point 3

Regulation (EC) No 300/2008

Article 18 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 11(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 11(2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 387

Proposal for a regulation

Annex I – Part XI – point 128 – paragraph 3 – point 1

Directive 2009/15/EC

Article 5 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

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

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 388

Proposal for a regulation

Annex I – Part XI – point 129 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission amending this Directive in order to exclude from its scope any amendment to the IMO Code for the Investigation of

Marine Casualties and Incidents, if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 389

Proposal for a regulation

Annex I – Part XI – point 129 – paragraph 3 – point 1

Directive 2009/18/EC

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the common methodology for investigating marine casualties and incidents taking into account any relevant lessons drawn from safety investigations.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Directive by establishing** the common methodology for investigating marine casualties and incidents taking into account any relevant lessons drawn from safety investigations.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 390

Proposal for a regulation

Annex I – Part XI – point 129 – paragraph 3 – point 2

Directive 2009/18/EC

Article 18 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(4) and Article 20 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 5(4) and Article 20 shall be conferred on the Commission for a period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 391

Proposal for a regulation

Annex I – Part XI – point 129 – paragraph 3 – point 4

Directive 2009/18/EC

Article 20 – paragraph 3

Text proposed by the Commission

3. *Amendments* to the IMO Code for the Investigation of Marine Casualties and Incidents *may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002.*

Amendment

3. *The Commission is empowered to adopt delegated acts in accordance with Article 18a amending this Directive in order to exclude from its scope any amendment to the IMO Code for the Investigation of Marine Casualties and Incidents if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.*

Amendment 392

Proposal for a regulation

Annex I – Part XI – point 130 – paragraph 2 – point 2

Directive 2009/33/EC

Article 8 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 393

Proposal for a regulation

Annex I – Part XI – point 131 – paragraph 3 – point 3

Regulation (EC) No 391/2009

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 14a ***concerning***:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 14a ***to supplement this Regulation by laying down the following***:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 394

Proposal for a regulation

Annex I – Part XI – point 131 – paragraph 3 – point 3

Regulation (EC) No 391/2009

Article 14 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 14a **concerning** detailed rules on the imposition of fines and periodic penalty payments pursuant to Article 6, and, if necessary regarding the withdrawal of recognition of ship inspection and survey organisations pursuant to Article 7.

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 14a **to supplement this Regulation by establishing** detailed rules on the imposition of fines and periodic penalty payments pursuant to Article 6, and, if necessary regarding the withdrawal of recognition of ship inspection and survey organisations pursuant to Article 7.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 395

Proposal for a regulation

Annex I – Part XI – point 131 – paragraph 3 – point 4

Regulation (EC) No 391/2009

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 13(1) and Article 14(1) and (2) shall be conferred on the Commission for **an indeterminate** period of **time** from [**the** date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 13(1) and Article 14(1) and (2) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 396

Proposal for a regulation

Annex I – Part XI – point 132 – paragraph 3 – point 2

Regulation (EC) No 392/2009

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9(1) and (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 9(1) and (2) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 397

Proposal for a regulation

Annex I – Part XI – point 133 – paragraph 3 – point 1

Regulation (EC) No 1071/2009

Article 6 – paragraph 2 – point b – paragraphs 1 and 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 24a establishing a list of categories, types and degrees of seriousness of serious infringements of Union rules which, in addition to those set out in Annex IV, may lead to the loss of good repute. Member States shall take into account information on those infringements, including

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by*** establishing a list of categories, types and degrees of seriousness of serious infringements of Union rules which, in addition to those set out in Annex IV, may lead to the loss of good repute. Member States shall take into account information

information received from other Member States, when setting the priorities for checks pursuant to Article 12(1).”

on those infringements, including information received from other Member States, when setting the priorities for checks pursuant to Article 12(1).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 398

Proposal for a regulation

Annex I – Part XI – point 133 – paragraph 3 – point 6

Regulation (EC) No 1071/2009

Article 24 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) and Article 8(9) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 6(2) and Article 8(9) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 399

Proposal for a regulation

Annex I – Part XI – point 134 – paragraph 2 – point 3

Regulation (EC) No 1072/2009

Article 14 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 5(4) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 5(4) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 400

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 2 – point a

Regulation (EC) No 1073/2009

Article 5 – paragraph 3 – subparagraph 5

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 25a ***concerning*** the procedures for the names of such carriers and the connection points en route to be communicated to the competent authorities of the Member States concerned.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 25a ***to supplement this Regulation by establishing*** the procedures for the names of such carriers and the connection points en route to be communicated to the competent authorities of the Member States concerned.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 401

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 2 – point b

Regulation (EC) No 1073/2009

Article 5 – paragraph 5 – subparagraph 3

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 25a **concerning** the format of certificates.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 25a **to supplement this Regulation by establishing** the format of certificates.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 402

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 3

Regulation (EC) No 1073/2009

Article 6 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 25a **concerning** the format of authorisations.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 25a **to supplement this Regulation by establishing** the format of authorisations.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 403

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 4

Regulation (EC) No 1073/2009

Article 7 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with

Article 25a **concerning** the format of applications.”

Article 25a **to supplement this Regulation by establishing** the format of applications.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 404

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 5

Regulation (EC) No 1073/2009

Article 12 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 25a **concerning** the format of the journey form, the book of journey forms and the way in which they are used.”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 25a **to supplement this Regulation by establishing** the format of the journey form, the book of journey forms and the way in which they are used.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 405

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 6

Regulation (EC) No 1073/2009

Article 25 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5) and Article 28(3) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5) and Article 28(3) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 406

Proposal for a regulation

Annex I – Part XI – point 135 – paragraph 3 – point 8

Regulation (EC) No 1073/2009

Article 28 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 25a **concerning** the format of the table to be used for the communication of the statistics referred to in paragraph 2.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 25a **to supplement this Regulation by establishing** the format of the table to be used for the communication of the statistics referred to in paragraph 2.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 407

Proposal for a regulation

Annex I – Part XII – point 136 – paragraph 2 – point 1

Directive 89/108/EEC

Article 4 – paragraph 3

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 11a determining the purity criteria to be satisfied by those cryogenic media.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Directive by** determining the purity criteria to be satisfied by those cryogenic media.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 408

Proposal for a regulation

Annex I – Part XII – point 136 – paragraph 2 – point 2

Directive 89/108/EEC

Article 11 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11a determining the sampling procedures for quick-frozen foodstuffs and the procedures for monitoring their temperature and for monitoring temperatures in the means of transport, warehousing and storage.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11a ***to supplement this Directive by*** determining the sampling procedures for quick-frozen foodstuffs and the procedures for monitoring their temperature and for monitoring temperatures in the means of transport, warehousing and storage.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 409

Proposal for a regulation

Annex I – Part XII – point 136 – paragraph 2 – point 3

Directive 89/108/EEC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 4 and 11 shall be conferred for ***an indeterminate*** period of ***time*** from [***the*** date of ***the*** entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Articles 4 and 11 shall be conferred ***on the Commission*** for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 410

Proposal for a regulation

Annex I – Part XII – point 137 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Directive 1999/2/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive to the extent necessary to ensure the protection of public health and to supplement that Directive in respect of exceptions relating to the maximum radiation dose for foodstuffs, the supplementary requirements for facilities. 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.

Amendment

In order to achieve the objectives of Directive 1999/2/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive to the extent necessary to ensure the protection of public health and to supplement that Directive in respect of exceptions relating to the maximum radiation dose for foodstuffs *and* the supplementary requirements for facilities. 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 *of 13 April 2016* on Better Law-Making. 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.

Amendment 411

Proposal for a regulation

Annex I – Part XII – point 137 – paragraph 2 – point 1

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 11a **allowing** exceptions to paragraph 1 taking into account the available scientific knowledge and the relevant international standards.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Directive in order to allow** exceptions to paragraph 1 taking into account the available scientific knowledge and the relevant international standards.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 412

Proposal for a regulation

Annex I – Part XII – point 137 – paragraph 2 – point 2

Directive 1999/2/EC

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the supplementary requirement referred to in the first indent of the first subparagraph of this Article taking into account requirements in terms of efficacy and safety of treatment used, and related to good hygienic practices of food processing.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Directive by establishing rules** concerning the supplementary requirement referred to in the first indent of the first subparagraph of this Article taking into account requirements in terms of efficacy and safety of treatment used, and related to good hygienic practices of food processing.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 413

Proposal for a regulation

Annex I – Part XII – point 137 – paragraph 2 – point 3

Directive 1999/2/EC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(2), Article 7(2) and Article 14(3) shall be conferred for ***an indeterminate*** period of ***time*** from [***the*** entry into force of this ***OMNIBUS***].

Amendment

2. The power to adopt delegated acts referred to in Article 5(2), Article 7(2) and Article 14(3) shall be conferred ***on the Commission*** for ***a*** period of ***five years*** from ... [***date of*** entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 414

Proposal for a regulation

Annex I – Part XII – point 138 – paragraph 2 – point 3

Regulation (EC) No 141/2000

Article 10 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(4) shall be conferred ***to*** the Commission for ***an indeterminate*** period from [date of entry into force of this ***omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 8 (4) shall be conferred ***on*** the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 415

Proposal for a regulation

Annex I – Part XII – point 139 – paragraph 3 – point 1 – point a

Directive 2001/18/EC

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts, in accordance with Article 29a, establishing the criteria and information requirements referred to in paragraph 1, as well as any appropriate requirements for a summary of the dossier, after consultation of the relevant Scientific Committee. The criteria and information requirements shall be such as to ensure a high level of safety of human health and the environment and shall be based on the available scientific evidence concerning such safety and on experience gained from the release of comparable GMOs.

Amendment

The Commission is empowered to adopt delegated acts, in accordance with Article 29a, ***to supplement this Directive by*** establishing the criteria and information requirements referred to in paragraph 1, as well as any appropriate requirements for a summary of the dossier, after consultation of the relevant Scientific Committee. The criteria and information requirements shall be such as to ensure a high level of safety of human health and the environment and shall be based on the available scientific evidence concerning such safety and on experience gained from the release of comparable GMOs.

Amendment 416

Proposal for a regulation

Annex I – Part XII – point 139 – paragraph 3 – point 2 – point a

Directive 2001/18/EC

Article 21 – paragraph 2

Text proposed by the Commission

“2. For products where adventitious or technically unavoidable traces of authorised GMOs cannot be excluded, the Commission is empowered to adopt delegated acts, in accordance with Article 29a, establishing minimum thresholds

Amendment

“2. For products where adventitious or technically unavoidable traces of authorised GMOs cannot be excluded, the Commission is empowered to adopt delegated acts, in accordance with Article 29a, ***to supplement this Directive by***

below which these products shall not have to be labelled in accordance with paragraph 1 of this Article. Threshold levels shall be established according to the product concerned.”

establishing minimum thresholds below which these products shall not have to be labelled in accordance with paragraph 1 of this Article. Threshold levels shall be established according to the product concerned.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 417

Proposal for a regulation

Annex I – Part XII – point 139 – paragraph 3 – point 2 – point b

Directive 2001/18/EC

Article 21 – paragraph 3 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts, in accordance with Article 29a, establishing the thresholds referred to in the first subparagraph of this paragraph.”

Amendment

The Commission is empowered to adopt delegated acts, in accordance with Article 29a, ***to supplement this Directive by*** establishing the thresholds referred to in the first subparagraph of this paragraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 418

Proposal for a regulation

Annex I – Part XII – point 139 – paragraph 3 – point 5

Directive 2001/18/EC

Article 29 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16(2), Article 21(2) and (3), Article 26(2) and Article 27 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to Article 16(2), Article 21(2) and (3), Article 26(2) and Article 27 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 419

Proposal for a regulation

Annex I – Part XII – point 140 – paragraph 3 – point 2

Directive 2001/83/EC

Article 23 b – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 121a establishing the arrangements referred to in in paragraph 1.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 121a *to supplement this Directive by* establishing the arrangements referred to in in paragraph 1.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 420

Proposal for a regulation

Annex I – Part XII – point 140 – paragraph 3 – point 4

Directive 2001/83/EC

Article 47 – paragraph 1

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 121a specifying the principles and guidelines of good manufacturing practices for medicinal products referred to in

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 121a *to supplement this Directive by* specifying the principles and guidelines of good manufacturing practices for medicinal products referred to in Article

Article 46(f).”

46(f).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 421

Proposal for a regulation

Annex I – Part XII – point 140 – paragraph 3 – point 7

Directive 2001/83/EC

Article 121 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14(1), Article 22b, Article 23b, Article 46a, Article 47, Article 52b, Article 54a and Article 120 shall be conferred **to** the Commission for **an indeterminate** period from [date of entry into force of this **omnibus**].

Amendment

2. The power to adopt delegated acts referred to Article 14(1), Article 22b, Article 23b, Article 46a, Article 47, Article 52b, Article 54a and Article 120 shall be conferred **on** the Commission for **a** period **of five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament’s general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 422

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 999/2001, the power

Amendment

In order to achieve the objectives of Regulation (EC) No 999/2001, 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 that Regulation by:

- **approving** rapid tests,
- amending the age of bovine animals to be covered by annual monitoring programmes,
- **laying down** the criteria to demonstrate improvement of the epidemiological situation of the country **and to list them in the Annex**,
- deciding to allow feeding of young animals of ruminant species with proteins derived from fish,

laying down detailed criteria for granting such exemption from prohibitions concerning animal feeding,

- deciding to introduce a tolerance level for insignificant amounts of animal proteins in feedingstuffs caused through adventitious and technically unavoidable contamination,
- deciding on the age,
- laying down rules providing for exemptions from the requirement to remove and destroy specified risk material,
- approving production processes,
- deciding to extend certain provisions to other animal species,
- deciding to extend to other products of animal origin,
- adopting the method to confirm BSE in ovine and caprine animals.

to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Regulation **by**:

- **updating the list of permitted** rapid tests,
- amending the age of bovine animals to be covered by annual monitoring programmes,
- **updating the list of** criteria to demonstrate improvement of the epidemiological situation of the country,
- deciding to allow feeding of young animals of ruminant species with proteins derived from fish.

The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation by:

- laying down detailed criteria for granting such exemption from prohibitions concerning animal feeding,
- deciding to introduce a tolerance level for insignificant amounts of animal proteins in feedingstuffs caused through adventitious and technically unavoidable contamination,
- deciding on the age,
- laying down rules providing for exemptions from the requirement to remove and destroy specified risk material,
- approving production processes,
- deciding to extend certain provisions to other animal species,
- deciding to extend to other products of animal origin,
- adopting the method to confirm BSE in ovine and caprine animals.

Justification

Clarification of empowerments (i.e. to amend or to supplement).

Amendment 423

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 1

Regulation (EC) No 999/2001

Article 5 – paragraph 3 – subparagraph 3

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 23b approving the rapid tests referred to in the second subparagraph. The Commission is empowered to adopt delegated acts in accordance with Article 23b amending Annex X, Chapter C, point 4 to update the list set out therein.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 23b amending Annex X, Chapter C, point 4 to update the list ***of permitted rapid tests*** set out therein.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 424

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 2 – point a

Regulation (EC) No 999/2001

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 23b approving the rapid tests for that purpose. The Commission is empowered to adopt delegated acts in accordance with Article 23b amending Annex X to list those tests.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 23b amending Annex X to list ***the rapid tests permitted for that purpose.***”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 425

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 2 – point b

Regulation (EC) No 999/2001

Article 6 – paragraph 1 b – subparagraph 2

Text proposed by the Commission

At the request of a Member State which can demonstrate the improvement of the epidemiological situation of the country, the annual monitoring programmes of that particular Member State may be revised. The Commission is empowered to adopt delegated acts in accordance with Article 23b:

(a) *establishing certain* criteria according to which the improvement of the epidemiological situation of the country, for the purpose of revising the monitoring programmes, should be assessed;

(b) *amending point 7 of Part I of Chapter A of Annex III to list the criteria referred to in point (a).;*

(Parliament's amendment takes over points (a) and (b) of the second subparagraph of paragraph 1b of Article 6 in the Commission proposal.)

Justification

Clarification of empowerment (i.e. to amend)

Amendment

At the request of a Member State which can demonstrate the improvement of the epidemiological situation of the country, the annual monitoring programmes of that particular Member State may be revised. The Commission is empowered to adopt delegated acts in accordance with Article 23b *amending point 7 of Part I of Chapter A of Annex III to list the* criteria according to which the improvement of the epidemiological situation of the country, for the purpose of revising the monitoring programmes, should be assessed.

Amendment 426

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 3 – point b

Regulation (EC) No 999/2001

Article 7 – paragraph 4 – subparagraph 3

Text proposed by the Commission

“At the request of a Member State or third

Amendment

“At the request of a Member State or third

country a decision in accordance with the procedure referred to in Article 24(2) may be taken to grant individual exemptions from the restrictions in this paragraph. Any exemption shall take account of the provisions provided for in paragraph 3 of this Article. The Commission is empowered to adopt delegated acts in accordance with Article 23b laying down detailed criteria to be taken in to account when granting such exemption.”

country a decision in accordance with the procedure referred to in Article 24(2) may be taken to grant individual exemptions from the restrictions in this paragraph. Any exemption shall take account of the provisions provided for in paragraph 3 of this Article. The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement this Regulation by** laying down detailed criteria to be taken in to account when granting such exemption.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 427

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 3 – point c

Regulation (EC) No 999/2001

Article 7 – paragraph 4 a

Text proposed by the Commission

“4a. The Commission is empowered to adopt delegated acts in accordance with Article 23b setting a tolerance level for insignificant amounts of animal proteins in **feedingstuffs** caused through adventitious and technically unavoidable contamination, based on a favourable risk assessment taking into account at least the amount and possible source of contamination and the final destination of the consignment.”

Amendment

“4a. The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement this Regulation by** setting a tolerance level for insignificant amounts of animal proteins in **feedingstuffs** caused through adventitious and technically unavoidable contamination, based on a favourable risk assessment taking into account at least the amount and possible source of contamination and the final destination of the consignment.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 428

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 4 – point a

Regulation (EC) No 999/2001

Article 8 – paragraph 1

Text proposed by the Commission

“1. The specified risk material shall be removed and disposed of in accordance with Annex V to this Regulation and with Regulation (EC) No 1069/2009. It shall not be imported into the Union. The list of specified risk material referred to in Annex V shall include at least the brain, spinal cord, eyes and tonsils of bovine animals aged over 12 months and the vertebral column of bovine animals above an age to be determined by the Commission. The Commission is empowered to adopt delegated acts in accordance with Article 23b to **determine** that age. The Commission is empowered to adopt delegated acts in accordance with Article 23b amending the list of specified risk material in Annex V taking into account the different risk categories laid down in the first subparagraph of Article 5(1) and the requirements of Article 6(1a) and (1b)(b).”

Amendment

“1. The specified risk material shall be removed and disposed of in accordance with Annex V to this Regulation and with Regulation (EC) No 1069/2009. It shall not be imported into the Union. The list of specified risk material referred to in Annex V shall include at least the brain, spinal cord, eyes and tonsils of bovine animals aged over 12 months and the vertebral column of bovine animals above an age to be determined by the Commission. The Commission is empowered to adopt delegated acts in accordance with Article 23b to **supplement this Regulation by determining** that age. The Commission is empowered to adopt delegated acts in accordance with Article 23b amending the list of specified risk material in Annex V taking into account the different risk categories laid down in the first subparagraph of Article 5(1) and the requirements of Article 6(1a) and (1b)(b).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 429

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 4 – point b

Regulation (EC) No 999/2001

Article 8 – paragraph 2 – paragraph 1

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 23b **to approve an** alternative **test** allowing to detect BSE prior to slaughter **and to amend the list in Annex X**. Paragraph 1 of this Article shall not apply to tissues from animals which have undergone the alternative test, provided that this test is

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 23b **amending Annex X to update the list of permitted** alternative **tests** allowing to detect BSE prior to slaughter **set out therein**. Paragraph 1 of this Article shall not apply to tissues from animals which have undergone the alternative test,

applied under the conditions provided for in Annex V and the test results are negative.”

provided that this test is applied under the conditions provided for in Annex V and the test results are negative.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 430

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 4 – point c

Regulation (EC) No 999/2001

Article 8 – paragraph 5

Text proposed by the Commission

“5. The Commission is empowered to adopt delegated acts in accordance with Article 23b laying down rules providing for exemptions from paragraphs 1 to 4 of this Article, with regard to the date of the effective enforcement of the feeding prohibition provided for in Article 7(1) or, as appropriate for third countries or regions thereof with a controlled BSE risk, with regard to the date of the effective enforcement of the ban of ruminant protein in feed for ruminants with a view to limiting the requirements to remove and destroy specified risk material to animals born before that date in the countries or regions concerned.”

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement this Regulation** **by** laying down rules providing for exemptions from paragraphs 1 to 4 of this Article, with regard to the date of the effective enforcement of the feeding prohibition provided for in Article 7(1) or, as appropriate for third countries or regions thereof with a controlled BSE risk, with regard to the date of the effective enforcement of the ban of ruminant protein in feed for ruminants with a view to limiting the requirements to remove and destroy specified risk material to animals born before that date in the countries or regions concerned.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 431

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 5 – point a

Regulation (EC) No 999/2001

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 23b approving production processes that shall be used to produce the products of animal origin listed in Annex VI.”

“1. The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement this Regulation** **by** approving production processes that shall be used to produce the products of animal origin listed in Annex VI.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 432

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 6

Regulation (EC) No 999/2001

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 23b **supplementing** this Regulation **to extend** the provisions of paragraphs 1 and 2 to other animal species.”

“3. The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement** this Regulation **by extending** the provisions of paragraphs 1 and 2 to other animal species.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 433

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 7

Regulation (EC) No 999/2001

Article 16 – paragraph 7 – sentence 1

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 23b **supplementing** this Regulation **to extend** the provisions of paragraphs 1 to **6** to other products of animal origin.”

“The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement** this Regulation **by extending** the provisions of paragraphs 1 to **6** to other products of animal origin.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 434

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 8

Regulation (EC) No 999/2001

Article 20 – paragraph 2 – sentence 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 23b laying down the method to confirm BSE in ovine and caprine animals.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 23b **to supplement this Regulation by** laying down the method to confirm BSE in ovine and caprine animals.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 435

Proposal for a regulation

Annex I – Part XII – point 141 – paragraph 3 – point 11

Regulation (EC) No 999/2001

Article 23 b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 6(1), and (1b), Article 7(3), (4), and (4a), Article 8(1), (2), and (5), Article 9(1), and (3), Article 15(3), Article 16(7), Article 20(2) and Article 23 shall be conferred for **an indeterminate** period of **time** from **the** date of **the** entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 6(1), and (1b), Article 7(3), (4), and (4a), Article 8(1), (2), and (5), Article 9(1) and (3), Article 15(3), Article 16(7), Article 20(2) and Article 23 shall be conferred **on the Commission** for a period of **five years** from ... [date of entry into force of this **amending 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.

Justification

The standard 5-year renewable delegation of power (if neither the Council nor the European Parliament withdraw it) should apply to all files in this policy area, as was the case in the previous legislation. This is also consistent with Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 436

Proposal for a regulation

Annex I – Part XII – point 142 – paragraph 2 – point 2 – point b

Directive 2002/32/EC

Article 8 – paragraph 2 – indent 2

Text proposed by the Commission

“– is empowered to adopt delegated acts in accordance with Article 10a to **define** acceptability criteria for detoxification processes as a complement to the criteria provided for products intended for animal feed which have undergone such processes.”

Amendment

“– is empowered to adopt delegated acts in accordance with Article 10a to **supplement this Directive by defining** acceptability criteria for detoxification processes as a complement to the criteria provided for products intended for animal feed which have undergone such processes.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 437

Proposal for a regulation

Annex I – Part XII – point 142 – paragraph 2 – point 3

Directive 2002/32/EC

Article 10 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(2) and Article 8(1) and (2) shall be conferred on the Commission for **an indeterminate** period of **time** from **the** [date of entry into force of this **Omnibus**].

Amendment

2. The power to adopt delegated acts referred to in Article 7(2) and Article 8(1) and (2) shall be conferred on the Commission for **a** period of **five years** from ... [date of entry into force of this **amending 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.

Justification

The standard 5-year renewable delegation of power (if neither the Council nor the European Parliament withdraw it) should apply to all files in this policy area, as was the case in the previous legislation. This is also consistent with Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 438

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Directive 2002/46/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive in order to adapt those Annexes to technical progress and to supplement that Directive as regards the purity criteria for substances listed in Annex II thereto, and the minimum amounts of vitamins and minerals that are to be present in food supplements. 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

Amendment

In order to achieve the objectives of Directive 2002/46/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive in order to adapt those Annexes to technical progress and to supplement that Directive as regards the purity criteria for substances listed in Annex II thereto, and the minimum *and maximum* amounts of vitamins and minerals that are to be present in food supplements. 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 *of 13 April 2016* on Better Law-Making. 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

Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 439

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Directive 2002/46/EC, implementing powers should be conferred on the Commission concerning setting maximum amounts of vitamins and minerals. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 440

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 1 – point a

Directive 2002/46/EC

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 12a **concerning** the purity criteria for substances listed in Annex II, except where such criteria apply pursuant to paragraph 3.”

“2. The Commission is empowered to adopt delegated acts in accordance with Article 12a **to supplement this Directive by establishing** the purity criteria for substances listed in Annex II, except where such criteria apply pursuant to paragraph 3.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 441

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 2

Directive 2002/46/EC

Article 5 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 12a setting the minimum amounts of vitamins and minerals referred to in paragraph 3 of this Article.

The Commission shall set the maximum amounts of vitamins and minerals referred to in paragraphs 1 and 2 of this Article by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13(2).”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 12a ***in order to supplement this Directive by setting:***

(a) the minimum amounts of vitamins and minerals referred to in paragraph 3 of this Article; ***and***

(b) the maximum amounts of vitamins and minerals referred to in paragraphs 1 and 2 of this Article.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 442

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 3

Directive 2002/46/EC

Article 12 – paragraph 3

Text proposed by the Commission

(3) in Article 12, paragraph 3 is ***deleted;***

Amendment

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

“3. In order to remedy the difficulties mentioned in paragraph 1 and to ensure the protection of human health, the Commission is empowered to adopt delegated acts in accordance with Article 12a to supplement this Directive.

A Member State that has adopted safeguard measures may in that event maintain them in force until those delegated acts have been adopted.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts. In the absence of a justification on the reasons for deletion of Article 12(3) of Directive 2002/46/EC, it is proposed to maintain the content of that provision previously subjected to the Regulatory Procedure with Scrutiny, and to align it to delegated acts.

Amendment 443

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 4

Directive 2002/46/EC

Article 12 a

Text proposed by the Commission

“Article 12a

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(2) and (5) ***and*** Article 5(4) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

“Article 12a

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(2) and (5), Article 5(4) ***and Article 12(3)*** shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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***

3. The delegation of power referred to in Article 4(2) and (5) **and** Article 5(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 *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 4(2) and (5) **and** Article 5(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.”

period

3. The delegation of power referred to in Article 4(2) and (5), Article 5(4) **and Article 12(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 **of 13 April 2016** on Better Law-Making *.

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(2) and (5), Article 5(4) **and Article 12(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.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 444

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of point (i) of the second paragraph of Article 29 of Directive 2002/98/EC, implementing powers should be conferred on the Commission in order to establish the procedure for notifying serious adverse reactions and events as well as the notification format. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 445

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 1

Directive 2002/98/EC

Article 27 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in the first and third paragraphs of Article 29 shall be conferred for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***omnibus***].

2. The power to adopt delegated acts referred to in the first and third paragraphs of Article 29 shall be conferred ***on the Commission*** for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 446

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point a

Directive 2002/98/EC

Article 29 – paragraph 1

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 27a **concerning amendments to** the technical requirements set out in Annexes I to IV in order to adapt them to technical and scientific progress.

Where in the case of the technical requirements set out in Annexes III and IV imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this Article.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 27a **to amend** the technical requirements set out in Annexes I to IV in order to adapt them to technical and scientific progress.

Where in the case of the technical requirements set out in Annexes III and IV imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this Article.”

Justification

Clarification of empowerment (i.e. to amend).

Amendment 447

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point b

Directive 2002/98/EC

Article 29 – paragraph 2 – point i

Text proposed by the Commission

(b) in the second paragraph, point (i) is deleted;

Amendment

deleted

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with

Scrutiny to delegated acts.

Amendment 448

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point d

Directive 2002/98/EC

Article 29 – paragraph 5

Text proposed by the Commission

Amendment

(d) the following fifth paragraph is added: **deleted**

"The Commission shall establish the procedure for notifying serious adverse reactions and events as well as the notification format by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(2)."

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 449

Proposal for a regulation

Annex I – Part XII – point 145 – paragraph 2 – point 2

Regulation (EC) No 178/2002

Article 29 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) delegated acts in accordance with Article 57a *concerning* the procedure to be applied by the Authority to the requests for a scientific opinion;

(a) delegated acts in accordance with Article 57a *to supplement this Regulation by establishing* the procedure to be applied by the Authority to the requests for a scientific opinion;

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 450

Proposal for a regulation

Annex I – Part XII – point 145 – paragraph 2 – point 3

Regulation (EC) No 178/2002

Article 36 – paragraph 3 – subparagraph 1

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 57a establishing the criteria for inclusion of an institute on the list of competent organisations designated by the Member States, arrangements for setting out harmonised quality requirements and the financial rules governing any financial support.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 57a **to supplement this Regulation by** establishing the criteria for inclusion of an institute on the list of competent organisations designated by the Member States, arrangements for setting out harmonised quality requirements and the financial rules governing any financial support.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 451

Proposal for a regulation

Annex I – Part XII – point 145 – paragraph 2 – point 5

Regulation (EC) No 178/2002

Article 57 a – paragraph 2

Text proposed by the Commission

2. The powers to adopt delegated acts referred to in Article 28(4), Article 29(6) and Article 36(3) shall be conferred **upon** the Commission for **an indeterminate** period of **time** from [date of entry into force of this *Omnibus*].

Amendment

2. The powers to adopt delegated acts referred to in Article 28(4), Article 29(6) and Article 36(3) shall be conferred **on** the Commission for **a period of five years** from ... [date of entry into force of this *amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 452

Proposal for a regulation

Annex I – Part XII – point 146 – paragraph 2 – point 2

Directive 2003/99/EC

Article 5 – paragraph 1

Text proposed by the Commission

“1. If data collected through routine monitoring in accordance with Article 4 are not sufficient, the Commission is empowered to adopt delegated acts in accordance with Article 11a, laying down coordinated monitoring programmes concerning one or more zoonoses or zoonotic agents. Those delegated acts shall be adopted especially when specific needs are identified and when there is need to assess risks or to establish baseline values related to zoonoses or zoonotic agents at the level of Member States or at Union level.”

Amendment

“1. If data collected through routine monitoring in accordance with Article 4 are not sufficient, the Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement *this Directive*** by laying down coordinated monitoring programmes concerning one or more zoonoses or zoonotic agents. Those delegated acts shall be adopted especially when specific needs are identified and when there is need to assess risks or to establish baseline values related to zoonoses or zoonotic agents at the level of Member States or at Union level.”

Justification

Clarification of empowerment (i.e to supplement).

Amendment 453

Proposal for a regulation

Annex I – Part XII – point 146 – paragraph 2 – point 3

Directive 2003/99/EC

Article 11 – paragraphs 1 and 2

Text proposed by the Commission

(3) ***in*** Article 11, ***the first and second paragraphs are*** replaced by the following:

Amendment

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

“Article 11

Amendments to the Annexes and implementing measures

“The Commission is empowered to adopt delegated acts in accordance with Article 11a to amend Annexes II, III and IV, taking account in particular of the following criteria:

- (a) the occurrence of zoonoses, zoonotic agents and antimicrobial resistance in animal and human population, feed, food and the environment,
- (b) the availability of new monitoring and reporting tools,
- (c) the needs required for the assessment of trends at national, European or global level.”

The Commission is empowered to adopt delegated acts in accordance with Article 11a to amend Annexes II, III and IV, taking account in particular of the following criteria:

- (a) the occurrence of zoonoses, zoonotic agents and antimicrobial resistance in animal and human population, feed, food and the environment,
- (b) the availability of new monitoring and reporting tools,
- (c) the needs required for the assessment of trends at national, European or global level.

In addition, implementing measures may be adopted in accordance with the committee procedure referred to in Article 12(2).”

Justification

The criteria inserted are new, however they make the empowerment more precise by explaining what could justify amending the Annexes (thus not just giving a “blank” empowerment). Since the Commission proposal has kept the last paragraph of Article 11 of Directive 2003/99/EC without any changes, it makes sense to add a deletion of the “transitional measures” mentioned in that paragraph (as transitional measures are no longer needed).

Amendment 454

Proposal for a regulation

Annex I – Part XII – point 146 – paragraph 2 – point 4

Directive 2003/99/EC

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(4), Article 5(1) and Article 11 shall be conferred for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The powers to adopt delegated acts referred to in Article 4(4), Article 5(1) and Article 11 shall be conferred ***on the Commission*** for ***a period of five years*** from ... [date of entry into force of this

amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 455

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 1829/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation in order to adapt to technical progress and to supplement that Regulation by establishing appropriate lower thresholds for GMO presence in food and feed, below which the labelling requirements do not apply, subject to certain conditions and by establishing specific rules concerning the information to be given by mass caterers providing food to the final consumer.

Amendment

In order to achieve the objectives of Regulation (EC) No 1829/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation in order to adapt to technical progress and to supplement that Regulation ***by determining which food and feed falls within the scope of different sections of that Regulation***, by establishing appropriate lower thresholds for GMO presence in food and feed, below which the labelling requirements do not apply, subject to certain conditions, ***by establishing measures for operators to satisfy the competent authorities and measures necessary for operators to comply with the labelling requirements*** and by establishing specific rules concerning the information to be given by mass caterers providing food to the final consumer.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 456

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 3

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1829/2003, implementing powers should be conferred on the Commission concerning ***measures for operators to satisfy the competent authorities, measures necessary for operators to comply with the labelling requirements and*** rules to facilitate the uniform application of certain provisions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1829/2003, implementing powers should be conferred on the Commission concerning rules to facilitate the uniform application of certain provisions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 457

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 1

Regulation (EC) No 1829/2003

Article 3 – paragraph 2

Text proposed by the Commission

“2. The Commission ***may decide, by means of implementing acts,*** whether a type of food falls within the scope of this Section. ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).***”

Amendment

“2. The Commission ***is empowered to adopt delegated acts in accordance with Article 34a to supplement this Regulation by determining*** whether a type of food falls within the scope of this Section.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 458

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 2

Regulation (EC) No 1829/2003

Article 12 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, establishing appropriate lower thresholds, in particular in respect of foods containing or consisting of GMOs, or taking account of advances in science and technology.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 34a **to supplement this Regulation by** establishing appropriate lower thresholds, in particular in respect of foods containing or consisting of GMOs, or taking account of advances in science and technology.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 459

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 3

Regulation (EC) No 1829/2003

Article 14

Text proposed by the Commission

“Article 14

Delegated and implementing powers

1. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, **adopting** specific rules concerning the information to be given by mass caterers providing food to the final consumer. In order to take account of the specific situation of mass caterers, such rules may provide for adaptation of the

Amendment

“Article 14

Delegated and implementing powers

1. The Commission is empowered to adopt delegated acts in accordance with Article 34a, **to supplement this Regulation by establishing:**

requirements set out in Article 13(1)(e).

(a) measures necessary for operators to satisfy the competent authorities as referred to in Article 12(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 13; and

(c) specific rules concerning the information to be given by mass caterers providing food to the final consumer. In order to take account of the specific situation of mass caterers, such rules may provide for adaptation of the requirements set out in Article 13(1)(e).

2. The Commission may adopt, by means of implementing acts:

2. The Commission may adopt ***detailed rules to facilitate the uniform application of Article 13*** by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).”

(a) measures necessary for operators to satisfy the competent authorities as referred to in Article 12(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 13;

(c) detailed rules to facilitate the uniform application of Article 13.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 460

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 4

Regulation (EC) No 1829/2003

Article 15 – paragraph 2

Text proposed by the Commission

Amendment

“2. The Commission *may decide, by means of implementing acts*, whether a type of feed falls within the scope of this Section. *Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).*”

“2. The Commission *is empowered to adopt delegated acts in accordance with Article 34a to supplement this Regulation by determining* whether a type of feed falls within the scope of this Section.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 461

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 5

Regulation (EC) No 1829/2003

Article 24 – paragraph 4

Text proposed by the Commission

Amendment

“4. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, establishing appropriate lower thresholds, in particular in respect of feed containing or consisting of GMOs, or taking account of advances in science and technology.”

“4. The Commission is empowered to adopt delegated acts in accordance with Article 34a *to supplement this Regulation by* establishing appropriate lower thresholds, in particular in respect of feed containing or consisting of GMOs, or taking account of advances in science and technology.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 462

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 6

Regulation (EC) No 1829/2003

Article 26

Text proposed by the Commission

Amendment

“Article 26

“Article 26

Implementing powers

The Commission *may adopt, by means of implementing acts*:

- (a) measures necessary for operators to satisfy the competent authorities as referred to in Article 24(3);
- (b) measures necessary for operators to comply with the labelling requirements set out in Article 25;
- (c) *detailed rules to facilitate the uniform application of Article 25.*

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).”

Delegated and implementing powers

1. The Commission *is empowered to adopt delegated acts in accordance with Article 34a to supplement this Regulation by establishing*:

- (a) measures necessary for operators to satisfy the competent authorities as referred to in Article 24(3);
- (b) measures necessary for operators to comply with the labelling requirements set out in Article 25.

2. *The Commission may adopt detailed rules to facilitate the uniform application of Article 25 by means of implementing acts.* Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 463

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 –point 8

Regulation (EC) No 1829/2003

Article 34 a

Text proposed by the Commission

“Article 34a

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 12(4), Article 14(1a), Article 24(4) and Article 32, *sixth paragraph*, shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of

Amendment

“Article 34a

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(2)*, Article 12(4), Article 14(1), *Article 15(2)*, Article 24(4), *Article 26(1)* and *in the sixth paragraph of* Article 32 shall be conferred on the Commission for *a* period of *five years* from

this *Omnibus*].

3. The *delegations* of power referred to in Article 12(4), Article 14(1a), Article 24(4) and Article 32, *sixth paragraph*, 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 12(4), Article 14(1a), Article 24(4) *or* Article 32, *sixth paragraph*, 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

... [date of entry into force of this *amending 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 3(2)*, Article 12(4), Article 14(1), *Article 15(2)*, Article 24(4), *Article 26(1)* and *in the sixth paragraph of* Article 32 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 *of 13 April 2016* on Better Law-Making ***.

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 3(2)*, Article 12(4), Article 14(1), *Article 15(2)*, Article 24(4), *Article 26(1)* and *in the sixth paragraph of* Article 32 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

period shall be extended by two months at the initiative of the European Parliament or of the Council.

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.”

* OJ L 123, 12.5.2016, p. 1.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 464

Proposal for a regulation

Annex I – Part XII – point 148 – paragraph 2 – point 1

Regulation (EC) No 1830/2003

Article 8 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts, in accordance with Article 9a, establishing and adapting a system for the development and assignment of unique identifiers to GMOs taking account of developments in international fora.;

Amendment

The Commission is empowered to adopt delegated acts, in accordance with Article 9a, ***to supplement this Regulation by*** establishing and adapting a system for the development and assignment of unique identifiers to GMOs taking account of developments in international fora.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 465

Proposal for a regulation

Annex I – Part XII – point 148 – paragraph 2 – point 2

Regulation (EC) No 1830/2003

Article 9 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time from*** [date of entry into force of this ***Omnibus***].

Amendment

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 ***amending 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.

Justification

The standard 5-year renewable delegation of power (if neither the Council nor the European Parliament withdraw it) should apply to all files in this policy area, as was the case in the previous legislation. This is also consistent with Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 466

Proposal for a regulation

Annex I – Part XII – point 149 – paragraph 2 – point 3

Regulation (EC) No 1831/2003

Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 21a **concerning the establishment of** rules to allow for simplified provisions for the authorisation of additives which have been authorised for use in food.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 21a **to supplement this Regulation by establishing** rules to allow for simplified provisions for the authorisation of additives which have been authorised for use in food.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 467

Proposal for a regulation

Annex I – Part XII – point 149 – paragraph 2 – point 6

Regulation (EC) No 1831/2003

Article 21 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 shall be conferred on the Commission for ***a*** period of ***five years*** from the ... [date of entry into force of this ***amending 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.***

Amendment 468

Proposal for a regulation

Annex I – Part XII – point 150 – paragraph 2 – point 1

Regulation (EC) No 2065/2003

Article 17 – paragraph 3

Text proposed by the Commission

“3. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***concerning*** quality criteria for validated analytical methods referred to in point 4 of Annex II, including substances to be measured. Those delegated acts shall take into account available scientific evidence.”

Amendment

“3. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by establishing*** quality criteria for validated analytical methods referred to in point 4 of Annex II, including substances to be measured. Those delegated acts shall take into account available scientific evidence.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 469

Proposal for a regulation

Annex I – Part XII – point 150 – paragraph 2 – point 3

Regulation (EC) No 2065/2003

Article 18 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 17(3) and Article 18(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 17(3) and Article 18(1) shall be conferred on the Commission for ***a*** period ***of five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 470

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 2160/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I, II and III to that Regulation and to supplement that Regulation as regards the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents, specific control methods, specific rules on criteria relating to imports from

Amendment

In order to achieve the objectives of Regulation (EC) No 2160/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I, II and III to that Regulation and to supplement that Regulation as regards the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents, specific control methods, specific rules on criteria relating to imports from

third countries, the responsibilities and tasks of the Union reference laboratories and certain responsibilities and tasks of the national reference laboratories. 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.

third countries, the responsibilities and tasks of the Union reference laboratories, ***approval of methods for testing***, and ***as regards*** certain responsibilities and tasks of the national reference laboratories. 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 ***of 13 April 2016*** on Better Law-Making. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 471

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) 2160/2003, implementing powers should be conferred on the Commission concerning approving methods for testing. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 472

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 1 – point a

Regulation (EC) No 2160/2003

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents listed in Annex I, column 1, in the animal populations listed in Annex I, column 2, taking account, in particular, of:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Regulation as regards*** the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents listed in Annex I, column 1, in the animal populations listed in Annex I, column 2, taking account, in particular, of:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 473

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 3

Regulation (EC) No 2160/2003

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance ***with*** Article 13a ***concerning***:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Regulation as regards***:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 474

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 4

Regulation (EC) No 2160/2003

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

“4. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a, establishing the rules concerning the setting by Member States of the criteria referred to in Article 5(5) and in paragraph 2 of this Article.”

“4. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by** establishing the rules concerning the setting by Member States of the criteria referred to in Article 5(5) and in paragraph 2 of this Article.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 475

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 5

Regulation (EC) No 2160/2003

Article 10 – paragraph 5 – sentences 2 and 3

Text proposed by the Commission

Amendment

“The authorisation may be withdrawn in accordance with the same procedure. **and**, without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a establishing specific rules concerning such criteria.”

“The authorisation may be withdrawn in accordance with the same procedure. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by** establishing specific rules concerning such criteria.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 476

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 6 – point a

Regulation (EC) No 2160/2003

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **laying** down the responsibilities and tasks of the Union reference laboratories, in particular with regard to coordination of their activities and those of the national reference laboratories.”

“2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by** laying down the responsibilities and tasks of the Union reference laboratories, in particular with regard to coordination of their activities and those of the national reference laboratories.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 477

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 6 – point b

Regulation (EC) No 2160/2003

Article 11 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 13a laying down certain responsibilities and tasks of the national reference laboratories, in particular with regard to coordination of their activities and those of the relevant laboratories in the Member States designated under Article 12(1)(a).”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by** laying down certain responsibilities and tasks of the national reference laboratories, in particular with regard to coordination of their activities and those of the relevant laboratories in the Member States designated under Article 12(1)(a).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 478

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 7

Regulation (EC) No 2160/2003

Article 12 – paragraph 3 – subparagraph 3

Text proposed by the Commission

“3. The Commission **may approve, by**

Amendment

“The Commission **is empowered to adopt**

means of implementing acts, other methods for testing referred in paragraph 3. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2)."

delegated acts in accordance with Article 13a to supplement this Regulation by approving other methods for testing than those referred in the first and second subparagraph of this paragraph."

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 479

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 8

Regulation (EC) No 2160/2003

Article 13 – paragraph 1

Text proposed by the Commission

(8) *in* Article 13, *the first paragraph* is replaced by the following:

“The Commission is empowered to adopt delegated acts in accordance with Article 13a amending elements concerning the relevant health certificates.”

Amendment

(8) Article 13 is replaced by the following:

“Article 13

Delegated and implementing powers

The Commission is empowered to adopt delegated acts in accordance with Article 13a *to supplement this Regulation by* amending elements concerning the relevant health certificates.

In addition, implementing measures may be adopted in accordance with the regulatory procedure referred to in Article 14(2)."

Justification

Clarification of empowerment (i.e. to supplement). Since the Commission proposal has kept the last paragraph of Article 13 of Regulation (EC) No 2160/2003 without any changes, it makes sense to add a deletion of the “transitional measures” mentioned in that paragraph (as transitional measures are no longer needed).

Amendment 480

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 9

Text proposed by the Commission

“Article 13a

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(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4) and Article 13 shall be conferred for *an indeterminate* period of time from [date of entry into force of this *Omnibus*].
3. The delegation of powers referred to in Article 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), 11(2) and (4) and Article 13 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 adapting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in

Amendment

“Article 13a

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(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4), *the third subparagraph of Article 12(3)* and Article 13 shall be conferred *on the Commission* for a period of *five years* from ... [date of entry into force of this *amending 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 powers referred to in Article 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), 11(2) and (4), *the third subparagraph of Article 12(3)* and Article 13 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 adapting 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 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4) and Article 13 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 the Council.

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

the Interinstitutional Agreement *of 13 April 2016* on Better-Law-making*.

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 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4), *the third subparagraph of Article 12(3)* and Article 13 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."

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 481

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Directive 2004/23/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Directive with traceability requirements for tissues and cells, as well as for products and materials coming into contact with those

Amendment

In order to achieve the objectives of Directive 2004/23/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Directive *by establishing* traceability requirements for tissues and cells, as well as for products and materials coming into contact with

tissues and cells and having an effect on their quality, *and* to supplement that Directive with certain technical requirements. 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.

those tissues and cells and having an effect on their quality, *and by establishing procedures for ensuring traceability and for verifying the equivalent standards of quality and safety of imported tissues and cells*, and to supplement that Directive with *respect to* certain technical requirements. 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 *of 13 April 2016* on Better Law-Making. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 482

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Directive 2004/23/EC implementing powers should be conferred on the Commission to establish procedures for ensuring traceability and for verifying the equivalent standards of quality and safety of imported tissues and cells. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 483

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 1

Directive 2004/23/EC

Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 28a to establish traceability requirements for tissues and cells, ***as well as*** for products and materials coming into contact with those tissues and cells and having an effect on their quality and safety.

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 28a ***to supplement this Directive, by establishing*** traceability requirements for tissues and cells, for products and materials coming into contact with those tissues and cells and having an effect on their quality and safety, ***as well as by establishing the procedures for ensuring traceability at Union level.***

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and to clarify the empowerment (i.e. to supplement).

Amendment 484

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 1

Directive 2004/23/EC

Article 8 – paragraph 6

Text proposed by the Commission

6. ***The Commission shall establish the procedures for ensuring traceability at Union level by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 29(2).***

Amendment

deleted

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and to clarify the empowerment (i.e. to supplement).

Amendment 485

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 2

Directive 2004/23/EC

Article 9 – paragraph 4

Text proposed by the Commission

“4. The Commission ***shall establish*** the procedures for verifying the equivalent standards of quality and safety in accordance with paragraph 1 ***by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 29(2).***”

Amendment

“4. The Commission ***is empowered to adopt delegated acts in accordance with Article 28a to supplement this Directive by establishing*** the procedures for verifying the equivalent standards of quality and safety in accordance with paragraph 1.”

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 486

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 3

Directive 2004/23/EC

Article 28 – paragraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 28a with respect to the technical requirements referred to in points (a) to (i) of the first paragraph.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 28a ***to supplement this Directive*** with respect to the technical requirements referred to in points (a) to (i) of the first paragraph.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 487

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 4

Directive 2004/23/EC

Article 28 a

Text proposed by the Commission

“Article 28a

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 delegation of power referred to in Article 8(5) and in the second paragraph of Article 28 shall be conferred for an *indeterminate* period *of time* from the [date of entry into force of this *omnibus*].

3. The delegation of power referred to in Article 8(5) and in the second paragraph of Article 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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

Amendment

“Article 28a

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 delegation of power referred to in Article 8(5), **Article 9(4)**, and in the second paragraph of Article 28 shall be conferred *on the Commission* for a period *of five years* from the ... [date of entry into force of this *amending 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(5), **Article 9(4)**, and in the second paragraph of Article 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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(5) and in the second paragraph of Article 28 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 the Council.

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

designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement *of 13 April 2016* on Better Law-Making *.

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(5), **Article 9(4)**, and in the second paragraph of Article 28 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."

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 488

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 1

Regulation (EC) No 852/2004

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **adopting** the specific hygiene measures referred to in paragraph 3, in particular concerning:

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by laying down** the specific hygiene measures referred to in paragraph 3, in particular concerning:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 489

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 2

Regulation (EC) No 852/2004

Article 6 – paragraph 3 – point c

Text proposed by the Commission

“(c) by a delegated act that the Commission is empowered to adopt in accordance with Article 13a.”

Amendment

“(c) by a delegated act that the Commission is empowered to adopt in accordance with Article 13a **and that supplements this Regulation.**”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 490

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 3

Regulation (EC) No 852/2004

Article 12 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 13a **concerning** specific provisions for the application of the requirements of this Regulation to specific foodstuffs in order to address specific risks or emerging hazards in relation to public health.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by laying down** specific provisions for the application of the requirements of this Regulation to specific foodstuffs in order to address specific risks or emerging hazards in relation to public health.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 491

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 4
Regulation (EC) No 852/2004
Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a granting derogations from ***Annexes I and II***, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the ***following*** objectives of this Regulation:

(a) to facilitate the implementation of Article 5 for small businesses;

(b) to establishments producing, handling or processing raw material which is intended for the production of highly refined food products which have undergone a treatment ensuring its safety.

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Regulation by*** granting derogations from ***Annex I and II, in particular to facilitate the implementation of Article 5 for small businesses***, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the objectives of this Regulation.

Justification

This amendment reflects the original wording of paragraph 2 much better. Derogations should not affect any of the objectives of the Regulation (EC) No 852/2004. The wording proposed by the Commission inexplicably mixes up the reasons for derogations with the objectives of the Regulation (points (a) and (b) are not the objectives of the Regulation). In addition, point (b) is not present in the current wording of Article 13 thereof.

Amendment 492

Proposal for a regulation
Annex I – Part XII – point 153 – paragraph 2 – point 5
Regulation (EC) No 852/2004
Article 13 a

Text proposed by the Commission

“Article 13a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to

Amendment

“Article 13a

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(4), Article 6(3)(c), Article 12 and Article 13(1) and (2) shall be conferred for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

3. The delegation of powers referred to in Article 4(4), Article 6(3)(c), Article 12 and Article 13(1) and (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 adapting 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(4), Article 6(3)(c), Article 12 and Article 13(1) and (2) 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

the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 4(4), Article 6(3)(c), Article 12 and Article 13(1) and (2) shall be conferred *on the Commission* for a period of *five years* from ... [date of entry into force of this *amending 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 powers referred to in Article 4(4), Article 6(3)(c), Article 12 and Article 13(1) and (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 adapting 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 *.

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(4), Article 6(3)(c), Article 12 and Article 13(1) and (2) 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 the Council.

* OJ L 123, 12.5.2016, p.1.”

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.”

(The numbering of the Commission proposal should be corrected. Point (6) in the Commission proposal is actually point (5))

Justification

Alignment of the duration of the empowerment in line with previous amendments.

Amendment 493

Proposal for a regulation

Annex I – Part XII – point 154 – paragraph 2 – point 1

Regulation (EC) No 853/2004

Article 3 – paragraph 2

Text proposed by the Commission

“2. Food business operators shall not use any substance other than potable water — or, when Regulation (EC) No 852/2004 or this Regulation permits its use, clean water — to remove surface contamination from products of animal origin, unless use of the substance has been approved by the Commission. For that purpose the Commission is empowered to adopt delegated acts in accordance with Article 11a. Food business operators shall also comply with any conditions for use that may be adopted under the same procedure. The use of an approved substance shall not affect the food business operator's duty to comply with the requirements of this Regulation.”

Amendment

“2. Food business operators shall not use any substance other than potable water — or, when Regulation (EC) No 852/2004 or this Regulation permits its use, clean water — to remove surface contamination from products of animal origin, unless use of the substance has been approved by the Commission. For that purpose the Commission is empowered to adopt delegated acts in accordance with Article 11a *that supplement this Regulation*. Food business operators shall also comply with any conditions for use that may be adopted under the same procedure. The use of an approved substance shall not affect the food business operator's duty to comply with the requirements of this Regulation.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 494

Proposal for a regulation

Annex I – Part XII – point 154 – paragraph 2 – point 2

Regulation (EC) No 853/2004

Article 8 – paragraph 3 – point a

Text proposed by the Commission

“(a) The Commission is empowered to adopt delegated acts in accordance with Article 11a [amending paragraphs 1 and 2 in order to update the requirements set out in those paragraphs], taking into account changes in Member States’ control programmes or of the adoption of microbiological criteria in accordance with Regulation (EC) No 852/2004.”

Amendment

“(a) The Commission is empowered to adopt delegated acts in accordance with Article 11a amending paragraphs 1 and 2 in order to update the requirements set out in those paragraphs, taking into account changes in Member States’ control programmes or of the adoption of microbiological criteria in accordance with Regulation (EC) No 852/2004.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 495

Proposal for a regulation

Annex I – Part XII – point 154 – paragraph 2 – point 4

Regulation (EC) No 853/2004

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a granting derogations from Annex II and III, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the following objectives of this Regulation:

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation** by granting derogations from Annex II and III, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the following objectives of this Regulation:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 496

Proposal for a regulation

Annex I – Part XII – point 154 – paragraph 2 – point 6

Regulation (EC) No 853/2004

Article 11 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(2), Article 8(3)(a) and Article 10(1) and (2) shall be conferred for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 3(2), Article 8(3)(a) and Article 10(1) and (2) shall be conferred ***on the Commission*** for ***a period of five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 497

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 2

Regulation (EC) No 854/2004

Article 17 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a granting derogations from Annexes I, II, III, IV, V and VI ***them***, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the ***following*** objectives of this Regulation:

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation*** by granting derogations from Annexes I, II, III, IV, V and VI, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation, ***in***

(i) **to** facilitate the implementation of the requirements laid down in the Annexes in small businesses;

(ii) **to** enable the continued use of traditional methods at any of the stages of production, processing or distribution of food;

(iii) **to** accommodate the needs of food businesses situated in regions that are subject to special geographic constraints.

order to:

(i) facilitate the implementation of the requirements laid down in the Annexes in small businesses;

(ii) enable the continued use of traditional methods at any of the stages of production, processing or distribution of food;

(iii) accommodate the needs of food businesses situated in regions that are subject to special geographic constraints.

Justification

This amendment clarifies the empowerment (i.e. to supplement).

Amendment 498

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 3 – point a

Regulation (EC) No 854/2004

Article 18 – introductory part

Text proposed by the Commission

“Without prejudice to the general application of **Article 16** and Article 17(1), the Commission **may** lay down the following measures **by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2);**”

Amendment

“Without prejudice to the general application of Article 17(1), the Commission **is empowered to adopt delegated acts in accordance with Article 18a to supplement this Regulation by laying** down the following measures:”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts. Reference to Article 16 of Regulation (EC) No 854/2004 is no longer needed, as that provision is deleted according to the Commission proposal

Amendment 499

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 4

Regulation (EC) No 854/2004

Article 18 a

“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 17(1) and (2) shall be conferred ***for an indeterminate period of time*** from [date of entry into force of this *Omnibus*].
3. The delegation of powers referred to in Article 17(1) and (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 ***adapting*** 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

“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 17(1) and (2) ***and in Article 18*** shall be conferred ***on the Commission for a period of five years*** from ... [date of entry into force of this *amending 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 powers referred to in Article 17(1) and (2) ***and in 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 ***of 13 April 2016*** on Better-Law-making *.
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

Article 17(1) and (2) 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 the Council.

* OJ L 123, 12.5.2016, p.1.”

Article 17(1) and (2) **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.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 500

Proposal for a regulation

Annex I – Part XII – point 156 – paragraph 2 – point 1

Regulation (EC) No 183/2005

Article 5 – paragraph 3 – paragraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 30a defining the criteria and targets referred to in points (a) and (b).”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 30a **to supplement this Regulation by** defining the criteria and targets referred to in points (a) and (b).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 501

Proposal for a regulation

Annex I – Part XII – point 156 – paragraph 2 – point 2

Regulation (EC) No 183/2005

Article 10 – point 3

Text proposed by the Commission

Amendment

“(3) approval is required by a Delegated Regulation that the Commission is empowered to adopt in accordance with Article 30a.”

“(3) approval is required by a Delegated Regulation that the Commission is empowered to adopt in accordance with Article 30a ***and that supplements this Regulation.***”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 502

Proposal for a regulation

Annex I – Part XII – point 156 – paragraph 2 – point 4

Regulation (EC) No 183/2005

Article 28 – paragraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 30a granting derogations from Annexes I, II and III for particular reasons, provided that such derogations do not affect the achievement of the objectives of this Regulation.

The Commission is empowered to adopt delegated acts in accordance with Article 30a ***to supplement this Regulation by*** granting derogations from Annexes I, II and III for particular reasons, provided that such derogations do not affect the achievement of the objectives of this Regulation.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 503

Proposal for a regulation

Annex I – Part XII – point 156 – paragraph 2 – point 5

Regulation (EC) No 183/2005

Article 30 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 10(3), Article 27 and Article 28 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into

2. The power to adopt delegated acts referred to in Article 5(3), Article 10(3), Article 27 and Article 28 shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of

force of *the Omnibus*].

this amending 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.*

Justification

The standard 5-year renewable delegation of power (if neither the Council nor the European Parliament withdraw it) should apply to all files in this policy area, as was the case in the previous legislation. This is also consistent with Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 504

Proposal for a regulation

Annex I – Part XII – point 157 – paragraph 3 – point 1

Regulation (EC) No 1901/2006

Article 20 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 50a defining further the grounds for granting a deferral, on the basis of the experience acquired as a result of the operation of paragraph 1.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 50a *to supplement this Regulation* by defining further the grounds for granting a deferral, on the basis of the experience acquired as a result of the operation of paragraph 1.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 505

Proposal for a regulation

Annex I – Part XII – point 157 – paragraph 3 – point 2

Regulation (EC) No 1901/2006

Article 49 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 50a laying down:

The Commission is empowered to adopt delegated acts in accordance with Article 50a ***to supplement this Regulation by*** laying down:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 506

Proposal for a regulation

Annex I – Part XII – point 157 – paragraph 3 – point 4
Regulation (EC) No 1901/2006
Article 50 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 20(2) and Article 49(3) shall be conferred ***to*** the Commission for ***an indeterminate*** period from [date of entry into force of this ***omnibus***].

2. The power to adopt delegated acts referred to in Article 20(2) and Article 49(3) shall be conferred ***on*** the Commission for ***a period of five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 507

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 1 – indent 5 a (new)

Text proposed by the Commission

Amendment

- *the adoption of the Union list of permitted health claims other than those referring to the reduction of disease risk and to children's development and health, and their conditions of use, any changes or any additions to that list, and final decisions on applications for authorisations of claims.*

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 508

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1924/2006, implementing powers should be conferred on the Commission as regards the adoption of the Union list of permitted health claims other than those referring to the reduction of disease risk and to children's development and health and their conditions of use, any changes or any additions to that list, and as regards final decisions on applications for authorisations of claims. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 509

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 1 – point a
Regulation (EC) No 1924/2006
Article 1 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the labelling information for those non-prepackaged foodstuffs. National provisions may apply until the eventual adoption of those delegated acts.

Amendment

In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation** concerning the labelling information for those non-prepackaged foodstuffs. National provisions may apply until the eventual adoption of those delegated acts.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 510

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 1 – point b
Regulation (EC) No 1924/2006
Article 1 – paragraph 4

Text proposed by the Commission

“4. For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, food business operators concerned may apply for a derogation from paragraph 3. The application shall be sent to the national competent authority of a Member State which will forward it to the Commission without delay. The Commission shall adopt and make public the rules for food business operators according to which such

Amendment

“4. For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, food business operators concerned may apply for a derogation from paragraph 3. The application shall be sent to the national competent authority of a Member State which will forward it to the Commission without delay. The Commission shall adopt and make public the rules for food business operators according to which such

applications shall be made, so as to ensure that the application is dealt with transparently and within a reasonable time. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning derogations from paragraph 3.”

applications shall be made, so as to ensure that the application is dealt with transparently and within a reasonable time. The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation*** concerning derogations from paragraph 3.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 511

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 2 – point b

Regulation (EC) No 1924/2006

Article 3 – paragraph 2 a

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 24a derogating from point (d) of the second ***subparagraph*** of this Article in the case of nutrients for which sufficient quantities cannot be provided by a balanced and varied diet; the delegated acts shall include conditions for the application of the derogations, taking into account the special conditions present in Member States.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation by granting derogations*** from point (d) of the second ***paragraph*** of this Article in the case of nutrients for which sufficient quantities cannot be provided by a balanced and varied diet; the delegated acts shall include conditions for the application of the derogations, taking into account the special conditions present in Member States.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 512

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point a – point i

Regulation (EC) No 1924/2006

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

"I. The Commission is empowered to adopt delegated acts in accordance with Article 24a by 19 January 2009 establishing specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles."

"The Commission is empowered to adopt delegated acts in accordance with Article 24a by 19 January 2009 *to supplement this Regulation by* establishing specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles."

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 513

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point a – point ii

Regulation (EC) No 1924/2006

Article 4 – paragraph 1 – subparagraph 6

Text proposed by the Commission

"The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the update of nutrient profiles and their conditions of use to take into account relevant scientific developments. To this purpose, interested parties, in particular food business operators and consumer groups shall be consulted."

Amendment

"The Commission is empowered to adopt delegated acts in accordance with Article 24a *to supplement this Regulation* concerning the update of nutrient profiles and their conditions of use to take into account relevant scientific developments. To this purpose, interested parties, in particular food business operators and consumer groups shall be consulted."

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 514

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point b

Regulation (EC) No 1924/2006

Article 4 – paragraph 5

Text proposed by the Commission

Amendment

“5. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning measures determining the foods or categories of foods other than those referred to in paragraph 3 of this Article for which nutrition or health claims are to be restricted or prohibited in the light of scientific evidence.”

“5. The Commission is empowered to adopt delegated acts in accordance with Article 24a ***to supplement this Regulation*** concerning measures determining the foods or categories of foods other than those referred to in paragraph 3 of this Article for which nutrition or health claims are to be restricted or prohibited in the light of scientific evidence.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 515

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 5

Regulation (EC) No 1924/2006

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall, ***after consulting the Authority***, adopt a Union list of permitted claims as referred to in paragraph 1 and all necessary conditions for the use of those claims by 31 January 2010 at the latest ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

3. ***After consulting the Authority***, the Commission ***shall adopt delegated acts in accordance with Article 24a to supplement this Regulation by establishing*** a Union list of permitted claims as referred to in paragraph 1 and all necessary conditions for the use of those claims by 31 January 2010 at the latest .

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 516

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 5

Regulation (EC) No 1924/2006

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall, ***after consulting the Authority, on the Commission's*** own initiative or following a request by a Member State adopt any changes to the list referred to in paragraph 3, based on generally accepted scientific evidence ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

4. ***After consulting the Authority,*** the Commission shall ***adopt delegated acts in accordance with Article 24a,*** on ***its*** own initiative or following a request by a Member State, ***to supplement this Regulation by adopting*** any changes to the list referred to in paragraph 3, based on generally accepted scientific evidence.

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 517

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 6 – point a

Regulation (EC) No 1924/2006

Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

“The Commission ***shall*** adopt a final decision on the application by means of ***implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***”

“The Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 24a to supplement this Regulation as regards its*** final decision on the application.”

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 518

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 6 – point b

Regulation (EC) No 1924/2006

Article 17 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

“(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***shall*** adopt measures for authorisation of the claim without restriction for use by means of ***implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***”

“(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 24a to supplement this Regulation by adopting*** measures for authorisation of the claim without restriction for use.”

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 519

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 7 – point a

Regulation (EC) No 1924/2006

Article 18 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

“***Where the Authority issues an opinion that does not support the inclusion of the claim in the list referred to in paragraph 4, the Commission shall adopt a decision on the application by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***”

“***The Commission is empowered to adopt delegated acts in accordance with Article 24a to supplement this Regulation as regards its decision on the application, where the Authority issues an opinion that does not support the inclusion of the claim in the list referred to in paragraph 4.***”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 520

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 7 – point b

Text proposed by the Commission

“(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission shall adopt measures for authorisation of the claim without restriction of use ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***”

Amendment

“(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***shall adopt delegated acts in accordance with Article 24a to supplement this Regulation as regards authorisation of the claim without restriction of use.***”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 521

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 8

Regulation (EC) No 1924/2006

Article 24 a

Text proposed by the Commission

"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 1(2) and (4), Article 3, Article 4(1) and (5) ***and*** Article 8(2) shall be conferred on the Commission for an indeterminate period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

"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 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), ***Article 13(3) and (4), Article 17(3) and (4), Article 18(5), and point (a) of Article 28(6)*** shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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***

3. The delegation of power referred to in Article 1(2) and (4), Article 3, Article 4(1) and (5) **and** Article 8(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.

6. A delegated act adopted pursuant to Article 1(2) and (4), Article 3, Article 4(1) and (5) **and** Article 8(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.

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 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), **Article 13(3) and (4), Article 17(3) and (4), Article 18(5) and point (a) of Article 28(6)** 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 **of 13 April 2016** on Better Law-Making*.

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 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), **Article 13(3) and (4), Article 17(3) and (4), Article 18(5) and point (a) of Article 28(6)** 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.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 522

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 10 – point b

Regulation (EC) No 1924/2006

Article 28 – paragraph 6 – point a – point ii

Text proposed by the Commission

“(ii) after consulting the Authority, the Commission shall, ***by means of implementing act***, adopt ***a decision*** concerning the health claims authorised in this way. Those implementing acts shall be adopted in accordance with ***the procedure referred to in Article 25(2)***.”

Amendment

“(ii) after consulting the Authority, the Commission shall adopt ***delegated acts in accordance with Article 24a to supplement this Regulation*** by laying down the health claims authorised in this way.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 523

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 1925/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Regulation to adapt it to technical and scientific progress and to amend Annex III to that Regulation to allow the use of vitamins, minerals and of certain other substances prohibited, restricted or

Amendment

In order to achieve the objectives of Regulation (EC) No 1925/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Regulation to adapt it to technical and scientific progress and to amend Annex III to that Regulation to allow the use of vitamins, minerals and of certain other substances prohibited, restricted or

under Union scrutiny *and* to supplement that Regulation by determining the additional foods or categories of foods to which vitamins and minerals may not be added, by determining the purity criteria for vitamin formulations and mineral substances and by determining the minimum amount by derogation from the significant amount for the presence of a vitamin or mineral in the food. 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.

under Union scrutiny, to supplement that Regulation by determining the additional foods or categories of foods to which vitamins and minerals may not be added, by determining the purity criteria for vitamin formulations and mineral substances and by determining the minimum amount by derogation from the significant amount for the presence of a vitamin or mineral in the food, *as well as by setting the maximum amounts for the vitamins or minerals added to food and by defining the conditions restricting or prohibiting the addition of a specific vitamin or mineral.* 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 *of 13 April 2016* on Better Law-Making. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 524

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1925/2006, implementing powers should be conferred on the Commission as regards the amounts of the vitamins or

Amendment

deleted

minerals added to food and as regards the conditions restricting or prohibiting the addition of a specific vitamin or mineral. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 525

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 2

Regulation (EC) No 1925/2006

Article 4 – paragraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the additional foods or categories of foods to which vitamins and minerals may not be added in the light of scientific evidence and taking into account their nutritional value.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation** concerning measures determining the additional foods or categories of foods to which vitamins and minerals may not be added in the light of scientific evidence and taking into account their nutritional value.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 526

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 3

Regulation (EC) No 1925/2006

Article 5 – paragraph 1

Text proposed by the Commission

“1. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the purity criteria for vitamin

Amendment

“1. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation** concerning measures determining the

formulations and mineral substances listed in Annex II, except where purity criteria apply pursuant to paragraph 2 of this Article.”

purity criteria for vitamin formulations and mineral substances listed in Annex II, except where purity criteria apply pursuant to paragraph 2 of this Article.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 527

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point a

Regulation (EC) No 1925/2006

Article 6 – paragraph 1

Text proposed by the Commission

1. When a vitamin or a mineral is added to foods, the total amount of the vitamin or mineral present, for whatever purpose, in the food as sold shall not exceed maximum amounts. The Commission shall *set* those amounts *by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).* The Commission may, to this end submit a draft of measures for the maximum amounts by 19 January 2009. For concentrated and dehydrated products, the maximum amounts set shall be those present in the foods when prepared for consumption according to the manufacturer’s instructions.

Amendment

1. When a vitamin or a mineral is added to foods, the total amount of the vitamin or mineral present, for whatever purpose, in the food as sold shall not exceed maximum amounts. The Commission shall *adopt delegated acts in accordance with Article 13a to supplement this Regulation concerning* those *maximum* amounts. The Commission may, to this end submit a draft of measures for the maximum amounts by 19 January 2009. For concentrated and dehydrated products, the maximum amounts set shall be those present in the foods when prepared for consumption according to the manufacturer’s instructions.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and clarification of empowerment (i.e. to supplement).

Amendment 528

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point a

Regulation (EC) No 1925/2006

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission shall **define** any conditions restricting or prohibiting the addition of a specific vitamin or mineral to a food or a category of foods **by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).**

Amendment

2. The Commission shall **adopt delegated acts in accordance with Article 13a to supplement this Regulation concerning the definition of** any conditions restricting or prohibiting the addition of a specific vitamin or mineral to a food or a category of foods.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 529

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point b

Regulation (EC) No 1925/2006

Article 6 – paragraph 6

Text proposed by the Commission

“6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex XIII to Regulation (EU) No 1169/2011. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the minimum amounts of vitamin or mineral in the food, including any lower amounts by derogation from the significant amounts, for specific foods or categories of foods.”

Amendment

“6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex XIII to Regulation (EU) No 1169/2011. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation,** concerning measures determining the minimum amounts of vitamin or mineral in the food, including any lower amounts by derogation from the significant amounts, for specific foods or categories of foods.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 530

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 5

Regulation (EC) No 1925/2006

Article 7 – paragraph 1

Text proposed by the Commission

“1. The labelling, presentation and advertising of foods to which vitamins and minerals have been added shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients. The Commission is empowered to adopt delegated acts in accordance with Article 13a derogating from this rule as regards a specific nutrient.”

Amendment

“1. The labelling, presentation and advertising of foods to which vitamins and minerals have been added shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by granting derogations** from this rule as regards a specific nutrient.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 531

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 7

Regulation (EC) No 1925/2006

Article 13 a

Text proposed by the Commission

“Article 13a

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 referred to in Article 3(3), Article 4, Article 5(1), Article **6(6)**, Article 7(1) and Article 8(2) and (5) shall be conferred on the Commission for an indeterminate period of **time** from [date of entry into force of this **Omnibus**].

Amendment

“Article 13a

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 referred to in Article 3(3), Article 4, Article 5(1), Article **6(1), (2) and (6)**, Article 7(1) and Article 8(2) and (5) shall be conferred on the Commission for an indeterminate period of time **of five years** from ... [date of entry into force of this **amending 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**

3. The delegation of power referred to in Article 3(3), Article 4, Article 5(1), Article **6(6)**, Article 7(1) and Article 8(2) and (5) 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 3(3), Article 4, Article 5(1), Article **6(6)**, Article 7(1) and Article 8(2) and (5) 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."

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 3(3), Article 4, Article 5(1), Article **6(1), (2) and (6)**, Article 7(1) and Article 8(2) and (5) 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 *of 13 April 2016* on Better Law-Making *.

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 3(3), Article 4, Article 5(1), **Article 6(1), (2) and (6)**, Article 7(1) and Article 8(2) and (5) 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."

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 532

Proposal for a regulation

Annex I – Part XII – point 160 – paragraph 2 – point 2

Regulation (EC) No 1394/2007

Article 25 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 24 shall be conferred **to** the Commission for ***an indeterminate*** period from [date of entry into force of this ***omnibus***].

Amendment

2. The power to adopt delegated acts referred to in Article 24 shall be conferred ***on*** the Commission for ***a*** period ***of five years*** from ... [date of entry into force of this ***amending 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.***

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 533

Proposal for a regulation

Annex I – Part XII – point 161 – paragraph 2 – point 1

Directive 2009/32/EC

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 5a establishing

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 5a ***to supplement this Regulation***

by establishing *the following*:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 534

Proposal for a regulation

Annex I – Part XII – point 161 – paragraph 2 – point 3

Directive 2009/32/EC

Article 5 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4 and Article 5(3) shall be conferred on the Commission for *an indeterminate* period of *time* from the [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 4 and Article 5(3) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 535

Proposal for a regulation

Annex I – Part XII – point 162 – paragraph 2 – point 2

Directive 2009/41/EC

Article 19 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19 shall be conferred

Amendment

2. The power to adopt delegated acts referred to in Article 19 shall be conferred

on the Commission for *an indeterminate* period of *time* from [date of entry into force of this *Omnibus*].

on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 536

Proposal for a regulation

Annex I – Part XII – point 163 – paragraph 3 – point 1

Directive 2009/54/EC

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the measures referred to in points b(i) and (c)(i) of the first subparagraph.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 13a *to supplement this Directive by establishing rules* concerning the measures referred to in points b(i) and (c)(i) of the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 537

Proposal for a regulation

Annex I – Part XII – point 163 – paragraph 3 – point 2

Directive 2009/54/EC

Article 9 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the measures referred to in point (d) of the first subparagraph.”

“The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Directive by establishing rules*** concerning the measures referred to in point (d) of the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 538

Proposal for a regulation

Annex I – Part XII – point 163 – paragraph 3 – point 4

Directive 2009/54/EC

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the measures referred to in points (a) to (f) of the first paragraph.”

“The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Directive by establishing rules*** concerning the measures referred to in points (a) to (f) of the first paragraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 539

Proposal for a regulation

Annex I – Part XII – point 163 – paragraph 3 – point 5

Directive 2009/54/EC

Article 13 a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 4(1), Article 9(4), Article 11(4) and Article 12, shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

2. The power to adopt delegated acts referred to in Article 4(1), Article 9(4), Article 11(4) and Article 12, shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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.

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 540

Proposal for a regulation

Annex I – Part XII – point 164 – paragraph 2 – point 5

Directive 2009/128/EC

Article 20 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for *an indeterminate* period of *time* from *the* [date of entry into force of this *Omnibus*].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for *a* period of *five years* from ... [date of entry into force of this *amending 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.*

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 541

Proposal for a regulation

Annex I – Part XII – point 164 – paragraph 2 – point 5 a (new)

Directive 2009/128/EC

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

(5a) in Article 21, paragraph 2 is deleted.

Justification

This amendment deletes the paragraph referring to the Regulatory Procedure of Scrutiny in Article 21 of Directive 2009/128/EC (which by an oversight was not deleted in the proposal by the Commission).

Amendment 542

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 1

Text proposed by the Commission

Amendment

In order to achieve the objectives of Regulation (EC) No 470/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **supplementing** that Regulation with scientific methods for establishing reference points for action, rules on actions in case of confirmed presence of a prohibited non-authorised substance, as well as the methodological principles for the risk assessment and risk management recommendations and rules on the use of a maximum residue limit established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or a maximum residue limit established for a pharmacologically active substance in one or more species for other species. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those

In order to achieve the objectives of Regulation (EC) No 470/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **supplement** that Regulation with scientific methods for establishing reference points for action, **reference points for action for residues from pharmacologically active substances**, rules on actions in case of confirmed presence of a prohibited non-authorised substance, as well as the methodological principles for the risk assessment and risk management recommendations and rules on the use of a maximum residue limit established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or a maximum residue limit established for a pharmacologically active substance in one or more species for other species. It is of particular importance that the Commission

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.

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 *of 13 April 2016* on Better Law-Making. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 543

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation (EC) No 470/2009, implementing powers should be conferred on the Commission concerning reference points for action for residues from pharmacologically active substances. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 544

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 1

Regulation (EC) No 470/2009

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts, in accordance with Article 24a, concerning the adoption of:

Amendment

2. The Commission is empowered to adopt delegated acts, in accordance with Article 24a, ***to supplement this Regulation*** concerning the adoption of:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 545

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 2

Regulation (EC) No 470/2009

Article 18

Text proposed by the Commission

“Article 18

Reference points for action

When it is deemed necessary in order to ensure the functioning of controls of food of animal origin imported or placed on the market in accordance with Regulation (EC) No 882/2004, the Commission ***may establish, by means of implementing act,*** reference points for action for residues from pharmacologically active substances which are not subject to a classification in accordance with Article 14(2)(a), (b) or (c). ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2).***

The reference points for action shall be reviewed regularly in the light of new scientific data relating to food safety, the outcome of the investigations and analytical tests referred to in Article 24 and technological progress.

On duly justified imperative grounds of

Amendment

“Article 18

Reference points for action

When it is deemed necessary in order to ensure the functioning of controls of food of animal origin imported or placed on the market in accordance with Regulation (EC) No 882/2004, the Commission ***is empowered to adopt delegated acts in accordance with Article 24a to supplement this Regulation by establishing*** reference points for action for residues from pharmacologically active substances which are not subject to a classification in accordance with Article 14(2)(a), (b) or (c).

The reference points for action shall be reviewed regularly in the light of new scientific data relating to food safety, the outcome of the investigations and analytical tests referred to in Article 24 and technological progress.

Where, in the case of risk to human

urgency *relating to the protection of human health*, the *Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 26 (2a).*"

health, imperative grounds of urgency *so require*, the *procedure provided for in Article 24b shall apply to delegated acts adopted pursuant to this Article.*"

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, including with respect to the urgency procedure.

Amendment 546

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 3

Regulation (EC) No 470/2009

Article 19 – paragraph 3 – subparagraph 2

Text proposed by the Commission

"The Commission is empowered to adopt delegated *act*, in accordance with Article 24a, concerning the *methological* principles and scientific methods for establishing reference *point* for action."

Amendment

"The Commission is empowered to adopt delegated *acts*, in accordance with Article 24a, *to supplement this Regulation*, concerning the *methodological* principles and scientific methods for establishing reference *points* for action."

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 547

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 4

Regulation (EC) No 470/2009

Article 24 – paragraph 4

Text proposed by the Commission

"4. The Commission is empowered to adopt delegated *act*, in accordance with Article 24a, concerning the application of this Article."

Amendment

"4. The Commission is empowered to adopt delegated *acts*, in accordance with Article 24a, *to supplement this Regulation* concerning the application of this Article."

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 548

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5

Text proposed by the Commission

(5) the following **Article 24a** *is* inserted under Title V:

Amendment

(5) the following **Articles 24a and 24b** *are* inserted under Title V:

Justification

Insertion of a reference to Article 24b (new) in line with the other relevant amendments to Regulation (EC) No 470/2009.

Amendment 549

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5

Regulation (EC) No 470/2009

Article 24 a

Text proposed by the Commission

“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 13(2), Article 19(3) and Article 24(4) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this ***Omnibus***].

Amendment

“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 13(2), ***Article 18***, Article 19(3) and Article 24(4) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this ***amending 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***

3. The delegation of power referred to in Article 13(2), Article 19(3) and Article 24(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 13(2), Article 19(3) and Article 24(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.”

opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 13(2), **Article 18**, Article 19(3) and Article 24(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 *of 13 April 2016* on Better Law-Making*.

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 13(2), **Article 18**, Article 19(3) and Article 24(4) 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.”

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 550

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5 a (new)

Regulation (EC) No 470/2009

Article 24 b (new)

Text proposed by the Commission

Amendment

(5a) the following Article 24b is inserted:

“Article 24b

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 24a (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.”

Justification

Adding a new article, Article 24b, was necessary in line with the amendment to Article 18, third subparagraph, of Directive 2009/128/EC, where the urgency procedure for implementing acts is aligned to delegated acts.

Amendment 551

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 1

Text proposed by the Commission

Amendment

In order to achieve the objectives of Regulation (EC) No 767/2009, the power

In order to achieve the objectives of Regulation (EC) No 767/2009, 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 in order to adapt them to technical progress and to supplement that Regulation with a list of categories of feed materials. 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.

to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Regulation in order to adapt them to technical progress, ***update the list of intended uses, and set the maximum content of chemical impurities as referred to in point 1 of Annex I***, and ***also*** to supplement that Regulation with a list of categories of feed materials ***and by providing clarification as to whether a certain product constitutes feed***. 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 ***of 13 April 2016*** on Better Law-Making. 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.

Amendment 552

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 767/2009, implementing powers should be conferred on the Commission in order to clarify whether a certain product constitutes feed, updating the list of intended uses and setting the maximum content of chemical impurities. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

deleted

Amendment 553

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 3 – point 2

Regulation (EC) No 767/2009

Article 7 – paragraph 2

Text proposed by the Commission

“2. The Commission *may* adopt ***implementing*** acts in order to clarify whether a certain product constitutes feed for the purposes of this Regulation. ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(3).***”

Amendment

“2. The Commission ***is empowered to*** adopt ***delegated*** acts in ***accordance with Article 27a supplementing this Regulation*** in order to clarify whether a certain product constitutes feed for the purposes of this Regulation.”

Amendment 554

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 3 – point 3

Regulation (EC) No 767/2009

Article 10 – paragraph 5

Text proposed by the Commission

“5. Within six months of receipt of a valid application or, where appropriate, after receiving the opinion of the Authority, the Commission shall adopt ***implementing*** acts updating the list of intended uses if the conditions laid down in paragraph 2 are met. Those ***implementing*** acts shall be adopted in accordance with the procedure referred to in Article 28(3).”

Amendment

“5. Within six months of receipt of a valid application or, where appropriate, after receiving the opinion of the Authority, the Commission shall adopt ***delegated*** acts ***in accordance with Article 27a supplementing this Regulation by*** updating the list of intended uses if the conditions laid down in paragraph 2 are met. Those ***delegated*** acts shall be adopted in accordance with the procedure referred to in Article 27a.”

Amendment 555

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 3 – point 4

Regulation (EC) No 767/2009

Article 17 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 27a, **concerning the establishment of** the list of categories of feed materials referred to in paragraph 2(c).”

“The Commission is empowered to adopt delegated acts in accordance with Article 27a **to supplement this Regulation by establishing** the list of categories of feed materials referred to in paragraph 2(c).”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 556

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 3 – point 6

Regulation (EC) No 767/2009

Article 26 – paragraph 3

Text proposed by the Commission

“3. **Amendments to** the Community Catalogue setting the maximum content of chemical impurities as referred to in point 1 of Annex I or levels of botanical purity as referred to in point 2 of Annex I or levels of moisture content as referred to in point 6 of Annex I or particulars replacing the compulsory declaration as referred to in Article 16(1)(b), **shall be adopted by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(3).**”

Amendment

“3. **The Commission is empowered to adopt delegated acts in accordance with Article 27a in order to amend** the Community Catalogue setting the maximum content of chemical impurities as referred to in point 1 of Annex I or levels of botanical purity as referred to in point 2 of Annex I or levels of moisture content as referred to in point 6 of Annex I or particulars replacing the compulsory declaration as referred to in Article 16(1)(b).”

Amendment 557

Proposal for a regulation

Annex I – Part XII – point 166 – paragraph 3 – point 8

Regulation (EC) No 767/2009

Article 27 a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2), Article 17(4), Article 20(2) and Article 27(1) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of

Amendment

2. The power to adopt delegated acts referred to in Article 6(2), **Article 7(2), Article 10(5)**, Article 17(4), Article 20(2), **Article 26(3)** and Article 27(1) shall be conferred on the Commission for **a** period

entry into force of this **Omnibus**].

of **five years** from ... [date of entry into force of this **amending 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.**

Justification

Alignment of the duration of the empowerment to Parliament's general approach (see resolution of 25 February 2014, paragraph 9).

Amendment 558

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 1 – introductory part

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 1069/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **supplement** that Regulation as regards:

Amendment

In order to achieve the objectives of Regulation (EC) No 1069/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to **amend** that Regulation as regards **an end point in the manufacturing chain and to supplement it as regards:**

Justification

Alignment of the introductory text (Recital) with amendment proposed for Article 5(2) of Regulation (EC) No 1069/2009

Amendment 559

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 1 – indent 1

Text proposed by the Commission

– **an end point in the manufacturing**

Amendment

deleted

chain;

Justification

See previous amendment amending the introductory part of paragraph 1 of point 167

Amendment 560

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 1 – point b

Regulation (EC) No 1069/2009

Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **concerning** an end point in the manufacturing chain, beyond which derived products referred to in this paragraph are no longer subject to the requirements of this Regulation.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to amend this Regulation as regards** an end point in the manufacturing chain, beyond which derived products referred to in this paragraph are no longer subject to the requirements of this Regulation.”

Justification

Clarification of empowerment (i.e. to amend)

Amendment 561

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 2 – point a

Regulation (EC) No 1069/2009

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the measures referred to in point (b)(ii) of the first subparagraph.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by establishing rules** concerning the measures referred to in point (b)(ii) of the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 562

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 2 – point b

Regulation (EC) No 1069/2009

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the measures referred to in the first subparagraph.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by establishing rules** concerning the measures referred to in the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 563

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 3

Regulation (EC) No 1069/2009

Article 7 – paragraph 4

Text proposed by the Commission

“4. The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the measures referred to in paragraphs 2 and 3.”

Amendment

“4. The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by establishing rules** concerning the measures referred to in paragraphs 2 and 3.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 564

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 4 – point a

Regulation (EC) No 1069/2009

Article 11 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 565

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 5 – point b – point i

Regulation (EC) No 1069/2009

Article 15 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 566

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 6

Regulation (EC) No 1069/2009

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down the conditions referred to in the first subparagraph.”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** laying down the conditions referred to in the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 567

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 7 – point a

Regulation (EC) No 1069/2009

Article 18 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a ***to supplement this Regulation by*** laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 568

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 8 – point a

Regulation (EC) No 1069/2009

Article 19 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a ***to supplement this Regulation by*** laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 569

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 9 – point a

Regulation (EC) No 1069/2009

Article 20 – paragraph 11 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“Following receipt of the opinion of the EFSA, the Commission is empowered to adopt delegated acts in accordance with Article 51a *as regards* the following:”

“Following receipt of the opinion of the EFSA, the Commission is empowered to adopt delegated acts in accordance with Article 51a *to supplement this Regulation by adopting* the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 570

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 10 – point a

Regulation (EC) No 1069/2009

Article 21 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a *to supplement this Regulation by* laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 571

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 11 – point b

Regulation (EC) No 1069/2009

Article 27 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the following measures related to this Section and to Section 1 of this Chapter:”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a *to supplement the Regulation by establishing rules* concerning the following measures related to this Section

and to Section 1 of this Chapter.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 572

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 12

Regulation (EC) No 1069/2009

Article 31 – paragraph 2

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning measures relating to the public and animal health conditions for the collection, processing and treatment of animal by-products and derived products referred to in paragraph 1.”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by establishing rules** concerning measures relating to the public and animal health conditions for the collection, processing and treatment of animal by-products and derived products referred to in paragraph 1.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 573

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 13 – point a

Regulation (EC) No 1069/2009

Article 32 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down measures relating to the following:”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** laying down measures relating to the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 574

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 14

Regulation (EC) No 1069/2009

Article 40 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the conditions for:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 51a, ***to supplement this Regulation***, concerning the conditions for:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 575

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 14

Regulation (EC) No 1069/2009

Article 40 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. The Commission ***shall*** adopt ***implementing*** acts concerning the following:

Amendment

2. The Commission ***is empowered to*** adopt ***delegated*** acts ***in accordance with Article 51a, to amend this Regulation***, concerning the following:

Justification

Clarification of empowerment (i.e. to amend).

Amendment 576

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 14

Regulation (EC) No 1069/2009

Article 40 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 52(3). *deleted*

Amendment 577

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 15 – point a

Regulation (EC) No 1069/2009

Article 41 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

“The Commission shall adopt implementing acts laying down the conditions referred to in point (b) of the first subparagraph. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 52(3).”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a to supplement this Regulation by laying down the conditions referred to in point (b) of the first subparagraph.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 578

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 15 – point b

Regulation (EC) No 1069/2009

Article 41 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

“The Commission shall adopt implementing acts laying down the requirements provided for in the first subparagraph. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 52(3).”

“The Commission is empowered to adopt delegated acts in accordance with Article 51a to supplement this Regulation by laying down the requirements provided for in the first subparagraph.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 579

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 16 – point b

Regulation (EC) No 1069/2009

Article 42 – paragraph 2 – introductory part

Text proposed by the Commission

“2. The Commission is empowered to adopt delegated acts in accordance with Article 51a **laying** down the following:”

Amendment

“2. The Commission is empowered to adopt delegated acts in accordance with Article 51a, **to supplement this Regulation, by laying** down the following:”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 580

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 17

Regulation (EC) No 1069/2009

Article 43 – paragraph 3 – subparagraph 2

Text proposed by the Commission

“The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the rules referred to in the first subparagraph.”

Amendment

“The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by establishing rules** concerning the rules referred to in the first subparagraph.”

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 581

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 18

Regulation (EC) No 1069/2009

Article 45 – paragraph 4

Text proposed by the Commission

“4. The Commission may adopt

Amendment

“4. The Commission may adopt

implementing acts laying down detailed arrangements **for implementing** this Article, including rules concerning the reference methods for microbiological analyses. Those **implementing** acts shall be adopted in accordance with the procedure referred to in Article 52(3).”

delegated acts laying down detailed arrangements **to supplement** this Article, including rules concerning the reference methods for microbiological analyses. Those **delegated** acts shall be adopted in accordance with the procedure referred to in Article 51a.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts and clarification of empowerment (i.e. to supplement).

Amendment 582

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 19

Regulation (EC) No 1069/2009

Article 48 – paragraph 7 – introductory part

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 51a laying down the following:

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** laying down the following:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 583

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 19

Regulation (EC) No 1069/2009

Article 48 – paragraph 8 – introductory part

Text proposed by the Commission

8. The Commission is empowered to adopt delegated acts in accordance with Article 51a specifying the conditions subject to which the competent authorities may allow derogations from paragraphs 1 to 4 as regards the following:

Amendment

8. The Commission is empowered to adopt delegated acts in accordance with Article 51a **to supplement this Regulation by** specifying the conditions subject to which the competent authorities may allow derogations from paragraphs 1 to 4 as regards the following:

Clarification of empowerment (i.e. to supplement).

Amendment 584

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 20

Regulation (EC) No 1069/2009

Article 51 a

Text proposed by the Commission

“Article 51a

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 delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of **paragraph 7 and paragraph 8 of Article 48**, shall be conferred on the Commission for **an indeterminate** period of [date of entry into force of this *Omnibus*].

3. The delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article

Amendment

“Article 51a

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 delegation of power referred to in Article 5(1) and (2), Article 6(1) and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1) **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3), the first subparagraph of Article 42(2), Article 43(3), Article 45(4), the first subparagraph of Article 48(7) and Article 48(8)** shall be conferred on the Commission for **a** period of **five years from ...** [date of entry into force of this *amending 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 5(1) and (2), Article 6(1) and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27,

27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of **paragraph 7 and paragraph 8 of 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 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of 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.

Article 31(2), Article 32(3), Article 40(1) **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3)**, the first subparagraph of Article 42(2), Article 43(3), **Article 45(4)**, the first subparagraph of **Article 48(7) and Article 48(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 **of 13 April 2016** on Better Law-Makin *.

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 5(1) and (2), Article 6(1) and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1) **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3)**, the first subparagraph of Article 42(2), Article 43(3), **Article 45(4)**, the first subparagraph of **Article 48(7) and Article 48(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

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

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

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

EXPLANATORY STATEMENT

Background

Article 5a of Decision 1999/468/EC¹, as amended by Council Decision 2006/512/EC², ("the Comitology Decision"), established the so-called regulatory procedure with scrutiny (RPS).

With the entry into force of the Treaty of Lisbon on 1st December 2009 and in light of the subsequent new legal framework for sub-secondary legislation established by Articles 290 and 291 TFEU, the Comitology Decision had to be revised. However, Regulation 182/2011³ ("the Comitology Regulation"), which was adopted for this purpose on the basis of Article 291(3) TFEU, intentionally left Article 5a of the Comitology Decision out of its scope. Article 5a establishing the RPS had therefore to be provisionally maintained for the purposes of existing basic acts referring to that Article. On the other hand, the *acquis* in question has to be aligned as soon as possible to the Treaty of Lisbon in order to ensure legal certainty.

In 2013, the Commission proposed to complete the alignment with three extensive proposals (so-called Omnibus proposals), which Parliament adopted in first reading in February 2014⁴. However, the proposals were withdrawn by the new Commission following the European elections. The new Inter-institutional Agreement on Better Law-making (IIA) of 13 April 2016⁵ addressed this question in paragraph 27. This provision reads as follows:

"The three Institutions [i.e. the European Parliament, the Council and the Commission] acknowledge the need for the alignment of all existing legislation to the legal framework introduced by the Lisbon Treaty, and in particular 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 will propose that latter alignment by the end of 2016".

Following the entry into force of the IIA and in light of the obligations stemming therefrom, the Commission presented two new proposals for alignment in December 2016, one focusing on legislative files in the area of justice and one focusing on the remaining policy areas⁶. The two proposals cover 3 and 168 basic acts, respectively.

Contrary to the 2013 proposals, which generally provided that the references to the RPS contained in the basic acts were to be read as references to Articles 290 or 291 TFEU, respectively, the current proposals aim at amending the basic acts in question individually.

Your rapporteur's approach to the present proposal

Delegated and implementing acts are an important part of the core competences of the Committee on Legal Affairs (JURI) as regards the interpretation, application and monitoring of Union law, the compliance of Union acts with primary law, better law-making and the simplification of Union law, as provided in Annex V to the Rules of Procedure. JURI has

¹ OJ L 184, 17.7.1999, p. 23.

² OJ L 200, 22.7.2006, p. 11.

³ OJ L 55, 28.2.2011, p. 13.

⁴ See procedures 2013/218(COD), 2013/220(COD) and 2013/0365(COD).

⁵ OJ L 123, 12.5.2016, p. 1.

⁶ See procedures 2016/0399(COD) and 2016/0400(COD) respectively.

furthermore been highly active in this area since the entry into force of the Treaty of Lisbon in 2009 and well before, when the then regulatory procedure with scrutiny was first introduced in 2006.

During the two previous alignment exercises – in 2008-2009 and 2013-2014, respectively – a specific working method was agreed at the level of the Conference of Committee Chairs (CCC). The same arrangements have been agreed in respect of the current exercise. Under such procedure, the opinion-giving committees have themselves decided how to elaborate their opinions internally and what form those opinions would take, and JURI has undertaken to take all the opinions on board in their entirety in its report. As already announced in his working document¹, your rapporteur is in favour of the approach in question and stresses the coordinating role the JURI can play in this respect.

In general terms, your rapporteur welcomes the present proposal and shares the Commission's choice to update many existing cases of RPS to delegated acts. On the other hand, the Commission would still prefer to have implementing acts in some instances. The rapporteur and the sectoral committees consulted object to those cases of alignment with implementing acts where they consider that the Commission proposal lacks a detailed and specific justification. These procedures should be aligned to delegated acts. Indeed, in the context of a post-Lisbon alignment, measures which may be covered by delegated acts correspond in principle to those covered by RPS and should not, therefore, be aligned to implementing acts².

The rapporteur wishes to raise important horizontal issues such as the wording of the empowements (which has to be as precise as possible and in line with the recent case law³) and the duration of the delegation of powers (which should not exceed 5 years and should be accompanied by a reporting obligation on the Commission). The Commission proposal should be amended accordingly.

Last but not least, your rapporteur would like to recall paragraph 31 of the IIA, which enables the Commission to bundle two or more empowements. However, he stresses that the Commission's choice to bundle empowements must be as transparent and accountable as possible and that abuses are to be avoided.

¹ PE606.188v01-00.

² In its resolution of 25 February 2014 on follow-up on the delegation of legislative powers and control by Member States of the Commission's exercise of implementing powers (2012/2323(INI)), among other things Parliament considers that "at least all cases previously dealt with under RPS should now be aligned to Article 290 TFEU" (para. 6).

³ Judgment of the Court of Justice of 17 March 2016, *European Parliament v European Commission*, C-286/14, ECLI:EU:C:2016:183.

POSITION IN THE FORM OF AMENDMENTS OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Legal Affairs

on the 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 (COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

Rapporteur: Roberto Gualtieri

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 1 – indent 4

Text proposed by the Commission

Amendment

- supplement that Regulation with the criteria for the measurement of quality;

- supplement that Regulation with the criteria for the measurement of quality *of the variables*;

Justification

Alignment of the introductory (recital) text with amendment proposed for Article 10(5).

Amendment 2

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 2

Regulation (EC) No 1165/98

Article 4 – paragraph 2 – point d – subparagraph 2

Text proposed by the Commission

Amendment

(2) in Article 4(2), the second subparagraph is replaced by the following:

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** their approval and application.;

(2) in **point (d) of** Article 4(2), the second subparagraph is replaced by the following:

“The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by further specifying** their approval and application.”;

Justification

Following recent Court of Justice case law, it is advisable that the empowerment clearly specifies whether the power is to supplement or to amend the legal act. This has been consistently done throughout the text.

Amendment 3

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 3

Regulation (EC) No 1165/98

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the criteria for the measurement of quality.;

5. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by specifying** the criteria for the measurement of quality **of the variables**.;

Justification

Amendment specifies empowerment (to supplement) and the precise subject of the delegated act.

Amendment 4

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 4 a (new)

Regulation (EC) No 1165/98

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(4a) in Article 18, paragraph 3 is deleted;

Justification

Paragraph 3 is a procedural provision relating to the Regulatory Procedure with Scrutiny (RPS), which is now redundant and thus deleted.

Amendment 5

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3(3), Article **4(2)**, Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2. shall be conferred on the Commission for **an indeterminate** period of **time** **[from the** entry into force of this Omnibus].

2. The power to adopt delegated acts referred to in Article 3(3), Article **4(2)(d)**, **second subparagraph**, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 2 shall be conferred on the Commission for **a** period of **five years from ... [date of** entry into force of this amending 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.**

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The delegation of power is changed from an indefinite period to a period of five years consistent with the established practice in legislation in the area of ECON responsibilities and with the general Parliament approach. This is done consistently throughout the text.

Amendment 6

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3(3), Article **4(2)**, Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 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.

Amendment

3. The delegation of power referred to in Article 3(3), Article **4(2)(d), second subparagraph**, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 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.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers.

Amendment 7

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 5

Regulation (EC) No 1165/98

Article 18a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(3), Article **4(2)**, Article **10**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2, Annex C points (b) 2, (d) 2 and (g) 2 and

Amendment

6. A delegated act adopted pursuant to Article 3(3), Article **4(2)(d), second subparagraph**, Article **10(5)**, Annex A points (a), (b) 3, (c) 2, (c) 10, (d) 2, (f) 8 and 9, Annex B points (b) 4 and (d) 2,

Annex D points (b) 2 and (d) 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.

Annex C points (b) 2, (d) 2 and (g) 2 and Annex D points (b) 2 and (d) 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 **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 **three** months at the initiative of the European Parliament or of the Council.

Justification

To ensure legal certainty, it is necessary to list specifically all the provisions granting delegated powers. The scrutiny period is set at three months extendable once for further three months in line with the established practice in legislation in the area of ECON responsibilities. This is done consistently throughout the text.

Amendment 8

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point ii

Regulation (EC) No 1165/98

Annex A – point b – point 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 9

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point iii

Regulation (EC) 1165/98

Annex A – point c – point 2

Text proposed by the Commission

2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the conditions for assuring the necessary data quality.;

Amendment

2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the conditions for assuring the necessary data quality.;

Justification

Clarification of empowerment (to supplement).

Amendment 10

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 6 – point viii

Regulation (EC) No 1165/98

Annex A – point f – point 9

Text proposed by the Commission

9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into **euro-zone and non-euro-zone**. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into **euro-zone and non-euro-zone**. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the **euro-zone and non-**

Amendment

9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into **euro-area and non-euro-area**. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into **euro-area and non-euro-area**. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the **euro-area and non-**

euro-zone, the Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the determination** of the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from **non-euro-zone** countries. The distinction into the **euro-zone** and non- **euro-zone** for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

euro-area, the Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from **non-euro-area** countries. The distinction into the **euro-area** and non- **euro-area** for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

Justification

The term 'euro area' is the official term for the group of countries that have adopted the euro as their single currency. Clarification of empowerment (to supplement).

Amendment 11

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 7 – point i

Regulation (EC) No 1165/98

Annex B – point b – point 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 12

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point i

Regulation (EC) No 1165/98

Annex C – point b – point 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***concerning the use of*** other observation units.;

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a ***to supplement this Regulation by providing for the possibility to use*** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 13

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point iii

Regulation (EC) No 1165/98

Annex C – point c – point 4

Text proposed by the Commission

Amendment

(iii) in point (c) 4., the ***last paragraph*** is deleted;

(iii) in point (c)4, the ***third subparagraph*** is deleted;

Justification

Aligning the wording to the standards for legal drafting of Union legislation.

Amendment 14

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 8 – point v

Regulation (EC) No 1165/98

Annex C – point g – point 2

Text proposed by the Commission

Amendment

2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according

2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/ volume of sales variables No 120 and 330/123 with contributions according

to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning** the terms of the allocation of a European sample scheme.;

to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by determining** the terms of the allocation of a European sample scheme.;

Justification

Clarification of empowerment (to supplement).

Amendment 15

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 9 – point i

Regulation (EC) No 1165/98

Annex D – point b – point 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **concerning the use of** other observation units.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 18a **to supplement this Regulation by providing for the possibility to use** other observation units.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 16

Proposal for a regulation

Annex I – part VII – point 57 – paragraph 4 – point 9 – point iv

Regulation (EC) No 1165/98

Annex D – point d – point 2

Text proposed by the Commission

2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The

Amendment

2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The

Commission is empowered to adopt delegated acts in accordance with Article 18a concerning the amendment of the list of variables to be transmitted in working-day adjusted form *may be amended by the Commission.*;

Commission is empowered to adopt delegated acts in accordance with Article 18a concerning the amendment of the list of variables to be transmitted in working-day adjusted form;

Amendment 17

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be provided and the quality evaluation *criteria*. 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.

Amendment

In order to adapt Regulation (EC) No 530/1999 with a view to taking account of economic and technical changes, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with the definition and breakdown of the information to be provided and the *criteria for* quality evaluation *of the statistics*. 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.

Justification

Alignment with the amendment proposed for Article 10(3).

Amendment 18

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 1

Regulation (EC) No 530/1999

Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying** the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Justification

Clarification of empowerment (to supplement).

Amendment 19

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 3

Regulation (EC) No 530/1999

Article 10 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning the** quality evaluation **criteria**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by specifying the criteria for** quality evaluation **of the statistics**. Those delegated acts shall be adopted for each reference period at least nine months before the beginning of the reference period.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 20

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 4

Council Regulation (EC) No 530/1999

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(3) and Article 10(3) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this amending 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.***

Justification

Alignment of duration of empowerment to the established practice in legislation in the area of ECON responsibilities and to the general Parliament approach.

Amendment 21

Proposal for a regulation

Annex I – part VII – point 58 – paragraph 3 – point 4

Regulation (EC) No 530/1999

Article 10a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(3) and Article 10(3) 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

Amendment

6. A delegated act adopted pursuant to Article 6(3) and Article 10(3) 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.

Council have both informed the Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the duration of the scrutiny period to the established practice in legislation in the area of ECON responsibilities.

Amendment 22

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

- *supplement that Regulation by adopting measures regarding the provision of the data pursuant to the results of the feasibility studies.*

Justification

Alignment of introduction with proposed changes to Article 10(5).

Amendment 23

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the *content of* the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the *structure and detailed arrangements for* the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

Alignment of introduction with proposed changes to Article 8(2).

Amendment 24

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 1

Regulation (EC) No 450/2003

Article 2 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments to redefine the technical specification of the index and revise the weighting structure.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments *of the Annex* to redefine the technical specification of the index and revise the weighting structure.;

Justification

Precision of the empowerment.

Amendment 25

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 2

Regulation (EC) No 450/2003

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the amendments for the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies *defined* in Article 10.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the amendments for the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies *provided for* in Article 10.;

Justification

Precision of the empowerment. Article 10 establishes the drawing-up of feasibility studies, but does not define them.

Amendment 26

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Text proposed by the Commission

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the identification of the** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

Amendment

Taking account of contributions to total employment and to labour costs at Union and national levels, the Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation as regards the breakdown by** economic activities defined by NACE Rev. 2 sections and by further disaggregations, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions in which the data shall be broken down taking account of economic and social developments.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 27

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Regulation (EC) No 450/2003

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the determination of** these economic activities, taking into account the feasibility studies **defined** in Article 10.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by determining** these economic activities, taking into account the feasibility studies **provided for** in Article 10.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 28

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the establishment of** the methodology for chaining the index.;

3. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by establishing** the methodology for chaining the index.;

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 29

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **concerning the definition of** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.

1. The Commission is empowered to adopt delegated acts in accordance with Article 11a **to supplement this Regulation by defining** separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria.

Justification

Clarification of empowerment (to supplement).

Amendment 30

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4

Regulation (EC) No 450/2003

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **content** of the

2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The **structure and**

reports shall be defined by the Commission by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).;

detailed arrangements for the reports shall be defined by the Commission by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).;

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 31

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 4 a (new)

Regulation (EC) No 450/2003

Article 9

Text proposed by the Commission

Amendment

(4 a) Article 9 is deleted.

Justification

Article 9 pertains to transposition periods and derogations which have expired in the meantime. The article is thus superfluous and should be deleted.

Amendment 32

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 5 – point a

Regulation (EC) No 450/2003

Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt ***measures pursuant to the results of the feasibility studies by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure*** referred to in Article 12(2). Those ***measures*** shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009,

5. The Commission shall ***be empowered to adopt delegated acts in accordance with Article 11a to supplement this Regulation concerning the provision of the data referred to in paragraph 2 of this Article pursuant to the results of the feasibility studies*** referred to in ***this*** Article. Those ***delegated acts*** shall respect the principle of cost-effectiveness,

including the minimisation of the burden on respondents.;

as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents.;

Justification

It is not appropriate to for such measures to be adopted by means of implementing acts, as the empowerment goes beyond the setting 'of uniform conditions for implementing legally binding Union acts' as described in Article 291 TFEU. This empowerment must therefore be in the form of a delegated act.

Amendment 33

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2) and Article 4 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2), **Article 4(1), (2) and (3)** and Article 8(1) **and Article 10(5)** shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this amending 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.**

Justification

Alignment of references and duration of the empowerment.

Amendment 34

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2(4), Article 3(2) and **Article 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.

Amendment

3. The delegation of power referred to in Article 2(4), Article 3(2), **Article 4(1), (2) and (3) and Article 8(1) and Article 10(5)** 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.

Justification

Alignment of references.

Amendment 35

Proposal for a regulation

Annex I – part VII – point 61 – paragraph 4 – point 7

Regulation (EC) No 450/2003

Article 11a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(4), Article 3(2) and **Article 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.

Amendment

6. A delegated act adopted pursuant to Article 2(4), Article 3(2), **Article 4(1), (2) and (3), Article 8(1) and Article 10(5)** 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of references, scrutiny period and its extension.

Amendment 36

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 1 – indent 2

Text proposed by the Commission

- amend that Regulation to ***adapt*** the proportion of the Union total;

Amendment

- amend that Regulation to ***adjust*** the proportion of the Union total;

Justification

Alignment with the amendment proposed for Article 3(3).

Amendment 37

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 1 – point a

Regulation (EC) No 1161/2005

Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***concerning*** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and ***any decision to require*** a breakdown of the transactions listed in the Annex by counterpart sector. Any such ***decision*** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***to supplement this Regulation by specifying*** the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and ***by requiring*** a breakdown of the transactions listed in the Annex by counterpart sector. Any such ***delegated act*** shall only be adopted after the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 38

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 1 – point b a (new)

Regulation (EC) No 1161/2005

Article 2 – paragraph 5

Text proposed by the Commission

Amendment

(ba) paragraph 5 is deleted;

Justification

Paragraph 5 refers to transmission data in 2004 and is thus obsolete; it should be deleted.

Amendment 39

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 2

Regulation (EC) No 1161/2005

Article 3 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article ***as regards*** the proportion of the Union total." ;

3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article ***to adjust*** the proportion (***1%***) of the Union total." ;

Justification

Clarification of the (scope of the) empowerment.

Amendment 40

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 3

Regulation (EC) No 1161/2005

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***concerning the adoption of*** common quality standards.

1. The Commission is empowered to adopt delegated acts in accordance with Article 7a ***to supplement this Regulation by establishing*** common quality standards.

Justification

Clarification of empowerment (to supplement).

Amendment 41

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 2(2) and (4), Article 3(3) and Article 6(1) shall be conferred on the Commission for ***a*** period of ***five years*** from ... [date of entry into force of this amending 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.***

Justification

Alignment of the duration of the empowerment.

Amendment 42

Proposal for a regulation

Annex I – part VII – point 63 – paragraph 3 – point 4

Regulation (EC) No 1161/2005

Article 7a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(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

Amendment

6. A delegated act adopted pursuant to Article 2(2) and (4), Article 3(3) and Article 6(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 ***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.

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 *three* months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 43

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 1

Regulation (EC) No 1893/2006

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending *the Annex* to take account of technological or economic developments or to align it with other economic and social classifications.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending *Annex I* to take account of technological or economic developments or to align it with other economic and social classifications.;

Justification

Specification of the reference (as there is more than one Annex).

Amendment 44

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

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

Justification

Alignment of the duration of the empowerment.

Amendment 45

Proposal for a regulation

Annex I – part VII – point 65 – paragraph 2 – point 2

Regulation (EC) No 1893/2006

Article 6a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(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.

Amendment

6. A delegated act adopted pursuant to Article 6(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 **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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of scrutiny period and its extension.

Amendment 46

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 1

Text proposed by the Commission

Amendment

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates.

In order to adapt Regulation (EC) No 716/2007 to economic and technical developments the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the definitions in Annexes I and II and the level of detail in Annex III and to supplement that Regulation with measures concerning inward and outward statistics on foreign affiliates ***and common quality standards***.

Justification

More specific description of the empowerment, see also amendment to Article 6(3) of this Regulation.

Amendment 47

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 2

Regulation (EC) No 716/2007

Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***concerning*** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

The Commission is empowered to adopt delegated acts in accordance with Article 9a ***to supplement this Regulation by determining*** the necessary measures for inward and outward statistics on foreign affiliates, on the basis of the conclusions of the pilot studies.

Justification

Clarification of empowerment (to supplement).

Amendment 48

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 3

Regulation (EC) No 716/2007

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **concerning** common quality standards.;

3. The Commission is empowered to adopt delegated acts in accordance with Article 9a **to supplement this Regulation by establishing** common quality standards **referred to in paragraph 1.**;

Justification

Clarification of empowerment (to supplement) and scope, to make it more specific.

Amendment 49

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 4 – point a – point ii

Regulation (EC) No 716/2007

Article 9 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) defining the **contents** and periodicity of the quality reports.;

(c) defining the **structure, detailed arrangements** and periodicity of the quality reports **referred to in Article 6(2).**;

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 50

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for **an indeterminate** period of **time** [from the entry into force of this

2. The power to adopt delegated acts referred to in **the second paragraph of** Article 2, Article 5(4) and Article 6(3) shall be conferred on the Commission for **a** period of **five years from** [date of entry

Omnibus].

into force of this amending 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.

Justification

Alignment of the duration of the empowerment.

Amendment 51

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Regulation (EC) No 716/2007

Article 9a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 2, Article 5(4) and Article 6(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.

Amendment

3. The delegation of power referred to in ***the second paragraph of*** Article 2, Article 5(4) and Article 6(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.

Justification

Technical correction.

Amendment 52

Proposal for a regulation

Annex I – part VII – point 67 – paragraph 4 – point 5

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 2, Article 5(4) and Article 6(3) 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 **the second paragraph of** Article 2, Article 5(4) and Article 6(3) 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 53

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 1

Regulation (EC) No 1445/2007

Article 3 – paragraph 1 a

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the definitions **set out in the first paragraph** and amending the list of basic headings in Annex II to take account of economic and technical changes, insofar as this does not involve a disproportionate increase in costs for the Member States.;

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 54

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 2 – point a

Regulation (EC) No 1445/2007

Article 7 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning** common criteria on which the quality control is based.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by establishing** common criteria on which the quality control **referred to in paragraph 1** is based.;

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 55

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 2 – point b

Regulation (EC) No 1445/2007

Article 7 – paragraph 5

Text proposed by the Commission

5. The Commission shall **adopt** the structure **of** the quality reports, as specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).;

Amendment

5. The Commission shall **set out** the structure **and detailed arrangements for** the quality reports, as **referred to in paragraph 3 and** specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).;

Justification

The frame of the empowerment needs to be clearly defined.

Amendment 56

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3 and Article 7(4) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in ***the second paragraph of*** Article 3 and Article 7(4) shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this amending 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.***

Justification

Alignment of the duration of the empowerment.

Amendment 57

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 3 and Article 7(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.

Amendment

3. The delegation of power referred to in ***the second paragraph of*** Article 3 and Article 7(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.

Technical correction.

Amendment 58

Proposal for a regulation

Annex I – part VII – point 69 – paragraph 3 – point 3

Regulation (EC) No 1445/2007

Article 10a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3 and Article 7(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.

Amendment

6. A delegated act adopted pursuant to **the second paragraph of** Article 3 and Article 7(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 **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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 59

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common

Amendment

In order to adapt Regulation (EC) No 177/2008 to economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the list of register characteristics, their definition and their continuity rules in the Annex to that Regulation and to supplement that Regulation with common

quality *standards* and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. 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.

standards for the quality of business registers and rules for updating registers and by determining the extent to which certain enterprises and enterprise groups are to be included in the registers, specifying units consistent with those for agricultural statistics. 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.

Justification

Alignment with proposed amendment in Article 6(3).

Amendment 60

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 1

Regulation (EC) No 177/2008

Article 3 – paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 15a determining the extent to which enterprises with less than half a person employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.;

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by** determining the extent to which enterprises with less than half a person employed and all resident enterprise groups of no statistical importance to the Member States are to be included in the registers, and the definition of units consistent with those for agricultural statistics.;

Justification

Clarification of empowerment (to supplement).

Amendment 61

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** common **quality** standards.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** common standards **for the quality of business registers as referred to in paragraph 1.**

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 62

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 3

Regulation (EC) No 177/2008

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt decisions concerning the **content** and periodicity of the quality reports by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).

Amendment

The Commission shall adopt decisions concerning the **structure, detailed arrangements** and periodicity of the quality reports **referred to in paragraph 2** by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).

Justification

It is not appropriate to set out the content of such reports by means of implementing act. The appropriate scope and intention of this paragraph seems to be to define structure and

modalities of the report, which is clarified by the proposed amendment. This is also consistent with more recent legislation in the area of statistics.

Amendment 63

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 4

Regulation (EC) No 177/2008

Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **concerning** the rules for updating registers.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 15a **to supplement this Regulation by establishing** the rules for updating registers.;

Justification

Clarification of empowerment (to supplement).

Amendment 64

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 6

Regulation (EC) No 177/2008

Article 15a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **an indeterminate** period of **time [from the** entry into force of the Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(6), Article 5(2), Article 6(3) and Article 8(3) shall be conferred on the Commission for **a** period of **five years from [date of** entry into force of this amending 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.**

Justification

Alignment of the duration of the empowerment.

Amendment 65

Proposal for a regulation

Annex I – part VII – point 70 – paragraph 3 – point 6

Regulation (EC) No 177/2008

Article 15a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(6), Article 5(2), Article 6(3) and Article 8(3) 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 3(6), Article 5(2), Article 6(3) and Article 8(3) 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 66

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 1

Regulation (EC) No 295/2008

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning its** scope, list of characteristics, reference period, activities

Amendment

The use of the flexible module referred to in point (j) of paragraph 2 shall be planned in close cooperation with Member States. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing the scope of the flexible**

to be covered and quality requirements.
The delegated act shall be adopted at least 12 months before the beginning of the reference period.

module, its list of characteristics, reference period, activities to be covered and quality requirements. The delegated act shall be adopted at least 12 months before the beginning of the reference period.

Justification

Clarification of empowerment (to supplement) and its scope.

Amendment 67

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 2

Regulation (EC) No 295/2008

Article 4 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the measures necessary on the basis of the evaluation of the pilot studies.;

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by defining** the measures necessary on the basis of the evaluation of the pilot studies.;

Justification

Clarification of empowerment (to supplement).

Amendment 68

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 3

Regulation (EC) No 295/2008

Article 7 – paragraph 2

Text proposed by the Commission

2. **In order that** Union aggregates **may be compiled**, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b.;

Amendment

2. **For the purposes of compiling** Union aggregates, Member States shall produce component national results according to the levels of NACE Rev. 2 laid down in the Annexes to this Regulation or in delegated acts. The Commission is empowered to adopt such delegated acts in accordance with Article 11b **supplementing this Regulation by**

Justification

The empowerment needs to be more precise and its scope must be clearly defined as required under Article 290 of the Treaty.

Amendment 69

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 4 – point a

Regulation (EC) No 295/2008

Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j) **and this** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time starting from the end of the reference period **which shall be laid down** in accordance with **that procedure** for the modules provided for in Article 3(2)(a) to (g) **and** shall be no longer than 10 months.

Amendment

The results shall be transmitted in an appropriate technical format, within a period of time starting from the end of the reference period. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by specifying** the reference period for the modules provided for in Article 3(2)(a) to (h) and (j), **which** period shall be no longer than 18 months. For the module provided for in Article 3(2)(i), the period of time shall be no longer than 30 months or 18 months as laid down in Annex IX, Section 9. In addition, a small number of estimated preliminary results shall be transmitted within a period of time starting from the end of the reference period. **The Commission is empowered to adopt delegated acts** in accordance with **Article 11b to supplement this Regulation by specifying that period** for the modules provided for in Article 3(2)(a) to (g), **which period** shall be no longer than 10 months.

Justification

Clarification of empowerment (to supplement). The wording "...that procedure..." referred to the Regulatory Procedure with Scrutiny, hence the wording is aligned to refer to Delegated Acts (DA).

Amendment 70

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 4 – point b

Regulation (EC) No 295/2008

Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the review of** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by reviewing** the rules for the CETO flag and grouping the Member States, by 29 April 2013 and every five years thereafter.;

Justification

Clarification of empowerment (to supplement).

Amendment 71

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall be conferred on the Commission for **an indeterminate** period of **time** [from the entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(2), shall be conferred on the Commission for **a** period of **five years** **from** [date of entry into force of this amending 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.

Amendment 72

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 6

Regulation (EC) No 295/2008

Article 11b – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(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.”

Amendment

6. A delegated act adopted pursuant to Article 3(4), Article 4(4), Article 7(2), Article 8(2) and (3), Article 11a, Annex I, Sections 5, 6, 8(1) and (2), Section 6, of Annexes II, III and IV, Annex VI, Section 7, Annex VIII, Sections 3, 4(2) and (3), Annex IX Sections 8(2) and (3) and 10(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 **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 **three** months at the initiative of the European Parliament or of the Council.”

Justification

Alignment of the scrutiny period and its prolongation.

Amendment 73

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 5 – paragraph 1

Text proposed by the Commission

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the

Amendment

The first reference year for which statistics are compiled is the calendar year 2008. Data will be compiled according to the

breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66 are to be compiled.

breakdown in Section 9. However, the Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the first reference year for which statistics on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66 are to be compiled.

Justification

Clarification of empowerment (to supplement).

Amendment 74

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point a

Regulation (EC) No 295/2008

Annex I – section 6 – paragraph 1

Text proposed by the Commission

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the key characteristics.

Amendment

For each of the key characteristics Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 13, taking account of the application in each Member States of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the key characteristics.

Justification

Clarification of empowerment (to supplement).

Amendment 75

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point b – point i

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 1

Text proposed by the Commission

1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.;

Amendment

1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period, except for the NACE Rev. 2 activity classes 64.11 and 64.19. For the NACE Rev. 2 activity classes 64.11 and 64.19 the transmission delay is 10 months. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results on the activity classes covered by the NACE Rev. 2 groups 64.2, 64.3 and 64.9 and division 66.;

Justification

Clarification of empowerment (to supplement).

Amendment 76

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 8 – point b – point ii

Regulation (EC) No 295/2008

Annex I – section 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the division 66 of NACE Rev. 2**, the transmission of preliminary results or estimates.;

Amendment

These preliminary results or estimates are to be broken down to NACE Rev. 2, 3-digit level (group). The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission of preliminary results or estimates **for division 66 of NACE Rev. 2.**;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 77

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 9

Regulation (EC) No 295/2008

Annex II – section 6

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 78

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 10

Regulation (EC) No 295/2008

Annex III – section 6– paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the** key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 79

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 11

Regulation (EC) No 295/2008

Annex IV – section 6 – paragraph 1

Text proposed by the Commission

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the key characteristics.;

Amendment

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 13, taking account of the application in each Member State of that Article. The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing such** key characteristics.;

Justification

Clarification of empowerment (to supplement).

Amendment 80

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 12

Regulation (EC) No 295/2008

Annex VI – section 7 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** the transmission delay of the results that will not be longer than 10 months starting from the end of the reference year.;

Justification

Clarification of empowerment (to supplement).

Amendment 81

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 13 – point a

Regulation (EC) No 295/2008

Annex VIII – section 3 – paragraph 1 – sentence 5

Text proposed by the Commission

On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the changing of** the lower limit.;

Amendment

On the basis of this study, the Commission is empowered to adopt delegated acts in accordance with Article 11b **to amend this Regulation by changing** the lower limit **of the reference population.**;

Justification

Clarification of empowerment (to supplement) and scope.

Amendment 82

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 13 – point b

Regulation (EC) No 295/2008

Annex VIII – section 4 – paragraphs 2 and 3 – table

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning the determination of** product breakdown.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing the** product breakdown.;

(This amendment concerns the table ‘Breakdown of turnover by product type’, the sentence in the column ‘Comment’.)

Justification

Clarification of empowerment (to supplement).

Amendment 83

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning some results that*** shall also be broken down into size classes to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

2. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by establishing that some results*** shall also be broken down into size classes to the level of detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.

Justification

Clarification of empowerment (to supplement).

Amendment 84

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point a

Regulation (EC) No 295/2008

Annex IX – section 8 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***concerning some results that*** shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

3. The Commission is empowered to adopt delegated acts in accordance with Article 11b ***to supplement this Regulation by establishing that some results*** shall also be broken down according to legal form to the level of the detail listed in Section 10, except for NACE Rev. 2 Sections L, M and N, where the breakdown is required only to the group level.;

Justification

Clarification of empowerment (to supplement).

Amendment 85

Proposal for a regulation

Annex I – part VII – point 71 – paragraph 3 – point 14 – point b

Regulation (EC) No 295/2008

Annex IX – section 10 – paragraph 2 – subsection "Special aggregates"

Text proposed by the Commission

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is empowered to adopt delegated acts in accordance with Article 11b **concerning** a number of special aggregates of the NACE Rev. 2 to be transmitted..

Amendment

To enable Union statistics on business demography to be compiled for the Information and Communication Technology sector, the Commission is empowered to adopt delegated acts in accordance with Article 11b **to supplement this Regulation by establishing** a number of special aggregates of the NACE Rev. 2 to be transmitted..

Justification

Clarification of empowerment (to supplement).

Amendment 86

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 1

Regulation (EC) No 451/2008

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex:

(a) to take account of technological or economic developments;

(b) to align it with other economic and social classifications.;

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex to take account of technological or economic developments and to align it with other economic and social classifications.

Justification

Alignment of wording as (a) and (b) is not necessary.

Amendment 87

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

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

Justification

Alignment of the duration of the empowerment.

Amendment 88

Proposal for a regulation

Annex I – part VII – point 72 – paragraph 2 – point 2

Regulation (EC) No 451/2008

Article 6a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6(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.

Amendment

6. A delegated act adopted pursuant to Article 6(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 ***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 ***three*** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 89

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 – point a

Regulation (EC) No 1606/2002

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 5a **concerning** the applicability within the Union of international accounting standards.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 5a **to supplement this Regulation by establishing** the applicability within the Union of international accounting standards (**hereafter referred to as ‘adopted international accounting standards’**).

Justification

Clarification of empowerment (to supplement) and the links to the provisions in the other paragraphs of the legal act.

Amendment 90

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 – point a

Regulation (EC) No 1606/2002

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the case of possible imminent risks to the stability of financial markets, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this paragraph.;

Amendment

deleted

Justification

The use of the urgency procedure does not seem justified. If necessary, European Parliament and Council can declare an early non-objection (see proposed amendment to delete Article

5b).

Amendment 91

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 a (new)

Regulation (EC) No 1606/2002

Article 4 – paragraph 1

Present text

“For each financial year starting on or after 1 January 2005, companies governed by the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)* if, at their balance sheet date, their securities are admitted to trading on a regulated market *of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field (1)*.”

Amendment

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

"For each financial year starting on or after 1 January 2005, companies governed by the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with **Article 3(1)**, if, at their balance sheet date, their securities are admitted to trading on a regulated market **as defined in point (21) of Article 4(1) of Directive 2014/65/EU.**"

Justification

There is no need to refer to 'of a Member State' as the definition of a regulated market in Article 44 MiFID includes only those authorised in the EU.

Amendment 92

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 1 b (new)

Regulation (EC) No 1606/2002

Article 5

Present text

"Article 5

Amendment

(1 b) Article 5 is replaced by the following:

"Article 5

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,

in conformity with the international accounting standards adopted in accordance with *the procedure laid down in Article 6(2)*.”

Options in respect of annual accounts and of non publicly-traded companies

Member States may permit or require:

- (a) the companies referred to in Article 4 to prepare their annual accounts,
- (b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,

in conformity with the international accounting standards adopted in accordance with **Article 3(1)**.”

Justification

Alignment of the applicable procedure (Article 6 is deleted; empowerment for adoption of delegated acts is now in Art. 3).

Amendment 93

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for *an indeterminate* period of *time* [from the entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for *a* period of *five years from* [date of entry into force of this amending 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.*

Justification

Alignment of the duration of the empowerment.

Amendment 94

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 3(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.

Amendment

6. A delegated act adopted pursuant to Article 3(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 **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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its extension.

Amendment 95

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 2

Regulation (EC) No 1606/2002

Article 5b

Text proposed by the Commission

Article 5b

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.***
- 2. The notification of a delegated act to***

Amendment

deleted

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 5a(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.*

Justification

The use of the urgency procedure does not seem justified. If necessary, European Parliament and Council can declare an early non-objection.

Amendment 96

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 3

Regulation (EC) No 1606/2002

Article 6

Text proposed by the Commission

Amendment

(3) *Articles 6 and 7 are* deleted.

(3) *Article 6 is* deleted.

Justification

Article 6 is deleted because there is no longer comitology procedure.

Amendment 97

Proposal for a regulation

Annex I – part VIII – point 79 – paragraph 2 – point 3 a (new)

Regulation (EC) No 1606/2002

Article 7

Present text

Amendment

(3 a) Article 7 is replaced by the following:

“Article 7

“Article 7

Reporting and coordination

Reporting and coordination

1. The Commission shall *liaise* on a

1. The Commission shall *inform* on a

regular basis *with the Committee* about the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

2. The Commission shall duly report to the *Committee* in a timely manner if it intends not to propose the adoption of a standard.”

regular basis *the European Parliament and the Council* about the status of active IASB projects and any related documents issued by the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.

2. The Commission shall duly report to the *European Parliament and the Council* in a timely manner if it intends not to propose the adoption of a standard.”

Justification

It is appropriate to establish certain reporting to the Parliament and the Council as regards the preparation of draft international accounting standards. This would be in line with requests by Parliament (Stolojan report) and the text agreed in Article 9(6a) of the EFRAG Financing report.

Amendment 98

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 1

Text proposed by the Commission

In order to adapt Directive 2009/110/EC to take account of inflation or technological and market developments, and to ensure a convergent application of certain exemptions set out in that Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend 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

Amendment

Directive 2009/110/EC includes in Article 14 an empowerment for the Commission to adopt measures which are necessary to update the provisions of the Directive "in order to take account of inflation or technological and market developments" in accordance with the regulatory procedure with scrutiny. Such empowerment, if adapted to an empowerment for the adoption of delegated acts without further changes, would not satisfy the requirements of Article 290 TFEU regarding the necessary specification of objectives, content and scope of the delegation of power. Taking into account that the Commission has not used the empowerment to date, it should be deleted.

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.

Justification

Explanation why the empowerment in this Directive is deleted entirely.

Amendment 99

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 2 – point 1

Directive 2009/110/EC

Article 14

Text proposed by the Commission

Amendment

(1) Article 14 is ***replaced by the following:***

(1) Article 14 is ***deleted.***

Article 14

Delegated acts

The Commission is empowered to adopt delegated acts in accordance with Article 14a:

a) amending this Directive in order to take account of inflation or technological and market developments;

b) amending Article 1(4) and (5) to ensure the convergent application of the exemptions referred to in those provisions.;

Justification

The empowerment is too broad to be appropriate for a delegated act under Article 290 TFEU and it has not been used so far. Therefore, it should be deleted.

Amendment 100

Proposal for a regulation

Annex I – part VIII – point 80 – paragraph 2 – point 2

Directive 2009/110/EC

Article 14a

(2) *the following Article 14a is inserted:* *deleted*

‘Article 14a

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 14 shall be conferred on the Commission for an indeterminate period of time [from the entry into force of this Omnibus].*
- 3. The delegation of power referred to in Article 14 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 14 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.; ’***

Justification

There are no longer provisions that empower the COM to adopt Delegated Acts; therefore, this procedural provision should be deleted.

Amendment 101

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [***the*** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for ***a*** period of ***five years*** from [***date of*** entry into force of this amending 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.***

Justification

Alignment of the duration of the empowerment.

Amendment 102

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 19(5) 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 19(5) 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 **three** months at the initiative of the European Parliament or of the Council.

Justification

Alignment of the scrutiny period and its prolongation.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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 EU
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)
Committee responsible Date announced in plenary	JURI 13.3.2017
Opinion by Date announced in plenary	ECON 13.3.2017
Rapporteur Date appointed	Roberto Gualtieri 24.1.2017
Discussed in committee	30.8.2017
Date adopted	25.9.2017

29.9.2017

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Legal Affairs

on the 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 (COM(2016)0799 – C8-0524/2016 – 2016/0400 (COD))

Rapporteur: Adina-Ioana Vălean

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 1

Directive 2009/31/EC

Article 29 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 29a amending the Annexes.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 29a amending the Annexes, ***in order to adapt to technical and scientific progress.***

Justification

Necessary to ensure consistency with the wording used in the Commission proposal no COM(2016)0789, notably its Article 2(2).

Amendment 2

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 2

Directive 2009/31/EC

Article 29a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for ***an indeterminate*** period of time from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Justification

Alignment of the duration of the empowerment.

Amendment 3

Proposal for a regulation

Annex I – Part I – point 1 – paragraph 2 – point 3

Directive 2009/31/EC

Article 30

Text proposed by the Commission

(3) Article 30 is ***deleted***.

Amendment

(3) Article 30 is ***replaced by the following***:

“Article 30

Committee procedure

1. The Commission shall be assisted by the Climate Change Committee established by Article 26 of Regulation (EU) No 525/2013 of the European Parliament and of the Council*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council**.

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

** Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).*

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

Justification

Necessary to ensure consistency with the wording used in the Commission proposal no COM(2016)0789, notably its Article 2(4).

Amendment 4

Proposal for a regulation
Annex I – part I – point 2

Text proposed by the Commission

Amendment

[...]

deleted

Justification

Given that the choice of delegation of power from RPS to DA / IA as regards the Effort Sharing Decision is not uncontroversial, and that the obligations under the Decision will be replaced by another Regulation for the 2021-2030 period, it would be preferable not to include 406/2009/EC in this Omnibus proposal.

Amendment 5

Proposal for a regulation
Annex I – Part VI – point 53 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 ***and to provide sectoral reference documents as well as guidance documents referring to registration of organisations and to harmonisation procedures***. 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

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 6

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC)

Amendment

deleted

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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 7

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 1

Regulation (EC) No 1221/2009

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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 procedure referred to in Article 49(2).

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 48a to supplement this Regulation by establishing guidance documents on the harmonisation procedures approved by the Forum of Competent Bodies.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 8

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 2

Regulation (EC) No 1221/2009

Article 17 – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 48a ***concerning*** the procedures for

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 48a ***to supplement this Regulation***

carrying out the peer evaluation of the EMAS Competent Bodies, including appropriate appeals procedures against decisions taken as a result of the peer evaluation.

by establishing 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.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 9

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 3

Regulation (EC) No 1221/2009

Article 30 – paragraph 6 – subparagraph 1

Text proposed by the Commission

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 procedure referred to in Article 49(2).**

Amendment

The Commission **is empowered to** adopt **delegated acts in accordance with Article 48a to supplement this Regulation by establishing guidance documents on the** harmonisation procedures approved by the Forum of the Accreditation and Licensing Bodies.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 10

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 4

Regulation (EC) No 1221/2009

Article 46 – paragraph 6

Text proposed by the Commission

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 procedure**

Amendment

6. The Commission **is empowered to adopt delegated acts in accordance with Article 48a to supplement this Regulation by adopting** the sectoral reference documents referred to in paragraph 1 and

referred to in Article 49(2).

the guide referred to in paragraph 4.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 11

Proposal for a regulation

Annex I – Part VI – point 53 – paragraph 3 – point 6

Regulation (EC) No 1221/2009

Article 48a

Text proposed by the Commission

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 ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].
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

Amendment

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 **16(4)**, **Article 17(3)**, **Article 30(6)**, **Article 46(6)** and Article 48 shall be conferred on the Commission for a period of ***five years*** from [date of entry into force of this Omnibus]. ***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 **16(4)**, **Article 17(3)**, **Article 30(6)**, **Article 46(6)** 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

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.

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 16(4), Article 17(3), Article 30(6), Article 46(6) 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.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 12

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 4

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No

2150/2002 concerning the production of results, the appropriate format for the transmission of results and the **contents** of the quality reports implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

2150/2002 concerning the production of results, the appropriate format for the transmission of results and the **structure and detailed arrangements** of the quality reports implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

In line with amendment to Article aligning the wording to recent legislation in the area of statistics.

Amendment 13

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 1

Regulation (EC) No 2150/2002

Article 1 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning the establishment of** a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Commission Decision 2000/532/EC.*

* Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 5b **to supplement this Regulation by establishing** a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Commission Decision 2000/532/EC.*

* Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 14

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 2 – point a

Regulation (EC) No 2150/2002

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning** the definition the quality and accuracy conditions.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 5b **to supplement this Regulation by defining** the quality and accuracy conditions.

Justification

Clarification of empowerment (to supplement).

Amendment 15

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 4

Regulation (EC) No 2150/2002

Article 5a – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 5b **concerning the adjustment** to economic and technical developments in the collection and statistical processing of data, as well as the processing and the transmission of results and **the adaptation of** the specifications listed in the Annexes.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 5b **to amend this Regulation by adjusting it** to economic and technical developments in the collection and statistical processing of data, as well as the processing and the transmission of results and **by adapting** the specifications listed in the Annexes.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 16

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 4

Regulation (EC) No 2150/2002

Article 5b – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 1(5), Article 3(1) and (4) and Article 5a, shall be conferred on the Commission for ***an indeterminate*** period of time from [[date of entry into force of this Omnibus].

2. The power to adopt delegated acts referred to in Article 1(5), Article 3(1) and (4), and Article 5a), shall be conferred on the Commission for ***a period of five years*** from [date of entry into force of this Omnibus]. ***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.***

Justification

Alignment of the duration of the empowerment.

Amendment 17

Proposal for a regulation

Annex I – Part VII – point 59 – paragraph 5 – point 5

Regulation (EC) No 2150/2002

Article 6 – paragraph 2 – point c

Text proposed by the Commission

(c) the ***contents*** of the quality reports as referred to in Section 7 of Annex I and Section 7 of Annex II.

Amendment

(c) the ***structure and detailed arrangements*** of the quality reports as referred to in Section 7 of Annex I and Section 7 of Annex II

Justification

This amendment is consistent with other amendments to this legislative file as well as with more recent legislation in the area of statistics. The appropriate scope and intention of this paragraph seems to be to define structure and modalities of the report, which is clarified by the proposed amendment. In the spirit of good cooperation with the other institutions this amendment is also showing the effort of the European Parliament to find an agreement on this file by accepting the proposed procedure.

Amendment 18

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 1 – second indent

Text proposed by the Commission

Amendment

- to amend the Annexes to that Regulation ***in certain cases***;

- to amend the Annexes to that Regulation;

Justification

Clarifying that the Annexes are always amended by delegated acts (in line with the new wording of Article 131).

Amendment 19

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 1

Regulation (EC) No 1907/2006

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 131a laying down test methods.

The Commission is empowered to adopt delegated acts in accordance with Article 131a ***to supplement Regulation (EC) No 1907/2006 by*** laying down test methods.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 20

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 2

Regulation (EC) No 1907/2006

Article 41 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to ***vary*** the percentage of dossiers selected and to amend or ***include*** further criteria in paragraph 5.

7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to ***amend this Regulation by varying*** the percentage of dossiers selected and ***by updating or including*** further criteria in paragraph 5.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 21

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 4 a (new)

Regulation (EC) No 1907/2006

Article 73 – paragraph 2

Present text

2. A final decision *shall be taken* in accordance with *the procedure referred to in Article 133(4)*. *The Commission shall send the draft amendment to the Member States at least 45 days before voting.*

Amendment

(4a) in Article 73, paragraph 2 is replaced by the following:

“2. The Commission is empowered to adopt a delegated act, in accordance with Article 131a, to supplement this act with the final decision on amending Annex XVII .”

Justification

Amending paragraph 2 in order to align the measure to delegated acts (there can be no reference to Article 133(4) (RPS) as it will be deleted from the act).

Amendment 22

Proposal for a regulation

Annex I – Part IX – point 91 – paragraph 3 – point 6

Regulation (EC) No 1907/2006

Article 131a

Text proposed by the Commission

Article 131a

Exercise of the Delegation

1. The power to adopt delegated acts conferred on the Commission is subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) shall be conferred on the Commission for *an indeterminate* period of *time* from [date

Amendment

Article 131a

Exercise of the Delegation

1. The power to adopt delegated acts conferred on the Commission is subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *The Commission*

of entry into force of this Omnibus].

3. The delegation of power referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) 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. 183

6. A delegated act adopted pursuant to Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) 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

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 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), **Article 73(2)**, Article 131 and Article 138(9) 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. 183

6. A delegated act adopted pursuant to Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), **Article 73(2)**, Article 131 and Article 138(9) 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.

the European Parliament or of the Council.

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

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

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 23

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In addition, the Commission should be empowered to adopt acts in accordance with Article 290 of the Treaty to supplement this Regulation by authorising derogations from the prohibition on animal testing, in case a serious concern arises as regards the safety of an existing cosmetics ingredient.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 24

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation (EC) No 1223/2009 concerning derogations in relation to animal testing, implementing powers should be conferred on the Commission to adopt decisions authorising derogations from the prohibition on animal testing. Those

deleted

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

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 25

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 6

Regulation (EC) No 1223/2009

Article 18 – paragraph 2 – subparagraph 9

Text proposed by the Commission

The measures referred to in the sixth subparagraph shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 31a by supplementing this Regulation in providing authorisation for the derogation referred to in the sixth subparagraph.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 26

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 7

Regulation (EC) No 1223/2009

Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive 2005/29/EC.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 31a *to supplement this Regulation by* establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive 2005/29/EC.

Clarification of empowerment (i.e. to supplement).

Amendment 27

Proposal for a regulation

Annex I – Part IX – point 99 – paragraph 4 – point 9

Regulation (EC) No 1223/2009

Article 31a

Text proposed by the Commission

Article 31a

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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (3) 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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), Article 20(2) and Article 31(1), (2) and (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

Amendment

Article 31a

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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (3) shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this Omnibus]. **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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (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

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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (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.;

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 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), **Article 18(2)**, Article 20(2) and Article 31(1), (2) and (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.;

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 28

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Directive 2002/46/EC, the power to adopt

Amendment

In order to achieve the objectives of Directive 2002/46/EC, the power to adopt

acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive in order to adapt those Annexes to technical progress and to supplement that Directive as regards the purity criteria for substances listed in Annex II thereto, and the minimum amounts of vitamins and minerals that are to be present in food supplements. 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.

acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive in order to adapt those Annexes to technical progress and to supplement that Directive as regards the purity criteria for substances listed in Annex II thereto, and the minimum ***and maximum*** amounts of vitamins and minerals that are to be present in food supplements. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 29

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Directive 2002/46/EC, implementing powers should be conferred on the Commission concerning setting maximum amounts of vitamins and minerals. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 30

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 2

Directive 2002/46/EC

Article 5 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 12a setting the minimum amounts of vitamins and minerals referred to in paragraph 3 of this Article.

The Commission shall set the maximum amounts of vitamins and minerals referred to in paragraphs 1 and 2 of this Article by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13(2).

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 12a ***in order to supplement this Directive by setting:***

(a) the minimum amounts of vitamins and minerals referred to in paragraph 3 of this Article; ***and***

(b) the maximum amounts of vitamins and minerals referred to in paragraphs 1 and 2 of this Article.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 31

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 3

Directive 2002/46/EC

Article 12 – paragraph 3

Text proposed by the Commission

(3) in Article 12, paragraph 3 is

Amendment

(3) in Article 12, paragraph 3 is

deleted;

replaced by the following:

“In order to remedy the difficulties mentioned in paragraph 1 and to ensure the protection of human health, the Commission is empowered to adopt delegated acts in accordance with Article 12a, to supplement this Directive.

A Member State that has adopted safeguard measures may in that event maintain them in force until those delegated acts have been adopted.”

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts. In the absence of a justification on the reasons for deletion of Article 12(3), it is proposed to maintain the content of that provision previously subjected to the Regulatory Procedure with Scrutiny, and to align it to delegated acts.

Amendment 32

Proposal for a regulation

Annex I – Part XII – point 143 – paragraph 3 – point 4

Directive 2002/46/EC

Article 12a

Text proposed by the Commission

Article 12a

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(2) and (5) and Article 5(4) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

Article 12a

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(2) and (5), Article 5(4), ***and Article 12(3)***, shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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***

3. The delegation of power referred to in Article 4(2) and (5) and Article 5(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 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 4(2) and (5), Article 5(4), and Article 12(3) 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.

each period

3. The delegation of power referred to in Article 4(2) and (5), and Article 5(4) **and Article 12(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 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 4(2) and (5), Article 5(4), **and Article 12(3)** 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.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 33

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of point (i) of the second paragraph of Article 29 of Directive 2002/98/EC, implementing powers should be conferred on the Commission in order to establish the procedure for notifying serious adverse reactions and events as well as the notification format. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 34

Proposal for a regulation

Annex I – part XII – point 144 – paragraph 3 – point 1

Directive 2002/98/EC

Article 27a – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in the first and third paragraphs of Article 29 shall be conferred for ***an indeterminate*** period of ***time*** from [date of entry into force of this omnibus].

2. The power to adopt delegated acts referred to in the first and third paragraphs of Article 29 shall be conferred for ***a*** period of ***five years*** from [date of entry into force of this omnibus]. ***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.***

Justification

Alignment of the duration of the empowerment.

Amendment 35

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point a

Directive 2002/98/EC

Article 29 – paragraph 1

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 27a **concerning amendments to** the technical requirements set out in Annexes I to IV in order to adapt them to technical and scientific progress.

The Commission is empowered to adopt delegated acts in accordance with Article 27a **to amend** the technical requirements set out in Annexes I to IV in order to adapt them to technical and scientific progress.

Justification

Clarification of empowerment (i.e. to amend).

Amendment 36

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point b

Directive 2002/98/EC

Article 29 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(b) in the second paragraph, point (i) is deleted; **deleted**

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 37

Proposal for a regulation

Annex I – Part XII – point 144 – paragraph 3 – point 3 – point d

Directive 2002/98/EC

Article 29 – paragraph 5

(d) *the following fifth paragraph is added:* **deleted**

"The Commission shall establish the procedure for notifying serious adverse reactions and events as well as the notification format by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(2)."

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 38

Proposal for a regulation

Annex I – Part XII – point 146 – paragraph 2 – point 2

Directive 2003/99/EC

Article 5 – paragraph 1

1. If data collected through routine monitoring in accordance with Article 4 are not sufficient, the Commission is empowered to adopt delegated acts in accordance with Article 11a, laying down coordinated monitoring programmes concerning one or more zoonoses or zoonotic agents. Those delegated acts shall be adopted especially when specific needs are identified and when there is need to assess risks or to establish baseline values related to zoonoses or zoonotic agents at the level of Member States or at Union level.

1. If data collected through routine monitoring in accordance with Article 4 are not sufficient, the Commission is empowered to adopt delegated acts in accordance with Article 11a ***to supplement this Directive*** by laying down coordinated monitoring programmes concerning one or more zoonoses or zoonotic agents. Those delegated acts shall be adopted especially when specific needs are identified and when there is need to assess risks or to establish baseline values related to zoonoses or zoonotic agents at the level of Member States or at Union level.

Justification

Clarification of empowerment (i.e to supplement).

Amendment 39

Proposal for a regulation

Annex I – Part XII – point 146 – paragraph 2 – point 3

Directive 2003/99/EC

Article 11

Text proposed by the Commission

(3) *in* Article 11, ***the first and second paragraphs are*** replaced by the following:

The Commission is empowered to adopt delegated acts in accordance with Article 11a to amend Annexes II, III and IV, taking account in particular of the following criteria:

- (a) the occurrence of zoonoses, zoonotic agents and antimicrobial resistance in animal and human population, feed, food and the environment,
- (b) the availability of new monitoring and reporting tools,
- (c) the needs required for the assessment of trends at national, European or global level.

Amendment

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

“Article 11

Amendments to the Annexes and implementing measures

The Commission is empowered to adopt delegated acts in accordance with Article 11a to amend Annexes II, III and IV, taking account in particular of the following criteria:

- (a) the occurrence of zoonoses, zoonotic agents and antimicrobial resistance in animal and human population, feed, food and the environment,
- (b) the availability of new monitoring and reporting tools,
- (c) the needs required for the assessment of trends at national, European or global level.

Other implementing measures may be adopted in accordance with the committee procedure referred to in Article 12(2).

Justification

The criteria inserted are new, however they make the empowerment more precise by explaining what could justify amending the Annexes (thus not just giving a “blank” empowerment). Since the Commission proposal has kept the last paragraph of Article 11 without any changes, it makes sense to add a deletion of the “transitional measures” mentioned in that paragraph (as transitional measures are no longer needed).

Amendment 40

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 1829/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation in order to adapt to technical progress and to supplement that Regulation by establishing appropriate lower thresholds for GMO presence in food and feed, below which the labelling requirements do not apply, subject to certain conditions and by establishing specific rules concerning the information to be given by mass caterers providing food to the final consumer.

Amendment

In order to achieve the objectives of Regulation (EC) No 1829/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation in order to adapt to technical progress and to supplement that Regulation ***by determining which food and feed falls within the scope of different sections of the Regulation***, by establishing appropriate lower thresholds for GMO presence in food and feed, below which the labelling requirements do not apply, subject to certain conditions, ***by establishing measures for operators to satisfy the competent authorities, measures necessary for operators to comply with the labelling requirements*** and by establishing specific rules concerning the information to be given by mass caterers providing food to the final consumer.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 41

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 3

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1829/2003, implementing powers should be conferred on the Commission concerning ***measures for operators to satisfy the competent authorities, measures necessary for operators to comply with the labelling requirements and*** rules to facilitate the uniform application of certain provisions. Those

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1829/2003, implementing powers should be conferred on the Commission concerning rules to facilitate the uniform application of certain provisions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

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

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 42

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 1

Regulation (EC) No 1829/2003

Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission *may decide, by means of implementing acts*, whether a type of food falls within the scope of this Section. *Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).*

Amendment

2. The Commission *is empowered to adopt delegated acts in accordance with Article 34a to supplement this Regulation by determining* whether a type of food falls within the scope of this Section.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 43

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 2

Regulation (EC) No 1829/2003

Article 12 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, establishing appropriate lower thresholds, in particular in respect of foods containing or consisting of GMOs, or taking account of advances in science and technology.

Amendment

4. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, *to supplement this Regulation by* establishing appropriate lower thresholds, in particular in respect of foods containing or consisting of GMOs, or taking account of advances in science and technology.

Clarification of empowerment (i.e. to supplement).

Amendment 44

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 –point 3

Regulation (EC) No 1829/2003

Article 14

Text proposed by the Commission

Article 14

Delegated and implementing powers

1. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, **adopting** specific rules concerning the information to be given by mass caterers providing food to the final consumer. In order to take account of the specific situation of mass caterers, such rules may provide for adaptation of the requirements set out in Article 13(1)(e).

2. The Commission may adopt, by means of implementing acts:

(a) measures necessary for operators to satisfy the competent authorities as

Amendment

Article 14

Delegated and implementing powers

1. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, **to supplement this Regulation by establishing:**

(a) measures necessary for operators to satisfy the competent authorities as referred to in Article 12(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 13; and

(c) specific rules concerning the information to be given by mass caterers providing food to the final consumer. In order to take account of the specific situation of mass caterers, such rules may provide for adaptation of the requirements set out in Article 13(1)(e).

2. The Commission may adopt **detailed rules to facilitate the uniform application of Article 13** by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

referred to in Article 12(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 13;

(c) detailed rules to facilitate the uniform application of Article 13.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 45

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 4

Regulation (EC) No 1829/2003

Article 15 – paragraph 2

Text proposed by the Commission

2. The Commission *may decide, by means of implementing acts*, whether a type of feed falls within the scope of this Section. *Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).*

Amendment

2. The Commission *is empowered to adopt delegated acts, in accordance with Article 34a, to supplement this Regulation by determining* whether a type of feed falls within the scope of this Section.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 46

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 5

Regulation (EC) No 1829/2003

Article 24 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to

Amendment

4. The Commission is empowered to

adopt delegated acts, in accordance with Article 34a, establishing appropriate lower thresholds, in particular in respect of feed containing or consisting of GMOs, or taking account of advances in science and technology.

adopt delegated acts, in accordance with Article 34a, ***to supplement this Regulation*** by establishing appropriate lower thresholds, in particular in respect of feed containing or consisting of GMOs, or taking account of advances in science and technology.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 47

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 – point 6

Regulation (EC) No 1829/2003

Article 26

Text proposed by the Commission

Article 26

Implementing powers

The Commission ***may adopt, by means of implementing acts:***

(a) measures necessary for operators to satisfy the competent authorities as referred to in Article 24(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 25;

(c) ***detailed rules to facilitate the uniform application of Article 25.***

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Amendment

Article 26

Delegated and implementing powers

1. The Commission is empowered to adopt delegated acts, in accordance with Article 34a, to supplement this Regulation by establishing:

(a) measures necessary for operators to satisfy the competent authorities as referred to in Article 24(3);

(b) measures necessary for operators to comply with the labelling requirements set out in Article 25.

2. The Commission may adopt detailed rules to facilitate the uniform application of Article 25 by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with

Amendment 48

Proposal for a regulation

Annex I – Part XII – point 147 – paragraph 4 –point 8

Regulation (EC) No 1829/2003

Article 34a

Text proposed by the Commission

Article 34a

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 12(4), Article 14(**1a**), Article 24(4) and Article 32, sixth paragraph, shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].
3. The delegations of power referred to in Article 12(4), Article 14(**1a**), Article 24(4) and Article 32, sixth paragraph, 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.

Amendment

Article 34a

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(2)***, Article 12(4), Article 14(**1**), ***Article 15 (2)***, Article 24(4), ***Article 26 (1)*** and Article 32, sixth paragraph, shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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 delegations of power referred to in ***Article 3(2)***, Article 12(4), Article 14(**1**), ***Article 15(2)***, Article 24(4), ***Article 26(1)*** and Article 32, sixth paragraph, 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

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 12(4), Article 14(1a), Article 24(4) or Article 32, sixth paragraph, 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.

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 3(2)**, Article 12(4), Article 14(**I**), **Article 15(2)**, Article 24(4), **Article 26(1)** or Article 32, sixth paragraph, 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.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 49

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 2160/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to

Amendment

In order to achieve the objectives of Regulation (EC) No 2160/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to

the Commission to amend Annexes I, II and III to that Regulation and to supplement that Regulation as regards the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents, specific control methods, specific rules on criteria relating to imports from third countries, the responsibilities and tasks of the Union reference laboratories and certain responsibilities and tasks of the national reference laboratories. 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.

the Commission to amend Annexes I, II and III to that Regulation and to supplement that Regulation as regards the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents, specific control methods, specific rules on criteria relating to imports from third countries, the responsibilities and tasks of the Union reference laboratories, **for *approving methods for testing*, and as regards** certain responsibilities and tasks of the national reference laboratories. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 50

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) 2160/2003, implementing powers should be conferred on the Commission concerning approving methods for testing. Those powers should be exercised in accordance with Regulation (EU) No

Amendment

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 51

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 1 – point a

Regulation (EC) No 2160/2003

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents listed in Annex I, column 1, in the animal populations listed in Annex I, column 2, taking account, in particular, of:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning the Union targets for the reduction of the prevalence of zoonoses and zoonotic agents listed in Annex I, column 1, in the animal populations listed in Annex I, column 2, **to supplement this Regulation**, taking account, in particular, of:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 52

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 3

Regulation (EC) No 2160/2003

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance **with** Article 13a concerning:

Amendment

1. The Commission is empowered to adopt delegated acts, **to supplement this Regulation**, in accordance with Article 13a concerning:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 53

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 4

Regulation (EC) No 2160/2003

Article 9 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a, establishing the rules concerning the setting by Member States of the criteria referred to in Article 5(5) and in paragraph 2 of this Article.

Amendment

4. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a, **to supplement this Regulation, by** establishing the rules concerning the setting by Member States of the criteria referred to in Article 5(5) and in paragraph 2 of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 54

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 5

Regulation (EC) No 2160/2003

Article 10 – paragraph 5

Text proposed by the Commission

The authorisation may be withdrawn in accordance with the same procedure. **and**, without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a establishing specific rules concerning such criteria.

Amendment

The authorisation may be withdrawn in accordance with the same procedure. Without prejudice to Article 5(6), the Commission is empowered to adopt delegated acts in accordance with Article 13a, **to supplement this Regulation,** establishing specific rules concerning such criteria.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 55

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 6 – point a

Regulation (EC) No 2160/2003

Article 11 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a **laying** down the responsibilities and tasks of the Union reference laboratories, in particular with regard to coordination of their activities and those of the national reference laboratories.

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a, **to supplement this Regulation, by** laying down the responsibilities and tasks of the Union reference laboratories, in particular with regard to coordination of their activities and those of the national reference laboratories.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 56

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 6 – point b

Regulation (EC) No 2160/2003

Article 11 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a laying down certain responsibilities and tasks of the national reference laboratories, in particular with regard to coordination of their activities and those of the relevant laboratories in the Member States designated under Article 12(1)(a).

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation, by** laying down certain responsibilities and tasks of the national reference laboratories, in particular with regard to coordination of their activities and those of the relevant laboratories in the Member States designated under Article 12(1)(a).

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 57

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 7

Regulation (EC) No 2160/2003

Article 12 – paragraph 3 – subparagraph 3

Text proposed by the Commission

3. The Commission *may approve, by means of implementing acts*, other methods for testing referred in paragraph 3. *Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).*

Amendment

The Commission *is empowered to adopt delegated acts in accordance with Article 13a to supplement this Regulation by approving* other methods for testing *than those* referred in *the first and second subparagraph of this paragraph*.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 58

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 8

Regulation (EC) No 2160/2003

Article 13

Text proposed by the Commission

Article 13

The Commission is empowered to adopt delegated acts in accordance with Article 13a amending elements concerning the relevant health certificates.

Other implementing *or transitional* measures may be adopted in accordance with the regulatory procedure referred to in Article 14(2).

Amendment

Article 13

Implementing measures

The Commission is empowered to adopt delegated acts in accordance with Article 13a *to supplement this Regulation, by* amending elements concerning the relevant health certificates.

Other implementing measures may be adopted in accordance with the regulatory procedure referred to in Article 14(2).

Justification

Clarification of empowerment (i.e. to supplement). Since the Commission proposal has kept the last paragraph of Article 13 without any changes, it makes sense to add a deletion of the “transitional measures” mentioned in that paragraph (as transitional measures are no longer

needed).

Amendment 59

Proposal for a regulation

Annex I – Part XII – point 151 – paragraph 3 – point 9

Regulation (EC) No 2160/2003

Article 13a

Text proposed by the Commission

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(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4) **and Article 13** shall be conferred for **an indeterminate** period of time from [date of entry into force of this Omnibus].
3. The delegation of powers referred to in Article 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), 11(2) and (4) and Article 13 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 adapting a delegated act, the

Amendment

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(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4), **Article 12(3) the third subparagraph**, and Article 13 shall be conferred for **a** period of **five years** from [date of entry into force of this Omnibus]. **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 powers referred to in Article 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), 11(2) and (4), **Article 12(3) the third subparagraph**, and Article 13 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 adapting 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 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4) and Article 13 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 the Council.

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

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 3(1), (6), and (7), Article 5(6), Article 8(1), Article 9(4), Article 10(5), Article 11(2) and (4), **Article 12(3) the third subparagraph**, and Article 13 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 the Council.

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

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 60

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Directive 2004/23/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Directive with traceability requirements for tissues

Amendment

In order to achieve the objectives of Directive 2004/23/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Directive with traceability requirements for tissues

and cells, as well as for products and materials coming into contact with those tissues and cells and having an effect on their quality, *and* to supplement that Directive with certain technical requirements. 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.

and cells, as well as for products and materials coming into contact with those tissues and cells and having an effect on their quality, *to establish procedures for ensuring traceability and for verifying the equivalent standards of quality and safety of imported tissues and cells*, and to supplement that Directive with certain technical requirements. 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 61

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Directive 2004/23/EC implementing powers should be conferred on the Commission to establish procedures for ensuring traceability and for verifying the equivalent standards of quality and safety of imported tissues and cells. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

Deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 62

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 1

Directive 2004/23/EC

Article 8 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 28a to establish traceability requirements for tissues and cells, ***as well as*** for products and materials coming into contact with those tissues and cells and having an effect on their quality and safety.

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 28a ***to supplement this Directive, by establishing*** traceability requirements for tissues and cells, for products and materials coming into contact with those tissues and cells and having an effect on their quality and safety, ***as well as by establishing the procedures for ensuring traceability at Union level.***

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and to clarify the empowerment (i.e. to supplement).

Amendment 63

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 1

Directive 2004/23/EC

Article 8 – paragraph 6

Text proposed by the Commission

6. ***The Commission shall establish the procedures for ensuring traceability at Union level by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 29(2)."***

Amendment

deleted

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and to clarify the empowerment (i.e. to supplement).

Amendment 64

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 2

Directive 2004/23/EC

Article 9 – paragraph 4

Text proposed by the Commission

4. The Commission *shall* establish the procedures for verifying the equivalent standards of quality and safety *in accordance with paragraph 1 by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 29(2).*

Amendment

4. ***The Commission is empowered to adopt delegated acts in accordance with Article 28a to supplement this Directive, by establishing*** the procedures for verifying the equivalent standards of quality and safety in accordance with paragraph 1.

Justification

Amendments to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 65

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 3

Directive 2004/23/EC

Article 28 – paragraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 28a with respect to the technical requirements referred to in points (a) to (i) of the first paragraph.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 28a ***to supplement this Directive*** with respect to the technical requirements referred to in points (a) to (i) of the first paragraph.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 66

Proposal for a regulation

Annex I – Part XII – point 152 – paragraph 3 – point 4

Directive 2004/23/EC

Article 28a

Text proposed by the Commission

Article 28a

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 delegation of power referred to in Article 8(5) and in the second paragraph of Article 28 shall be conferred for an *indeterminate* period *of time* from the [date of entry into force of this omnibus].
3. The delegation of power referred to in Article 8(5) and in the second paragraph of Article 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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

Amendment

Article 28a

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 delegation of power referred to in Article 8(5), **Article 9(4)**, and in the second paragraph of Article 28 shall be conferred for *a* period *of five years* from the [date of entry into force of this omnibus]. ***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(5), **Article 9(4)**, and in the second paragraph of Article 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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(5) and in the second paragraph of Article 28 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 the Council.

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

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(5), **Article 9(4)**, and in the second paragraph of Article 28 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 the Council.

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

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 67

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 1

Regulation (EC) No 852/2004

Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **adopting** the specific hygiene measures referred to in paragraph 3, in particular concerning:

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation by laying down** the specific hygiene measures referred to in paragraph 3, in particular concerning:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 68

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 2

Regulation (EC) No 852/2004

Article 6 – paragraph 3 – point c

Text proposed by the Commission

(c) by a delegated act that the Commission is empowered to adopt in accordance with Article 13a.

Amendment

(c) by a delegated act that the Commission is empowered to adopt in accordance with Article 13a ***and that supplements this Regulation.***

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 69

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 4

Regulation (EC) No 852/2004

Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a granting derogations from ***Annexes I and II***, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the ***following*** objectives of this Regulation:

(a) ***to facilitate the implementation of Article 5 for small businesses;***

(b) ***to establishments producing, handling or processing raw material which is intended for the production of highly refined food products which have undergone a treatment ensuring its safety.***

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this regulation by*** granting derogations from ***Annex I and II, in particular to facilitate the implementation of Article 5 for small businesses***, taking into account the relevant risk factors and provided that such derogations do not affect the achievement of the objectives of this Regulation.

Justification

This amendment is more true to the original wording of paragraph 2. Derogations should not affect any of the objectives of the Regulation. The wording proposed by the Commission does not make any sense, since it mixes up the reasons for derogations with the objectives of the Regulation (points (a) and (b) are not the objectives of the Regulation). In addition, point (b) is not present in the current wording of Article 13.

Amendment 70

Proposal for a regulation

Annex I – Part XII – point 153 – paragraph 2 – point 6

Regulation (EC) No 852/2004

Article 13a

Text proposed by the Commission

Article 13a

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(4), Article 6(3)(c), **Article 12** and Article 13(1) and (2) shall be conferred for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

3. The delegation of powers referred to in Article 4(4), Article 6(3)(c), **Article 12** and Article 13(1) and (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

Amendment

Article 13a

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(4), Article 6(3)(c) and Article 13(1) and (2) shall be conferred for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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 powers referred to in Article 4(4), Article 6(3)(c) and Article 13(1) and (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

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 adapting 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(4), Article 6(3)(c), **Article 12** and Article 13(1) and (2) 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 the Council.

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

European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adapting 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(4), Article 6(3)(c) and Article 13(1) and (2) 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 the Council.

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

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 71

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 2

Regulation (EC) No 854/2004

Article 17 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to

Amendment

2. The Commission is empowered to

adopt delegated acts in accordance with Article 18a granting derogations from Annexes I,II, III, IV, V and VI them, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the *following* objectives of this Regulation:

adopt delegated acts *to supplement this Regulation*, in accordance with Article 18a granting derogations from Annexes I,II, III, IV, V and VI them, taking into account the relevant risk factors, provided that such derogations do not affect the achievement of the objectives of this Regulation, *in order to*:

Justification

The amendment in Article 17(2) clarifies the empowerment (i.e. to supplement).

Amendment 72

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 3 – point a
Regulation (EC) No 854/2004
Article 18 – introductory part

Text proposed by the Commission

Without prejudice to the general application of **Article 16** and Article 17(1), the Commission *may* lay down the following measures *by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2):"*

Amendment

Without prejudice to the general application of Article 17(1), the Commission *is empowered to adopt delegated acts to supplement this Regulation* in accordance with Article 18a to lay down the following measures:

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts. Reference to Article 16 is no longer needed, as that article is deleted according to the Commission proposal.

Amendment 73

Proposal for a regulation

Annex I – Part XII – point 155 – paragraph 2 – point 4
Regulation (EC) No 854/2004
Article 18a

Text proposed by the Commission

Article 18a

Amendment

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 17(1) and (2) shall be conferred *for an indeterminate* period of *time* from [date of entry into force of this Omnibus].

3. The delegation of powers referred to in Article 17(1) and (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 adapting 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 Article 17(1) and (2) 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

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(1) and (2) **and in Article 18** shall be conferred **on the Commission for a period of five years** from [date of entry into force of this Omnibus]. **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 powers referred to in Article 17(1) and (2) **and in 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 adapting 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 Article 17(1) and (2) **and in Article 18** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period

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 the Council.

* OJ L 123, 12.5.2016, p.1.

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 the Council.

* OJ L 123, 12.5.2016, p.1.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 74

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 1 – indent 5 a (new)

Text proposed by the Commission

Amendment

- *the adoption of the Union list of permitted health claims other than those referring to the reduction of disease risk and to children's development and health, and their conditions of use, any changes or any additions to that list, and as regards final decisions on applications for authorisations of claims.*

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 75

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 3

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC)

deleted

No 1924/2006, implementing powers should be conferred on the Commission as regards the adoption of the Union list of permitted health claims other than those referring to the reduction of disease risk and to children's development and health and their conditions of use, any changes or any additions to that list, and as regards final decisions on applications for authorisations of claims. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 76

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 1 – point a

Regulation (EC) No 1924/2006

Article 1 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning the labelling information for those non-prepackaged foodstuffs. National provisions may apply until the eventual adoption of those delegated acts.

Amendment

In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2)(a) and (b) shall not apply. The Commission is empowered to adopt delegated acts in accordance with Article 24a, ***to supplement this Regulation***, concerning the labelling information for those non-prepackaged foodstuffs. National provisions may apply until the eventual adoption of those delegated acts.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 77

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 1 – point b

Regulation (EC) No 1924/2006

Article 1 – paragraph 4

Text proposed by the Commission

4. For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, food business operators concerned may apply for a derogation from paragraph 3. The application shall be sent to the national competent authority of a Member State which will forward it to the Commission without delay. The Commission shall adopt and make public the rules for food business operators according to which such applications shall be made, so as to ensure that the application is dealt with transparently and within a reasonable time. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning derogations from paragraph 3.

Amendment

4. For generic descriptors (denominations) which have traditionally been used to indicate a particularity of a class of foods or beverages which could imply an effect on human health, food business operators concerned may apply for a derogation from paragraph 3. The application shall be sent to the national competent authority of a Member State which will forward it to the Commission without delay. The Commission shall adopt and make public the rules for food business operators according to which such applications shall be made, so as to ensure that the application is dealt with transparently and within a reasonable time. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation**, concerning derogations from paragraph 3.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 78

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 2 – point b

Regulation (EC) No 1924/2006

Article 3 – paragraph 2a

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 24a derogating from point (d) of the second **subparagraph** of this Article in the case of nutrients for which sufficient quantities

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation**, by derogating from point (d) of the second **paragraph** of this Article in the case of

cannot be provided by a balanced and varied diet; the delegated acts shall include conditions for the application of the derogations, taking into account the special conditions present in Member States.

nutrients for which sufficient quantities cannot be provided by a balanced and varied diet; the delegated acts shall include conditions for the application of the derogations, taking into account the special conditions present in Member States.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 79

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point a – point i

Regulation (EC) No 1924/2006

Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 24a by 19 January 2009 establishing specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles.";

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 24a by 19 January 2009, ***to supplement this Regulation, by*** establishing specific nutrient profiles, including exemptions, which food or certain categories of food must comply with in order to bear nutrition or health claims and the conditions for the use of nutrition or health claims for foods or categories of foods with respect to the nutrient profiles.";

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 80

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point a – point ii

Regulation (EC) No 1924/2006

Article 4 – paragraph 1 – subparagraph 6

Text proposed by the Commission

"The Commission is empowered to adopt delegated acts in accordance with Article

Amendment

"The Commission is empowered to adopt delegated acts in accordance with Article

24a concerning the update of nutrient profiles and their conditions of use to take into account relevant scientific developments. To this purpose, interested parties, in particular food business operators and consumer groups shall be consulted.";

24a **to supplement this Regulation**, concerning the update of nutrient profiles and their conditions of use to take into account relevant scientific developments. To this purpose, interested parties, in particular food business operators and consumer groups shall be consulted.";

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 81

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 3 – point b

Regulation (EC) No 1924/2006

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission is empowered to adopt delegated acts in accordance with Article 24a concerning measures determining the foods or categories of foods other than those referred to in paragraph 3 of this Article for which nutrition or health claims are to be restricted or prohibited in the light of scientific evidence.

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 24a **to supplement this Regulation**, concerning measures determining the foods or categories of foods other than those referred to in paragraph 3 of this Article for which nutrition or health claims are to be restricted or prohibited in the light of scientific evidence.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 82

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 5

Regulation (EC) No 1924/2006

Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission **shall**, after consulting the Authority, **adopt** a Union list of permitted claims as referred to in

Amendment

3. After consulting the Authority, the Commission **shall adopt, by means of delegated acts** in accordance with Article

paragraph 1 and all necessary conditions for the use of those claims by 31 January 2010 at the latest ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

24a, a Union list of permitted claims as referred to in paragraph 1 and all necessary conditions for the use of those claims by 31 January 2010 at the latest. .

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts (wording suggested by the Legal Service).

Amendment 83

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 5

Regulation (EC) No 1924/2006

Article 13 – paragraph 4

Text proposed by the Commission

4. The Commission shall, after consulting the Authority, on ***the Commission's*** own initiative or following a request by a Member State adopt any changes to the list referred to in paragraph 3, based on generally accepted scientific evidence ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

Amendment

4. After consulting the Authority, the Commission ***shall adopt, by means of delegated acts*** in accordance with Article 24a, on its own initiative or following a request by a Member State, any changes to the list referred to in paragraph 3, based on generally accepted scientific evidence. .

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts (wording suggested by the Legal Service).

Amendment 84

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 6 – point a

Regulation (EC) No 1924/2006

Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission ***shall*** adopt a final

Amendment

The Commission ***is empowered to*** adopt a

decision on the application by means of ***implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2)."***;

final decision on the application, ***to supplement this Regulation***, by means of ***delegated acts in accordance with Article 24a.***

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 85

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 6 – point b

Regulation (EC) No 1924/2006

Article 17 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***shall*** adopt measures for authorisation of the claim without restriction for use by means of ***implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

Amendment

(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***is empowered to*** adopt measures for authorisation of the claim without restriction for use, ***to supplement this Regulation***, by means of ***delegated acts in accordance with Article 24a.***

Justification

Amendment to align measures previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 86

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 7 – point a

Regulation (EC) No 1924/2006

Article 18 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where the Authority issues an opinion that does not support the inclusion of the claim in the list referred to in paragraph 4, ***the***

Amendment

The Commission shall adopt delegated acts in accordance with Article 24a, to supplement this Regulation, for its

Commission shall adopt a decision on the application by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2)."

decision on the application, where the Authority issues an opinion that does not support the inclusion of the claim in the list referred to in paragraph 4.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 87

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 7 – point b

Regulation (EC) No 1924/2006

Article 18 – paragraph 5 – subparagraph 2 – point b

Text proposed by the Commission

(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission shall adopt measures for authorisation of the claim without restriction of use ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 25(2).***

Amendment

(b) before the expiry of the five-year period, if the claim still meets the conditions laid down in this Regulation, the Commission ***shall adopt delegated acts in accordance with Article 24a, to supplement this Regulation, for authorisation of the claim without restriction of use.***

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 88

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 8

Regulation (EC) No 1924/2006

Article 24a

Text proposed by the Commission

"Article 24a
Exercise of the delegation

Amendment

"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 1(2) and (4), Article 3, Article 4(1) and (5) **and** Article 8(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 1(2) and (4), Article 3, Article 4(1) and (5) **and** Article 8(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.

6. A delegated act adopted pursuant to

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 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), **Article 13(3) and (4), Article 17(3) and (4), Article 18(5), and Article 28 paragraph 6(a)** shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this Omnibus]. **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 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), **Article 13(3) and (4), Article 17(3) and (4),, Article 18(5), and Article 28 paragraph 6(a)** 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 1(2) and (4), Article 3, Article 4(1) and (5) **and** Article 8(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.";

Article 1(2) and (4), Article 3, Article 4(1) and (5), Article 8(2), **Article 13(3) and (4), Article 17(3) and (4),, Article 18(5), and Article 28 paragraph 6(a)** 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.";

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 89

Proposal for a regulation

Annex I – Part XII – point 158 – paragraph 4 – point 10 – point b

Regulation (EC) No 1924/2006

Article 28 – paragraph 6 – point a – point ii

Text proposed by the Commission

(ii) after consulting the Authority, the Commission shall, **by means of implementing act**, adopt **a decision** concerning the health claims authorised in this way. Those implementing acts shall be adopted in accordance with **the procedure referred to in Article 25(2)**.

Amendment

(ii) after consulting the Authority, the Commission shall adopt **delegated acts, to supplement this Regulation**, by laying down the health claims authorised in this way, in accordance with **Article 24a**.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 90

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 1925/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Regulation to adapt it to technical and scientific progress and to amend Annex III to that Regulation to allow the use of vitamins, minerals and of certain other substances prohibited, restricted or under Union scrutiny **and** to supplement that Regulation by determining the additional foods or categories of foods to which vitamins and minerals may not be added, by determining the purity criteria for vitamin formulations and mineral substances and by determining the minimum amount by derogation from the significant amount for the presence of a vitamin or mineral in the food. 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.

Amendment

In order to achieve the objectives of Regulation (EC) No 1925/2006, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Regulation to adapt it to technical and scientific progress and to amend Annex III to that Regulation to allow the use of vitamins, minerals and of certain other substances prohibited, restricted or under Union scrutiny, to supplement that Regulation by determining the additional foods or categories of foods to which vitamins and minerals may not be added, by determining the purity criteria for vitamin formulations and mineral substances and by determining the minimum amount by derogation from the significant amount for the presence of a vitamin or mineral in the food, **as well as by setting the maximum amounts for the vitamins or minerals added to food and to define the conditions restricting or prohibiting the addition of a specific vitamin or mineral.** 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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 91

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1925/2006, implementing powers should be conferred on the Commission as regards the amounts of the vitamins or minerals added to food and as regards the conditions restricting or prohibiting the addition of a specific vitamin or mineral. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. **deleted**

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 92

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 2

Regulation (EC) No 1925/2006

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the additional foods or categories of foods to which vitamins and minerals may not be added in the light of scientific evidence and taking into account their nutritional value.

The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation**, concerning measures determining the additional foods or categories of foods to which vitamins and minerals may not be added in the light of scientific evidence and taking into account their nutritional value.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 93

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 3

Regulation (EC) No 1925/2006

Article 5 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the purity criteria for vitamin formulations and mineral substances listed in Annex II, except where purity criteria apply pursuant to paragraph 2 of this Article.

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 13a ***to supplement this Regulation*** concerning measures determining the purity criteria for vitamin formulations and mineral substances listed in Annex II, except where purity criteria apply pursuant to paragraph 2 of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 94

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point a

Regulation (EC) No 1925/2006

Article 6 – paragraph 1

Text proposed by the Commission

1. When a vitamin or a mineral is added to foods, the total amount of the vitamin or mineral present, for whatever purpose, in the food as sold shall not exceed maximum amounts. The Commission shall ***set*** those amounts ***by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).*** The Commission may, to this end submit a draft of measures for the maximum amounts by 19 January 2009. For concentrated and dehydrated products, the maximum amounts set shall be those present in the foods when prepared for

Amendment

1. When a vitamin or a mineral is added to foods, the total amount of the vitamin or mineral present, for whatever purpose, in the food as sold shall not exceed maximum amounts. The Commission shall ***adopt delegated acts in accordance with Article 13a, to supplement this Regulation, concerning*** those ***maximum*** amounts. The Commission may, to this end submit a draft of measures for the maximum amounts by 19 January 2009. For concentrated and dehydrated products, the maximum amounts set shall be those present in the foods when prepared for

consumption according to the
manufacturer's instructions.

consumption according to the
manufacturer's instructions.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, and clarification of empowerment (i.e. to supplement).

Amendment 95

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point a

Regulation (EC) No 1925/2006

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission shall **define** any conditions restricting or prohibiting the addition of a specific vitamin or mineral to a food or a category of foods **by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).**

Amendment

2. The Commission shall **adopt delegated acts in accordance with Article 13a concerning the definition of** any conditions restricting or prohibiting the addition of a specific vitamin or mineral to a food or a category of foods.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 96

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 4 – point b

Regulation (EC) No 1925/2006

Article 6 – paragraph 6

Text proposed by the Commission

6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex XIII to Regulation (EU) No 1169/2011. The Commission is empowered to adopt delegated acts in accordance with Article 13a concerning measures determining the minimum amounts of

Amendment

6. The addition of a vitamin or a mineral to a food shall result in the presence of that vitamin or mineral in the food in at least a significant amount where this is defined according to point 2 of Part A of Annex XIII to Regulation (EU) No 1169/2011. The Commission is empowered to adopt delegated acts in accordance with Article 13a, **to supplement this Regulation,** concerning measures

vitamin or mineral in the food, including any lower amounts by derogation from the significant amounts, for specific foods or categories of foods.

determining the minimum amounts of vitamin or mineral in the food, including any lower amounts by derogation from the significant amounts, for specific foods or categories of foods.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 97

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 5

Regulation (EC) No 1925/2006

Article 7 – paragraph 1

Text proposed by the Commission

1. The labelling, presentation and advertising of foods to which vitamins and minerals have been added shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients. The Commission is empowered to adopt delegated acts in accordance with Article 13a derogating from this rule as regards a specific nutrient.

Amendment

1. The labelling, presentation and advertising of foods to which vitamins and minerals have been added shall not include any mention stating or implying that a balanced and varied diet cannot provide appropriate quantities of nutrients. The Commission is empowered to adopt delegated acts in accordance with Article 13a **to supplement this Regulation**, derogating from this rule as regards a specific nutrient.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 98

Proposal for a regulation

Annex I – Part XII – point 159 – paragraph 3 – point 7

Regulation (EC) No 1925/2006

Article 13a

Text proposed by the Commission

Article 13a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to

Amendment

Article 13a

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 referred to in Article 3(3), Article 4, Article 5(1), Article 6(6), Article 7(1) and Article 8(2) and (5) 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(3), Article 4, Article 5(1), Article 6(6), Article 7(1) and Article 8(2) and (5) 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 3(3), Article 4, Article 5(1), Article 6(6), Article 7(1) and Article 8(2) and (5) 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

the conditions laid down in this Article.

2. The power to adopt referred to in Article 3(3), Article 4, Article 5(1), **Article 6(1), (2) and** (6), Article 7(1) and Article 8(2) and (5) shall be conferred on the Commission for an indeterminate period of time **of five years** from [date of entry into force of this Omnibus]. ***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 3(3), Article 4, Article 5(1), **Article 6(2)**, Article 6(6), Article 7(1) and Article 8(2) and (5) 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 3(3), Article 4, Article 5(1), **Article 6(2)**, Article 6(6), Article 7(1) and Article 8(2) and (5) 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

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.";

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.";

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 99

Proposal for a regulation

Annex I – Part XII – point 164 – paragraph 3 – point 5

Directive 2009/128/EC

Article 20a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for ***a*** period of ***five years*** from the [date of entry into force of this Omnibus]. ***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.***

Justification

Alignment of the duration of the empowerment.

Amendment 100

Proposal for a regulation

Annex I – Part XII – point 164 – paragraph 3 – point 5 a (new)

Directive 2009/128/EC

Article 21 – paragraph 2

Text proposed by the Commission

Amendment

(5a) in Article 21, paragraph 2 is deleted.

Justification

This amendment deletes the paragraph referring to Regulatory Procedure of Scrutiny in Article 21 (which by an oversight was not deleted in the proposal by the Commission).

Amendment 101

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 1

Text proposed by the Commission

Amendment

In order to achieve the objectives of Regulation (EC) No 470/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplementing that Regulation with scientific methods for establishing reference points for action, rules on actions in case of confirmed presence of a prohibited non-authorised substance, as well as the methodological principles for the risk assessment and risk management recommendations and rules on the use of a maximum residue limit established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or a maximum residue limit established for a pharmacologically active substance in one or more species for other species. 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

In order to achieve the objectives of Regulation (EC) No 470/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplementing that Regulation with scientific methods for establishing reference points for action, **reference points for action for residues from pharmacologically active substances**, rules on actions in case of confirmed presence of a prohibited non-authorised substance, as well as the methodological principles for the risk assessment and risk management recommendations and rules on the use of a maximum residue limit established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or a maximum residue limit established for a pharmacologically active substance in one or more species for other species. 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

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.

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.

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 102

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation (EC) No 470/2009, implementing powers should be conferred on the Commission concerning reference points for action for residues from pharmacologically active substances. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Justification

In line with amendments to Articles aligning measures previously submitted under Regulatory Procedure with Scrutiny to Delegated Acts.

Amendment 103

Proposal for a regulation

Annex I – part XII – point 165 – paragraph 3 – point 1

Regulation (EC) No 470/2009

Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Commission is empowered to

2. The Commission is empowered to

adopt delegated acts, in accordance with Article 24a, concerning the adoption of:

adopt delegated acts, in accordance with Article 24a, **to supplement this Regulation**, concerning the adoption of:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 104

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 2

Regulation (EC) No 470/2009

Article 18 – paragraph 1

Text proposed by the Commission

When it is deemed necessary in order to ensure the functioning of controls of food of animal origin imported or placed on the market in accordance with Regulation (EC) No 882/2004, the Commission *may establish, by means of implementing act*, reference points for action for residues from pharmacologically active substances which are not subject to a classification in accordance with Article 14(2)(a), (b) or (c). ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 26(2).***

On duly justified imperative grounds of urgency relating to the protection of human health, the *Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 26 (2a).*";

Amendment

When it is deemed necessary in order to ensure the functioning of controls of food of animal origin imported or placed on the market in accordance with Regulation (EC) No 882/2004, the Commission *is empowered to adopt delegated acts in accordance with Article 24a to supplement this Regulation by establishing* reference points for action for residues from pharmacologically active substances which are not subject to a classification in accordance with Article 14(2)(a), (b) or (c).

Where, in the case of risk to human health, imperative grounds of urgency *so require*, the *procedure provided for in Article 24b shall apply to delegated acts adopted pursuant to this Article.*";

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, including with respect to the urgency procedure.

Amendment 105

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 2

Regulation (EC) No 470/2009

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

On duly justified imperative grounds of urgency relating to the protection of human health, the ***Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 26 (2a).***";

Where, in the case of risk to human health, imperative grounds of urgency ***so require,*** the ***procedure provided for in Article 24b shall apply to delegated acts adopted pursuant to this Article.***";

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts, including with respect to the urgency procedure.

Amendment 106

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 3

Regulation (EC) No 470/2009

Article 19 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated act, in accordance with Article 24a, concerning the ***methodological*** principles and scientific methods for establishing reference point for action.

The Commission is empowered to adopt delegated act, in accordance with Article 24a, ***to supplement this Regulation,*** concerning the ***methodological*** principles and scientific methods for establishing reference point for action.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 107

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 4

Regulation (EC) No 470/2009

Article 24 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated act, in accordance with Article 24a, concerning the application of this Article.

4. The Commission is empowered to adopt delegated act, in accordance with Article 24a, ***to supplement this Regulation*** concerning the application of this Article.

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 108

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5 – introductory sentence

Text proposed by the Commission

(5) the following **Article 24a** is inserted under Title V:

Amendment

(5) the following **Articles 24a and 24b** are inserted under Title V:

Justification

Insertion of a reference to Article 24b (new) in line with the amendments below.

Amendment 109

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5

Regulation (EC) No 470/2009

Article 24a

Text proposed by the Commission

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 13(2), Article 19(3) and Article 24(4) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].

Amendment

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 13(2), **Article 18**, Article 19(3) and Article 24(4) shall be conferred on the Commission for an indeterminate period of time **of five years** from [date of entry into force of this Omnibus]. **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 13(2), Article 19(3) and Article 24(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 13(2), Article 19(3) and Article 24(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. The delegation of power referred to in Article 13(2), **Article 18**, Article 19(3) and Article 24(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 13(2), **Article 18**, Article 19(3) and Article 24(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.

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

Amendment 110

Proposal for a regulation

Annex I – Part XII – point 165 – paragraph 3 – point 5
Regulation (EC) No 470/2009
Article 24b (new)

Text proposed by the Commission

Amendment

Article 24b

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 24a (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.

Justification

Adding a new article, Article 24b, was necessary in line with the amendment of Article 18 third subparagraph above, where the urgency procedure for implementing acts is aligned to delegated acts.

Amendment 111

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 14

Regulation (EC) No 1069/2009

Article 40 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 51a concerning the conditions for:

1. The Commission is empowered to adopt delegated acts in accordance with Article 51a, **to supplement this Regulation**, concerning the conditions for:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 112

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 14

Regulation (EC) No 1069/2009

Article 40 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. The Commission shall adopt implementing acts concerning the following:

Amendment

2. The Commission shall adopt implementing acts, ***to amend this Regulation***, concerning the following:

Justification

Clarification of empowerment (i.e. to amend).

Amendment 113

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 15 – point a

Regulation (EC) No 1069/2009

Article 41 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission ***shall adopt implementing acts laying down the conditions referred to in point (b) of the first subparagraph. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 52(3)."***

Amendment

The Commission ***is empowered to adopt delegated acts in accordance with Article 51a to supplement this Regulation by laying down the conditions referred to in point (b).***

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 114

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 15 – point b

Regulation (EC) No 1069/2009

Article 41 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The Commission ***shall adopt implementing acts laying down the***

Amendment

The Commission ***is empowered to adopt delegated acts in accordance with Article***

requirements provided for in the first subparagraph. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 52(3).

51a to supplement this Regulation by laying down the requirements provided for in the first subparagraph.

Justification

Amendment to align a measure previously submitted under Regulatory Procedure with Scrutiny to delegated acts.

Amendment 115

Proposal for a regulation

Annex I – Part XII – point 167 – paragraph 4 – point 16 – point b

Regulation (EC) No 1069/2009

Article 42 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 51a **laying** down the following:

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 51a, **to supplement this Regulation, by laying** down the following:

Justification

Clarification of empowerment (i.e. to supplement).

Amendment 116

Proposal for a regulation

Annex I – part XII – point 167 – paragraph 4 – point 20

Regulation (EC) No 1069/2009

Article 51a

Text proposed by the Commission

Article 51a

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 delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article

Amendment

Article 51a

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 delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article

40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of Article 48, shall be conferred on the Commission for an indeterminate period of [date of entry into force of this Omnibus].

3. The delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of 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

40(1) **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3)**, the first subparagraph of Article 42(2), Article 43(3), paragraph 4 of Article 45, the first subparagraph of paragraph 7 and paragraph 8 of Article 48, shall be conferred on the Commission for a period **of five years from** [date of entry into force of this Omnibus]. **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 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3)**, the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of 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 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of 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.";

simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), **and (2), the second subparagraph of Article 41(1), the third subparagraph of Article 41(3)**, the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of 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.";

Justification

Alignment of the duration of the empowerment and updating the references in line with previous amendments.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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 EU						
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)						
Committee responsible Date announced in plenary	JURI 13.3.2017						
Opinion by Date announced in plenary	ENVI 13.3.2017						
Rapporteur Date appointed	Adina-Ioana Vălean 31.1.2017						
Date adopted	28.9.2017						
Result of final vote	<table> <tr> <td>+: </td><td>59</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>2</td></tr> </table>	+:	59	–:	0	0:	2
+:	59						
–:	0						
0:	2						
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Seb Dance, Angélique Delahaye, Arne Gericke, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Peter Liese, Norbert Lins, Rupert Matthews, Valentinas Mazuronis, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Michèle Rivasi, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Nils Torvalds, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli						
Substitutes present for the final vote	Jørn Dohrmann, Eleonora Evi, Christofer Fjellner, Elena Gentile, Anja Hazekamp, Merja Kyllönen, Ulrike Müller, Stanislav Polčák, Gabriele Preuß, Elżbieta Katarzyna Łukacijewska						
Substitutes under Rule 200(2) present for the final vote	Matt Carthy, Othmar Karas, Olle Ludvigsson, Bernard Monot, Jens Nilsson, Marita Ulvskog						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

59	+
ALDE	Anneli Jäätteenmäki, Valentinas Mazuronis, Ulrike Müller, Frédérique Ries, Nils Torvalds
ECR	Jørn Dohrmann, Arne Gericke, Julie Girling, Urszula Krupa, Rupert Matthews, Bolesław G. Piecha, Jadwiga Wiśniewska
EFDD	Eleonora Evi, Piernicola Pedicini
ENF	Mireille D'Ornano
GUE/NGL	Matt Carthy, Anja Hazekamp, Josu Juaristi Abaunz, Kateřina Konečná, Merja Kyllönen
NI	Zoltán Balczó
PPE	Pilar Ayuso, Ivo Belet, Birgit Collin-Langen, Angélique Delahaye, Christofer Fjellner, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, Othmar Karas, Peter Liese, Norbert Lins, Elżbieta Katarzyna Łukacijewska, Stanislav Polčák, Annie Schreijer-Pierik, Renate Sommer, Ivica Tolić, Adina-Ioana Vălean
S&D	Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Seb Dance, Elena Gentile, Jytte Guteland, Karin Kadenbach, Olle Ludvigsson, Jens Nilsson, Gilles Pargneaux, Pavel Poc, Gabriele Preuß, Claudiu Ciprian Tănăsescu, Marita Ulvskog, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Benedek Jávor, Michèle Rivasi, Davor Škrlec

0	-

2	0
ENF	Jean-François Jalkh, Bernard Monot

Key to symbols:

+ : in favour

- : against

0 : abstention

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Legal Affairs

on the 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 (COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

Rapporteur: Georg Mayer

SHORT JUSTIFICATION

The Committee on Transport and Tourism welcomes the Commission proposal, as it constitutes a significant step towards a comprehensive alignment of EU legislation to the regime of delegated and implemented acts, as required by the Lisbon Treaty since almost eight years.

This proposal aims at aligning provisions on regulatory procedure with scrutiny (RPS) in 168 legislative acts, including 34 basic acts related to mobility and transport policy.

In many legal areas, such as transport, issues that at first appear to be rather technical may entail political choices carrying important consequences; therefore, the Parliament should make use of the delegation of power to the Commission in order to ensure democratic legitimacy throughout the whole EU law-making process.

The amendments address the following issues:

- duration of the delegation of powers of five years with automatic renewal following a Commission report to be drawn nine months before the end of the five years period;
- empowerment to adopt delegated acts supplementing Council Directive 97/70 and Regulation (EC) No 725/2004;
- empowerment to adopt delegated acts amending Directive 2009/18/EC, Directive 2009/59/EC, Directive 2001/96/EC, Directive 2009/18/EC in order to exclude from their scope any amendment to international instruments if there is manifest risk to lower the standard of maritime safety.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Annex I – part VII – point 60 – paragraph 3 – point 2

Regulation (EC) No 437/2003

Article 5 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 10a **concerning the establishment of** other standards of accuracy.;

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 10a **to supplement this Regulation by establishing** other standards of accuracy.;

Amendment 2

Proposal for a regulation

Annex I – part XI – point 102 – paragraph 2 – point 2

Regulation (EEC) No 3922/91

Article 11a – paragraph 2

Text proposed by the Commission

2. The **power to adopt delegated acts** referred to in Article 11(1) shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

Amendment

2. The **delegation of power** referred to in Article 11(1) shall be conferred on the Commission for **a** period of **five years** from [date of entry into force of this Omnibus]. **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.**

Amendment 3

Proposal for a regulation

Annex I – part XI – point 103 – paragraph 2 – point 2

Text proposed by the Commission

2. The ***power to adopt delegated acts*** referred to in Article 9a shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The ***delegation of power*** referred to in Article 9a shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 4

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 1

Text proposed by the Commission

In order to adapt Directive 97/70/EC to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in order to apply subsequent amendments to the Torremolinos Protocol. 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

Amendment

In order to adapt Directive 97/70/EC to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive in order to apply subsequent amendments to the Torremolinos Protocol ***and to adopt provisions for a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties.***

preparation of delegated acts.

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend this Directive to exclude from its scope any amendment to the Torremolinos Protocol if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or that such amendment would be incompatible with the latter.

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.

Amendment 5

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Directive 97/70/EC, implementing powers should be conferred on the Commission to adopt provisions for a harmonised interpretation of those provisions of the Annex to the

Amendment

deleted

Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, as far as necessary to ensure their consistent implementation in the Union. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment 6

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 3 – point 1

Directive 97/70/EC

Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission *may* establish a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties, *as far as necessary to ensure their consistent implementation in the Union, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(2).*

Amendment

2. The Commission *is empowered to adopt delegated acts in accordance with Article 8a supplementing Directive 97/70/EC in order to* establish a harmonised interpretation of those provisions of the Annex to the Torremolinos Protocol which have been left to the discretion of the administrations of individual contracting parties.

Amendment 7

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 3 – point 1

Directive 97/70/EC

Article 8 – paragraph 3

Text proposed by the Commission

3. The *amendments* to the international instrument referred to in Article 2(4) *may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council**.

Amendment

3. The *Commission is empowered to adopt delegated acts in accordance with Article 8a, amending this Directive in order to exclude from its scope any amendment* to the international instrument referred to in Article 2(4) *if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of*

maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 8

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(I) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

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 Omnibus]. *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 years 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.*

Amendment 9

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 8(I) 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

Amendment

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

therein. It shall not affect the validity of any delegated acts already in force.

not affect the validity of any delegated acts already in force.

Amendment 10

Proposal for a regulation

Annex I – part XI – point 104 – paragraph 3 – point 2

Directive 97/70/EC

Article 8a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 8(I) 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 8 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 11

Proposal for a regulation

Annex I – part XI – point 105 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend this Directive to exclude from its scope any amendment to Marpol 73/78 if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be

incompatible with the latter.

Amendment 12

Proposal for a regulation

Annex I – part XI – point 105 – paragraph 3 – point 1

Directive 2000/59/EC

Article 13a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

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 Omnibus]. ***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.***

Amendment 13

Proposal for a regulation

Annex I – part XI – point 105 – paragraph 3 – point 3

Directive 2009/59/EC

Article 15 – paragraph 3

Text proposed by the Commission

The ***amendments*** to the international instruments referred to in Article 2 ***may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council****.

Amendment

The ***Commission is empowered to adopt delegated acts in accordance with Article 13a, amending this Directive in order to exclude from its scope any amendment to the international instrument referred to in Article 2 if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be***

incompatible with the latter.

Amendment 14

Proposal for a regulation

Annex I – part XI – point 106 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend this Directive to exclude from its scope any amendment to the international instruments referred to in Article 3 of this Directive, if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendments would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 15

Proposal for a regulation

Annex I – part XI – point 106 – paragraph 3 – point 2

Directive 2001/96/EC

Article 15 – footnote

Text proposed by the Commission

Amendment

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

deleted

Justification

Wrong reference

Amendment 16

Proposal for a regulation

Annex I – part XI – point 106 – paragraph 3 – point 2

Directive 2001/96/EC

Article 15 – paragraph 3

The **amendments** to the international instruments referred to in Article 3 **may be excluded from the scope of this Directive, pursuant to Article 5 of Regulation (EC) No 2099/2002.**

The **Commission is empowered to adopt delegated acts in accordance with Article 15a, amending this Directive in order to exclude from its scope any amendment** to the international instrument referred to in Article 3 **if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.**

Amendment 17

Proposal for a regulation

Annex I – part XI – point 106 – paragraph 3 – point 3

Directive 2001/96/EC

Article 15a – paragraph 2

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

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 Omnibus]. **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.**

Amendment 18

Proposal for a regulation

Annex I – part XI – point 107 – paragraph 3 – point 2

Directive 2002/59/EC

Article 27a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 19

Proposal for a regulation

Annex I – part XI – point 108 – paragraph 2 – point 3

Regulation (EC) No 2099/2002

Article 7a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of ***the*** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 20

Proposal for a regulation

Annex I – part XI – point 109 – paragraph 2 – point 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 21

Proposal for a regulation

Annex I – part XI – point 110 – paragraph 2 – point 2

Directive 2003/59/EC

Article 11a – paragraph 2

Text proposed by the Commission

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

Amendment

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 Omnibus]. ***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.***

Amendment 22

Proposal for a regulation

Annex I – part XI – point 111 – paragraph 3 – point 4

Regulation (EC) No 782/2003

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(1) and Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(1) and Article 8 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 23

Proposal for a regulation

Annex I – part XI – point 112 – paragraph 3 – point 2

Directive 2004/52/EC

Article 4a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2), (4) and (5) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), (4) and (5) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 24

Proposal for a regulation

Annex I – part XI – point 113 – paragraph 2 – point 2

Directive 2004/54/EC

Article 16a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 25

Proposal for a regulation

Annex I – part XI – point 114 – paragraph 1

Text proposed by the Commission

In order to adapt Regulation (EC) No 725/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation in order to integrate the amendments to certain international instruments. 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

Amendment

In order to adapt Regulation (EC) No 725/2004 to the evolution of international law, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation in order to integrate the amendments to certain international instruments *and to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope 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

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.

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.

Amendment 26

Proposal for a regulation

Annex I – part XI – point 114 – paragraph 2

Text proposed by the Commission

Amendment

In order to ensure uniform conditions for the implementation of Regulation (EC) No 725/2004 implementing powers should be conferred on the Commission in order to define harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of that Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

deleted

Amendment 27

Proposal for a regulation

Annex I – part XI – point 114 – paragraph 3 – point 1

Regulation (EC) No 725/2004

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission *shall* establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation. *Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).;*

3. The Commission *is empowered to adopt delegated acts in accordance with Article 10a supplementing Regulation (EC) No 725/2004 in order to* establish harmonised procedures for the application of the mandatory provisions of the ISPS Code, without broadening the scope of this Regulation.";

Amendment 28

Proposal for a regulation

Annex I – part XI – point 114 – paragraph 3 – point 2

Regulation (EC) No 725/2004

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of ***the*** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 10(2) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 29

Proposal for a regulation

Annex I – part XI – point 115 – paragraph 2 – point 3

Regulation (EC) No 785/2004

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(5) and Article 7(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(5) and Article 7(2) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 30

Proposal for a regulation

Annex I – part XI – point 116 – paragraph 2 – point 3

Regulation (EC) No 789/2004

Article 9a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 9(1) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 31

Proposal for a regulation

Annex I – part XI – point 117 – paragraph 2 – point 2

Regulation (EC) No 868/2004

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 32

Proposal for a regulation

Annex I – part XI – point 118 – paragraph 2 – point 2

Directive 2005/44/EC

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 33

Proposal for a regulation

Annex I – part XI – point 119 – paragraph 2 – point 2

Directive 2005/65/EC

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 34

Proposal for a regulation

Annex I – part XI – point 120 – paragraph 2 – point 3

Regulation (EC) No 2111/2005

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(2) and Article 8 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(2) and Article 8 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 35

Proposal for a regulation

Annex I – part XI – point 121 – paragraph 3 – point 4

Directive 2006/126/EC

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 1(2) and (3), Article 3(2) and Article 8 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 1(2) and (3), Article 3(2) and Article 8 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 36

Proposal for a regulation

Annex I – part XI – point 122 – paragraph 2 – point 2

Regulation (EC) No 336/2006

Article 11a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 11(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [***the*** date of entry into force of this Omnibus].

Amendment

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

Amendment 37

Proposal for a regulation

Annex I – part XI – point 123 – paragraph 3 – point 6

Directive 2007/59/EC

Article 31a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(4), Article 22(4), Article 23(3), Article 25(5), Article 31(1) and Article 34 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 4(4), Article 22(4), Article 23(3), Article 25(5), Article 31(1) and Article 34 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.

Amendment 38

Proposal for a regulation

Annex I – part XI – point 124 – paragraph 3 – point 2

Regulation (EC) No 1371/2007

Article 34a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 33 and Article 34 shall be conferred on the Commission for *an indeterminate* period of *time* from [*the* date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 33 and Article 34 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 39

Proposal for a regulation

Annex I – part XI – point 125 – paragraph 2 – point 2

Directive 2008/68/EC

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.

Amendment 40

Proposal for a regulation

Annex I – part XI – point 126 – paragraph 3 – point 4

Directive 2008/96/EC

Article 12a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(1a) and Article 12 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 7(1a) and Article 12 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 41

Proposal for a regulation

Annex I – part XI – point 127 – paragraph 3 – point 3

Regulation (EC) No 300/2008

Article 18a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 11(2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 11(2) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.

Amendment 42

Proposal for a regulation

Annex I – part XI – point 128 – paragraph 3 – point 1

Directive 2009/15/EC

Article 5a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(1) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

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

Amendment 43

Proposal for a regulation

Annex I – part XI – point 129 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to ensure that Union standards are protected, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend this Directive to exclude from its scope any amendment to the IMO Code for the Investigation of Marine Casualties and Incidents, if, on the basis of an evaluation by the Commission, there is a manifest risk that such international

amendment would lower the standard of maritime safety, prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 44

Proposal for a regulation

Annex I – part XI – point 129 – paragraph 3 – point 2

Directive 2009/18/EC

Article 18a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(4) and Article 20 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(4) and Article 20 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 45

Proposal for a regulation

Annex I – part XI – point 129 – paragraph 3 – point 4

Directive 2009/18/EC

Article 20 – paragraph 3

Text proposed by the Commission

3. ***Amendments*** to the IMO Code for the Investigation of Marine Casualties and Incidents ***may be excluded from the scope of this Directive pursuant to Article 5 of Regulation (EC) No 2099/2002.***

Amendment

3. ***The Commission is empowered to adopt delegated acts in accordance with Article 18a, amending this Directive in order to exclude from its scope any amendment to the IMO Code for the Investigation of Marine Casualties and Incidents if, on the basis of an evaluation by the Commission, there is a manifest risk that such international amendment***

would lower the standard of maritime safety, of prevention of pollution from ships or of protection of shipboard living and working conditions, established by Union maritime legislation, or would be incompatible with the latter.

Amendment 46

Proposal for a regulation

Annex I – part XI – point 130 – paragraph 2 – point 2

Directive 2009/33/EC

Article 8a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 47

Proposal for a regulation

Annex I – part XI – point 131 – paragraph 3 – point 4

Regulation (EC) No 391/2009

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 13(1) and Article 14(1) and (2) shall be conferred on the Commission for *an indeterminate* period of *time* from [*the* date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 13(1) and Article 14(1) and (2) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.

Amendment 48

Proposal for a regulation

Annex I – part XI – point 132 – paragraph 3 – point 2

Regulation (EC) No 392/2009

Article 9a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 9(1) and (2) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 9(1) and (2) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 49

Proposal for a regulation

Annex I – part XI – point 133 – paragraph 3 – point 6

Regulation (EC) No 1071/2009

Article 24a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2) and Article 8(9) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date

Amendment

2. The power to adopt delegated acts referred to in Article 6(2) and Article 8(9) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***The Commission***

of entry into force of this Omnibus].

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.

Amendment 50

Proposal for a regulation

Annex I – part XI – point 134 – paragraph 3 – point 3

Regulation (EC) No 1072/2009

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 5(4) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 4(2) and (4) and Article 5(4) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 51

Proposal for a regulation

Annex I – part XI – point 135 – paragraph 3 – point 6

Regulation (EC) No 1073/2009

Article 25a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5)

Amendment

2. The power to adopt delegated acts referred to in Article 4(2), Article 5(3) and (5), Article 6(4), Article 7(2), Article 12(5)

and Article 28(3) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

and Article 28(3) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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 EU
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)
Committee responsible Date announced in plenary	JURI 13.3.2017
Opinion by Date announced in plenary	TRAN 13.3.2017
Rapporteur Date appointed	Georg Mayer 6.3.2017
Discussed in committee	10.7.2017 7.9.2017
Date adopted	25.9.2017
Result of final vote	+: 22 –: 0 0: 1
Members present for the final vote	Marie-Christine Arnautu, Georges Bach, Deirdre Clune, Michael Cramer, Andor Deli, Jacqueline Foster, Bruno Gollnisch, Dieter-Lebrecht Koch, Gesine Meissner, Cláudia Monteiro de Aguiar, Markus Pieper, Salvatore Domenico Pogliese, Dominique Riquet, Massimiliano Salini, Claudia Schmidt, Keith Taylor, Pavel Telička, Wim van de Camp
Substitutes present for the final vote	Jakop Dalunde, Mark Demesmaeker, Werner Kuhn, Matthijs van Miltenburg
Substitutes under Rule 200(2) present for the final vote	Clara Eugenia Aguilera García

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	Gesine Meissner, Pavel Telička, Matthijs van Miltenburg
ECR	Jacqueline Foster, Mark Demesmaeker
ENF	Marie-Christine Arnautu
NI	Bruno Gollnisch
PPE	Georges Bach, Deirdre Clune, Andor Deli, Dieter-Lebrecht Koch, Werner Kuhn, Cláudia Monteiro de Aguiar, Markus Pieper, Salvatore Domenico Pogliese, Massimiliano Salini, Claudia Schmidt, Wim van de Camp
S & D	Clara Eugenia Aguilera García
Verts/ALE	Michael Cramer, Jakop Dalunde, Keith Taylor

0	-

1	0
ALDE	Dominique Riquet

Key to symbols:

+ : in favour

- : against

0 : abstention

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on Legal Affairs

on the 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 (COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

Rapporteur: Daniel Buda

SHORT JUSTIFICATION

In the context of the post-Lisbon alignment, the Committee on Agriculture and Rural Development underlines the importance of the alignment of the policy areas covered by the Common Agriculture Policy, which have not been adopted under the co-decision procedure.

The delineation of delegated and implementing acts is a sensitive political question, especially in the area of agriculture, which appears to be a rather technical and may involve important political choices and consequences.

Given the recent experience of blocking the alignment dossiers on essential agricultural and fisheries legislation in the Council, after the failure of the negotiations in trilogues in the first reading, the Parliament should make use of the delegation of power to the Commission in order to tackle the technical and sensitive issues that could have an impact on EU consumers.

As regards the proposed alignment of articles of the Regulation (EC) No 767/2009 and the Regulation (EC) No 1831/2003 the Commission should be granted the power to adopt acts in accordance with Article 290 of the Treaty of functioning of the European Union (TFEU) instead of the power to adopt acts in accordance with Article 291 TFEU, for the following objectives:

- to decide whether a given product is “feed” which can be seen as supplementing the definition of feed (Article 7(2) Regulation (EC) No 767/2009);
- to modify the catalogue that establish the maximum content of impurities (Article 26(3) Regulation (EC) No 767/2009);
- to determine the list of intended uses and to recommend the duration of use (Article

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) 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.

Amendment 2

Proposal for a regulation

Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1 a

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

Justification

Bundling and presenting more empowerments not being in a close relationship with each other as one single Commission delegated act impedes the exercise of European 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.

Amendment 3

Proposal for a regulation

Annex I – part IX – point 86 – paragraph 2 – point 3

Regulation (EC) No 2003/2003

Article 31a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time from*** [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for ***a*** period of ***five years from*** [date of entry into force of this Omnibus]. ***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.***

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 4

Proposal for a regulation

Annex I – part XII – point 141 – paragraph 3 – point 11

Regulation (EC) No 999/2001

Article 23b – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 6(1), and (1b), Article 7(3), (4), and (4a), Article 8(1), (2), and (5), Article 9(1), and (3), Article 15(3), Article 16(7), Article 20(2) and Article 23 shall be conferred for ***an indeterminate*** period of ***time from the*** date of ***the*** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 6(1), and (1b), Article 7(3), (4), and (4a), Article 8(1), (2), and (5), Article 9(1), and (3), Article 15(3), Article 16(7), Article 20(2) and Article 23 shall be conferred for ***a*** period of ***five years from*** [date of entry into force of this Omnibus]. ***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.

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 5

Proposal for a regulation

Annex I – part XII – point 142 – paragraph 2 – point 3

Directive 2002/32/EC

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(2) and Article 8(1) and (2) shall be conferred on the Commission for *an indeterminate* period of *time* from the [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 7(2) and Article 8(1) and (2) shall be conferred on the Commission for *a* period of *five years* from the [date of entry into force of this Omnibus]. *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.*

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 6

Proposal for a regulation

Annex I – part XII – point 147 – paragraph 4 – point 8

Regulation (EC) No 1829/2003

Article 34a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 12(4), Article 14(1a), Article 24(4) and Article 32, sixth paragraph, shall be conferred on the Commission for ***an indeterminate*** period of ***time from*** [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 12(4), Article 14(1a), Article 24(4) and Article 32, sixth paragraph, shall be conferred on the Commission for ***a*** period of ***five years from*** [date of entry into force of this Omnibus]. ***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.***

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 7

Proposal for a regulation

Annex I – part XII – point 148 – paragraph 2 – point 2

Regulation (EC) No 1830/2003

Article 9a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time from*** [date of entry into force of this Omnibus].

Amendment

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 Omnibus]. ***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.***

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 8

Proposal for a regulation

Annex I – part XII – point 149 – paragraph 2 – point 6

Regulation (EC) No 1831/2003

Article 21a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 3(5), Article 6(3), Article 7(5), Article 16(6) and Article 21 shall be conferred on the Commission for ***a*** period of ***five years*** from the [date of entry into force of this Omnibus]. ***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.***

Amendment 9

Proposal for a regulation

Annex I – part XII – point 156 – paragraph 2 – point 5

Regulation (EC) No 183/2005

Article 30a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 10(3), Article 27 and Article 28 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of ***the*** Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 10(3), Article 27 and Article 28 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of ***this*** Omnibus]. ***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.

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 10

Proposal for a regulation

Annex I – part XII – point 164 – paragraph 2 – point 5

Directive 2009/128/EC

Article 20a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from the [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5(3), Article 8(7), Article 14(4) and Article 15(1) shall be conferred on the Commission for ***a*** period of ***five years*** from the [date of entry into force of this Omnibus]. ***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.***

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

Amendment 11

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 1

Text proposed by the Commission

In order to achieve the objectives of Regulation (EC) No 767/2009, 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 in order to adapt them to technical progress and to supplement that Regulation with a list of categories of feed materials. 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.

Amendment

In order to achieve the objectives of Regulation (EC) No 767/2009, 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 in order to adapt them to technical progress, ***update the list of intended uses, and set the maximum content of chemical impurities as referred to in point 1 of Annex I***, and ***also*** to supplement that Regulation with a list of categories of feed materials ***and by providing clarification as to whether a certain product constitutes feed***. 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.

Amendment 12

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 2

Text proposed by the Commission

In order to ensure uniform conditions for the implementation of Regulation (EC) No 767/2009, implementing powers should be conferred on the Commission in order to clarify whether a certain product constitutes feed, updating the list

Amendment

deleted

of intended uses and setting the maximum content of chemical impurities. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment 13

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 3 – point 2

Regulation (EC) No 767/2009

Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission *may* adopt **implementing** acts in order to clarify whether a certain product constitutes feed for the purposes of this Regulation. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(3).**

Amendment

2. The Commission **is empowered to** adopt **delegated** acts in **accordance with Article 27a in** order to clarify whether a certain product constitutes feed for the purposes of this Regulation.

Amendment 14

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 3 – point 3

Regulation (EC) No 767/2009

Article 10 – paragraph 5

Text proposed by the Commission

5. Within six months of receipt of a valid application or, where appropriate, after receiving the opinion of the Authority, the Commission shall adopt **implementing** acts updating the list of intended uses if the conditions laid down in paragraph 2 are met. Those **implementing** acts shall be adopted in accordance with the procedure referred to in Article 28(3).

Amendment

5. Within six months of receipt of a valid application or, where appropriate, after receiving the opinion of the Authority, the Commission shall adopt **delegated** acts updating the list of intended uses if the conditions laid down in paragraph 2 are met. Those **delegated** acts shall be adopted in accordance with the procedure referred to in Article 27a.

Amendment 15

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 3 – point 6

Regulation (EC) No 767/2009

Article 26 – paragraph 3

Text proposed by the Commission

3. ***Amendments to*** the Community Catalogue setting the maximum content of chemical impurities as referred to in point 1 of Annex I or levels of botanical purity as referred to in point 2 of Annex I or levels of moisture content as referred to in point 6 of Annex I or particulars replacing the compulsory declaration as referred to in Article 16(1)(b), ***shall be adopted by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 28(3).***

Amendment

3. ***The Commission is empowered to adopt delegated acts in accordance with Article 27a in order to amend*** the Community Catalogue setting the maximum content of chemical impurities as referred to in point 1 of Annex I or levels of botanical purity as referred to in point 2 of Annex I or levels of moisture content as referred to in point 6 of Annex I or particulars replacing the compulsory declaration as referred to in Article 16(1)(b).

Amendment 16

Proposal for a regulation

Annex I – part XII – point 166 – paragraph 3 – point 8

Regulation (EC) No 767/2009

Article 27a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6(2), Article 17(4), Article 20(2) and Article 27(1) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 6(2), Article 17(4), Article 20(2) and Article 27(1) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 17

Proposal for a regulation

Annex I – part XII – point 167 – paragraph 4 – point 20

Regulation (EC) No 1069/2009

Article 51a – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of Article 48, shall be conferred on the Commission for *an indeterminate* period of [date of entry into force of this Omnibus].

Amendment

2. The delegation of power referred to in Article 5(1) and (2), Article 6(1), and (2), Article 7(4), Article 11(2), Article 15(1), Article 17(2), Article 18(3), Article 19(4), Article 20(11), Article 21(6), Article 27, Article 31(2), Article 32(3), Article 40(1), the first subparagraph of Article 42(2), Article 43(3), the first subparagraph of paragraph 7 and paragraph 8 of Article 48, shall be conferred on the Commission for *a* period of ***five years from*** [date of entry into force of this Omnibus]. ***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.***

Justification

The standard 5 years renewable delegation of power (if neither CSL nor EP withdraw it) should apply to all AGRI related files, as in all previous legislation.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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 EU						
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)						
Committee responsible Date announced in plenary	JURI 13.3.2017						
Opinion by Date announced in plenary	AGRI 13.3.2017						
Rapporteur Date appointed	Daniel Buda 15.2.2017						
Date adopted	30.8.2017						
Result of final vote	<table> <tr> <td>+: </td><td>40</td></tr> <tr> <td>–: </td><td>1</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	40	–:	1	0:	1
+:	40						
–:	1						
0:	1						
Members present for the final vote	John Stuart Agnew, Clara Eugenia Aguilera García, Daniel Buda, Matt Carthy, Viorica Dăncilă, Michel Dantin, Jean-Paul Denanot, Albert Deß, Diane Dodds, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Luke Ming Flanagan, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Zbigniew Kuźmiuk, Philippe Loiseau, Mairead McGuinness, Giulia Moi, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Laurențiu Rebega, Bronis Ropė, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Czesław Adam Siekierski, Tibor Szanyi, Marc Tarabella, Marco Zullo						
Substitutes present for the final vote	Bas Belder, Franc Bogovič, Maria Heubuch, Karin Kadenbach, Gabriel Mato, Momchil Nekov, Massimo Paolucci, Estefanía Torres Martínez, Tom Vandenkendelaere						
Substitutes under Rule 200(2) present for the final vote	Christofer Fjellner						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

40	+
PPE	Franc Bogovič, Daniel Buda, Michel Dantin, Albert Deß, Herbert Dorfmann, Norbert Erdős, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Mairead McGuinness, Marijana Petir, Czesław Adam Siekierski, Tom Vandenkendelaere
S&D	Clara Eugenia Aguilera García, Jean-Paul Denanot, Viorica Dăncilă, Karin Kadenbach, Momchil Nekov, Maria Noichl, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella
ECR	Bas Belder, Jørn Dohrmann, Zbigniew Kuźmiuk, James Nicholson
ALDE	Jan Huitema, Ivan Jakovčić, Ulrike Müller
GUE/NGL	Matt Carthy, Luke Ming Flanagan, Maria Lidia Senra Rodríguez, Estefanía Torres Martínez
Verts/ALE	Maria Heubuch, Martin Häusling, Bronis Ropé
EFDD	Giulia Moi, Marco Zullo
ENF	Laurențiu Rebega
NI	Diane Dodds

1	-
EFDD	John Stuart Agnew

1	0
ENF	Philippe Loiseau

Key to symbols:

+ : in favour

- : against

0 : abstention

ANNEX: LETTER FROM COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

BM/nt
D(2017)25996

Mr. Pavel Svoboda
Chair of the Committee on Legal Affairs
ASP 06F365

Subject: Proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny - 2016/0400 (COD) - (COM (2016)799 final)

Dear Chair,

At its meeting of 9 February 2017 the Coordinators of Employment and Social Affairs decided to deliver an opinion in the form of a letter to the JURI committee on the above proposal.

I would like to inform you of the conclusions agreed by the Committee coordinators and on the basis of which a formal opinion in the form of letter has been adopted by the EMPL Committee at its meeting of 21 June 2017.

The above mentioned Commission proposal concerns, inter alia, the adaptation to Article 290 and 291 TFEU of legal instruments which are of the competence of EMPL Committee.

The EMPL Committee agrees with the list of the legislative acts in the annex of the Commission proposal, i.e. Section IV: Employment, Social Affairs and Inclusion containing 21 legal acts and Section VII: Eurostat containing 4 legal acts related to statistics on labour force data.

The EMPL Committee agrees with the analysis by the Commission that, according to the criteria laid down in the TFEU, the articles of the legislative instruments referring to the regulatory procedure with scrutiny (RPS) listed in the annex of the proposal shall be aligned to delegated acts.

On the basis of the Commission proposal and of the basic acts, the EMPL committee considers, however, that the proposal regarding two legislative acts in the field of statistics cannot be accepted in its current form and requires further clarification from the Commission. In this context, the EMPL Committee has the following detailed remarks:

- Point 74. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies.

Article 5 (1) (data transmission)

The Commission should be invited to confirm that this Article concerns exclusively the technical format and the deadlines of transmission of data from the Member States. The source of data should be specified.

Under these conditions, the EMPL Committee could consider accepting an alignment of this point to implementing acts.

- Point 64. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises.

Article 9(4) and (5) (quality control and reports) as to the adoption of "structure of the quality reports"

This regulation establishes a common framework for the collection of data and specifies the criteria for the quality reports. This article provides for delegated acts as to the quality requirements for the data to be collected and transmitted and any measures necessary for assessing or improving the quality of the data, while implementing acts are foreseen to determine the structure of the quality reports. The Commission does not specify what the nature of the structure of the quality reports is. If the structure would have an impact on the report and on its outcome, the EMPL Committee considers that this point qualifies for delegated act, as it would involve policy choices that cannot be the object of implementing measures. No previous RPS measures on the structure of quality reports could be found. It is also to be noted that Article 9(2) stipulates that the quality report "shall specify possible breaches of the methodological requirements".

Furthermore, if the EMPL Committee agrees with the Commission on the method of adaptation of the legislative instruments still referring to the RPS to empower the Commission to adopt delegated acts, nevertheless it considers important that the delegated acts regime provide for a specific time indication as regards the delegation of power conferred to the Commission, namely as regards the legal instruments in the field of the EMPL competence.

In this respect, I would like therefore, on behalf of the EMPL Committee, to ask you that the lead committee JURI provides in its report for a period of five years as regards the period of time conferred to the Commission to adopt delegated acts (paragraph 2 of the standard article on "Exercise of delegation of powers").

The EMPL Committee is also of the opinion that the Commission should establish a report on the exercise of the delegation of power; it proposes therefore the following addition to the standard article on the exercise of delegation of powers:

"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 identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period."

On behalf of the EMPL Committee, I would be grateful if the JURI Committee would take these points into account in its further work on the proposed regulation.

In the perspective of a possible horizontal approach, I would also like to call on the JURI Committee, as the committee responsible, to involve the sectorial committees in the establishment of a common approach on these issues.

Yours sincerely,

Thomas Händel

ANNEX: LETTER FROM COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

CM,IP/ai
D(2017) 38449

Mr Pavel SVOBODA
Chairman
Committee on Legal Affairs
ASP 10E205
European Parliament
Brussels

Subject: 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 - 2016/0400(COD)

Dear Chairman,

Concerning the proposal for a regulation ‘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’ - 2016/0400(COD), the Committee on the Environment, Public Health and Food Safety (“ENVI Committee”) agreed to state its opinion as follows:

1. The ENVI Committee opposes the Commission proposal with regard to most of the proposed changes listed in the Annex (COM(2016) 799 final/2) which adapt existing provisions for the use of regulatory procedure with scrutiny (RPS) to the regime of implementing acts in files where the ENVI committee has competence. The provisions in question are predominantly of high political importance and sensitivity, concerning, for instance, effort-sharing to fulfil international greenhouse gas emission reduction commitments, key consumer and public health issues related to cosmetics, plant protection, genetically modified food and feed, or animal by-products, and derived products not intended for human consumption.
2. The ENVI Committee therefore reiterates its position expressed in its opinion of 30 May 2013 to the JURI Report on follow-up on the delegation of legislative powers and the control by Member States of the Commission’s exercise of implementing powers (2012/2323(INI) in which it stated in particular that "...in the context of any post-Lisbon alignment of a legislative act, those measures previously subject to the regulatory procedure with scrutiny should clearly become delegated acts, and not implementing acts, as delegated acts are foreseen for exactly the same purpose as measures subject to the regulatory procedure with scrutiny (that is, to adopt measures of general scope/application designed to supplement or amend certain non-essential elements of the legislative act), unless exceptionally justified". As was the case in 2013, the Commission does not offer any clear justification regarding the alignment of existing RPS measures to implementing acts.
3. This was also the position that the ENVI Committee had expressed in its letter to the JURI Committee in 2013 (IPOL-COM.ENVI D (2013) 63931) in relation to the previous Commission proposal for an Adaptation to Article 290 and 291 of the Treaty on the

Functioning of the European Union of a number of legal acts providing for the use of the regulatory procedure with scrutiny (2013/0365(COD)).

4. In light of the above, and as per the Annex attached to this letter, most ENVI-related acts listed under Table 1 of the Commission proposal should therefore be amended, in order to align measures that had previously been submitted as RPS, to delegated acts. However, Decision No 406/2009/EC on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, should be taken out of the Commission proposal, given that the choice of delegation of power is not uncontroversial in that case, and that the obligations under that Decision will be replaced by a Regulation for the 2021-2030 period which has already been proposed by the Commission .

5. The ENVI Committee takes the view that the duration of the empowerments as a general rule should be limited in time but with an automatic renewal following a Commission report to be presented before the expiry of the delegation. It therefore opposes to delegations of power to adopt delegated acts for an indeterminate period of time in all ENVI-related files. In the Annex, the ENVI Committee therefore proposes that the duration of empowerments should be limited to five years with an automatic renewal.

6. The ENVI Committee deplores the omission in the Commission proposal of certain pieces of legislation in the area of pesticides and food. The ENVI Committee welcomes the acknowledgment by the Commission that alignment to delegated acts for the relevant provisions in those pieces of legislation is the correct approach. However the ENVI Committee would have preferred the alignment of those pieces of legislation to have been included in the present proposal. It is not justifiable to delay the alignment of those acts, which still refer to RPS to the procedure for delegated acts simply because the Commission is contemplating the restructuring of these files.

7. As a final remark, based on recent case law , the ENVI Committee would like to add that the drafting of articles with empowerments should make it clear where the Commission is empowered 'to amend' the act in question or 'to supplement' it. The ENVI Committee would therefore have preferred to see this clarification in all the articles with empowerments and not only as an explanation of the empowerments in the introductory parts of the proposal. With regard to the drafting technique of the proposal, the ENVI Committee would also like to add that a clear indication and explanation would have been welcome with respect to the amendments in the proposal which deviate from a purely technical alignment of the RPS measures, such as under Part XII.

Yours sincerely,

Adina-Ioana VĂLEAN

Cc.: Legislative coordination
CODE Unit
Annex (see AD 1134874)

ANNEX: LETTER FROM COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

Mr Pavel SVOBODA
Chair
Committee on Legal Affairs

D(2017) 40010
ERP/gt

Brussels,

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

Dear Chair,

I am writing to you regarding the 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, for which JURI is the leading committee.

Within this proposal the following pieces of legislation fall under the remit of the ITRE committee:

Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain

Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS Decision)

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/EC²⁹

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 1775/2005³⁰

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 parameters

Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society

Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics

After having assessed the alignment proposed by the Commission, and taking into consideration ITRE's position regarding the Commission's proposal in 2013, I am pleased to

inform you that the ITRE Committee does not wish to amend the Commission proposal in relation to these pieces of legislation. However, our Committee would support a general amendment limiting the duration of the empowerment given to the Commission for delegated acts if JURI decided to table such an amendment.

Yours sincerely,

Jerzy Buzek

ANNEX: LETTER FROM COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

AK/ds
D(2017)29765

Mr SVOBODA Pavel
European Parliament
ASP 06F365

Subject: 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 - 2016/0400 (COD), COM(2016)0799

Dear Chair,

Please find below the considerations of the Committee on the Internal Market and Consumer Protection with regard to the acts that it is responsible for.

- The 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, COM(2016)0799, contains fourteen acts under IMCO competence, namely:
- Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers
- Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain pre-packaged products
- Directive 80/181/EEC of the Council of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC
- Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers
- Directive 2006/42/EC of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC
- Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market
- Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control
- Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community
- Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys

- Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC
- Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC
- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore
- Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EC
- Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade.

In most cases, the proposed adaptation of relevant provisions where the regulatory procedure with scrutiny is replaced by the appropriate provisions on delegated acts is satisfactory and there is therefore no need to table amendments in this regard.

The Committee draws attention to the fact that regarding the Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers, which is included in the Alignment proposal under point 88 of the Annex, the Commission has presented a separate proposal amending that regulation (COM(2016)0157 – C8 0123/2016 – 2016/0084(COD)). The Committee is currently drawing up its report on this proposal. If the proposal amending Regulation (EC) No 2003/2003 is adopted before the Alignment proposal, a deletion of point 88 should be considered.

In line with the general position of the Parliament concerning the duration of empowerments, the delegation of power is changed from an indefinite period to a period of five years. The relevant acts under IMCO competence are amended accordingly. The length of the scrutiny period is extended from two to three months, since in view of the complexity of the measures, two months are usually not sufficient.

The Committee suggests to include these amendments in the report of the Committee on Legal Affairs, as outlined in the Annex to this letter.

In view of the above considerations, I would therefore be grateful if the Committee on Legal Affairs could include amendments in its draft report and keep IMCO informed of any further developments.

Yours sincerely,

Anneleen Van Bossuyt

ANNEX: Amendment document: AM1130495 - PE607.989

2016/0400(COD)

27.9.2017

AMENDMENTS

1 - 584

Draft position in the form of amendments
Anneleen Van Bossuyt

on the 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

Proposal for a regulation
(COM(2016)0799 – C8-0524/2016 – 2016/0400(COD))

AM1130495 - PE607.989

AMENDMENTS

The Committee on Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Annex I – part IX – point 81 – paragraph 2 – point 4

Directive 75/324/EEC

Article 10a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 2

Proposal for a regulation

Annex I – part IX – point 81 – paragraph 2 – point 4

Directive 75/324/EEC

Article 10a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 5 and Article 10(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

Amendment

6. A delegated act adopted pursuant to Article 5 and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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

will not object. That period shall be extended by **two** months at the initiative of the European Parliament or of the Council.

Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or of the Council.

Amendment 3

Proposal for a regulation

Annex I – part IX – point 82 – paragraph 2 – point 2

Directive 76/211/EEC

Article 6a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for **an indeterminate** period of **time** from [date of entry into force of this Omnibus].

Amendment

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

Amendment 4

Proposal for a regulation

Annex I – part IX – point 82 – paragraph 2 – point 2

Directive 76/211/EEC

Article 6a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6 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

Amendment

6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or 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.

Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 5

Proposal for a regulation

Annex I – part IX – point 83 – paragraph 2 – point 2

Directive 80/181/EEC

Article 6c – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

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

Amendment 6

Proposal for a regulation

Annex I – part IX – point 83 – paragraph 2 – point 2

Directive 80/181/EEC

Article 6c – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 6a 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

Amendment

6. A delegated act adopted pursuant to Article 6a shall enter into force only if no objection has been expressed either by the European Parliament or 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.

Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 7

Proposal for a regulation

Annex I – part IX – point 89 – paragraph 3 – point 3

Directive 2006/42/EC

Article 21a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 8

Proposal for a regulation

Annex I – part IX – point 89 – paragraph 3 – point 3

Directive 2006/42/EC

Article 21a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 8(1) 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

Amendment

6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or 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.

Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 9

Proposal for a regulation

Annex I – part IX – point 90 – paragraph 2 – point 3

Directive 2006/123/EC

Article 39a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 10

Proposal for a regulation

Annex I – part IX – point 90 – paragraph 2 – point 3

Directive 2006/123/EC

Article 39a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 23(4) and Article 36 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

Amendment

6. A delegated act adopted pursuant to Article 23(4) and Article 36 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.

Council have both informed the Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 11

Proposal for a regulation

Annex I – part IX – point 92 – paragraph 3 – point 3

Directive 2009/34/EC

Article 16a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 12

Proposal for a regulation

Annex I – part IX – point 92 – paragraph 3 – point 3

Directive 2009/34/EC

Article 16a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 16 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

Amendment

6. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or 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.

Council have both informed the Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or of the Council.

Amendment 13

Proposal for a regulation

Annex I – part IX – point 93 – paragraph 2 – point 3

Directive 2009/43/EC

Article 13a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for *an indeterminate* period of *time from the* [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for *a* period of *five years from* [date of entry into force of this Omnibus]. *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.*

Amendment 14

Proposal for a regulation

Annex I – part IX – point 93 – paragraph 2 – point 3

Directive 2009/43/EC

Article 13a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 4(3) and Article 13 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

Amendment

6. A delegated act adopted pursuant to Article 4(3) and Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *three* months of notification of that act to the European Parliament and the

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.

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 **three** months at the initiative of the European Parliament or of the Council.

Amendment 15

Proposal for a regulation

Annex I – part IX – point 94 – paragraph 3 – point 2

Directive 2009/48/EC

Article 46a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for ***a*** period of ***five years*** from [date of entry into force of this Omnibus]. ***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.***

Amendment 16

Proposal for a regulation

Annex I – part IX – point 94 – paragraph 3 – point 2

Directive 2009/48/EC

Article 46a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 46 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

Amendment

6. A delegated act adopted pursuant to Article 46 shall enter into force only if no objection has been expressed either by the European Parliament or 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.

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 **three** months at the initiative of the European Parliament or of the Council.

Amendment 17

Proposal for a regulation

Annex I – part IX – point 95 – paragraph 2 – point 2

Regulation (EC) No 79/2009

Article 12a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for **an indeterminate** period of **time from the** date of entry into force of this **Regulation**.

Amendment

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

Amendment 18

Proposal for a regulation

Annex I – part IX – point 95 – paragraph 2 – point 2

Regulation (EC) No 79/2009

Article 12a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to 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

Amendment

6. A delegated act adopted pursuant to 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 **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.

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 *three* months at the initiative of the European Parliament or of the Council.

Amendment 19

Proposal for a regulation

Annex I – part IX – point 96 – paragraph 2 – point 3

Directive 2009/81/EC

Article 66a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for *an indeterminate* period of *time* from [date of entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for *a* period of *five years* from [date of entry into force of this Omnibus]. *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.*

Amendment 20

Proposal for a regulation

Annex I – part IX – point 96 – paragraph 2 – point 3

Directive 2009/81/EC

Article 66a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period

Amendment

6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) 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.

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 **three** months at the initiative of the European Parliament or of the Council.

Amendment 21

Proposal for a regulation

Annex I – part IX – point 98 – paragraph 2 – point 3

Regulation (EC) No 661/2009

Article 14a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for **an indeterminate** period of **time from the** date of entry into force of this **Regulation**.

Amendment

2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for **a** period of **five years from** [date of entry into force of this **Omnibus**]. **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.**

Amendment 22

Proposal for a regulation

Annex I – part IX – point 98 – paragraph 2 – point 3

Regulation (EC) No 661/2009

Article 14a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Amendment

6. A delegated act adopted pursuant to Article 14 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.

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 **three** months at the initiative of the European Parliament or of the Council.

Amendment 23

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24a – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for **an indeterminate** period of **time** from [**the** entry into force of this Omnibus].

Amendment

2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for **a** period of **five years** from [**date of** entry into force of this Omnibus]. **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.**

Amendment 24

Proposal for a regulation

Annex I – part X – point 101 – paragraph 2 – point 2

Directive 2008/48/EC

Article 24a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 19(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council

Amendment

6. A delegated act adopted pursuant to Article 19(5) 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.

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 *three* months at the initiative of the European Parliament or of the Council.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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 EU			
References	COM(2016)0799 – C8-0524/2016 – 2016/0400(COD)			
Date submitted to Parliament	14.12.2016			
Committee responsible Date announced in plenary	JURI 13.3.2017			
Committees asked for opinions Date announced in plenary	DEVE 13.3.2017	INTA 13.3.2017	ECON 13.3.2017	EMPL 13.3.2017
	ENVI 13.3.2017	ITRE 13.3.2017	IMCO 13.3.2017	TRAN 13.3.2017
	REGI 13.3.2017	AGRI 13.3.2017	PECH 13.3.2017	CULT 13.3.2017
	FEMM 13.3.2017			
Not delivering opinions Date of decision	DEVE 13.1.2017	INTA 23.1.2017	EMPL 21.6.2017	IMCO 25.4.2017
	REGI 24.1.2017	PECH 28.2.2017	CULT 23.1.2017	FEMM 21.3.2017
Rapporteurs Date appointed	József Szájer 12.1.2017			
Discussed in committee	23.3.2017	20.6.2017	21.11.2017	
Date adopted	24.1.2018			
Result of final vote	+: –: 0:	21 0 2		
Members present for the final vote	Max Andersson, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Mady Delvaux, Rosa Estaràs Ferragut, Sajjad Karim, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Jiří Maštálka, Emil Radev, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka			
Substitutes present for the final vote	Evelyne Gebhardt, Heidi Hautala, Răzvan Popa, Tiemo Wölken, Kosma Złotowski			
Substitutes under Rule 200(2) present for the final vote	Marco Zullo			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
ECR	Sajjad Karim, Kosma Złotowski
GUE/NGL	Kostas Chrysogonos, Jiří Maštálka
PPE	Rosa Estaràs Ferragut, Emil Radev, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Mady Delvaux, Evelyn Gebhardt, Sylvia-Yvonne Kaufmann, Răzvan Popa, Evelyn Regner, Tiemo Wölken
VERTS/ALE	Max Andersson, Heidi Hautala

0	-

2	0
ENF	Marie-Christine Boutonnet, Gilles Lebreton

Légende des signes utilisés:

+ : pour

- : contre

0 : abstention