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To:	Permanent Representatives Committee (Part 1)
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No. Cion doc.:	COM(2013) 451 final, COM(2013) 751 final
Subject:	Examination of the Omnibus I and III proposals from the Commission by the Friends of the Presidency (Comitology) - Progress report

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#### **Background**

On 27 June 2013, the Commission presented a proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 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 (hereinafter referred to as 'Omnibus I').<sup>1</sup>

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<sup>1</sup> 12730/13

This was followed by another proposal, presented on 30 October 2013, 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 (hereinafter referred to as 'Omnibus III').<sup>2</sup>

Both proposals are part of a package of three proposals aimed at aligning to the new Treaty procedures, those acts which still refer to the regulatory procedure with scrutiny (PRAC).<sup>3</sup>

On 6 September 2013, Coreper (first part) activated the Friends of the Presidency Group (Comitology) to examine Omnibus I and Omnibus III.<sup>4</sup>

During the Lithuanian Presidency, a first set of acts listed in Omnibus I was examined. Coreper was informed of the results reached in December 2013.<sup>5</sup>

Before the end of its past legislative term, the European Parliament voted its position in first reading on the three proposals of the alignment package on 25 February 2014, marking extensive support for the Commission's proposals.<sup>6</sup>

Under the Greek Presidency, the Friends of the Presidency Group (Comitology) held six meetings and finished the examination of both proposals.

The present report aims at informing Coreper of the results of the Group's examination of both proposals in their entirety.

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<sup>2</sup> 15882/13

<sup>3</sup> The Omnibus II proposal (COM(2013) 452 final), which provides for the alignment of five acts in the area of justice, has been dealt with by the Working Party on Civil Law Matters. That group has expressed a preference to provide for the adaptation of the acts concerned as and when the acts are subject to legislative revision.

<sup>4</sup> 12977/13

<sup>5</sup> 17577/13

<sup>6</sup> See 6779/14 as regards Omnibus I, and 6753/14 as regards Omnibus III.

## Findings of the Group

The purpose of the examined Commission proposals is to align references to the regulatory procedure with scrutiny (PRAC) in existing acts to either delegated acts under Article 290 or, in case of Omnibus III, to delegated acts under Article 290 or implementing acts under Article 291 TFEU. In a few cases, the Commission proposed to remove the empowerment from the basic act.

The approach chosen by the Commission is for doing so by way of framework regulations which replace the references to PRAC in the acts or provisions listed by providing that they should read as references to Article 290 TFEU or Article 291 TFEU.

This approach presumes that the legislator does not touch the actual text of the acts or provisions which are listed. During the examination of these provisions, it became clear that this limitation entailed a number of difficulties.

First of all, the approach chosen deprives the legislator from exercising his discretion as regards certain choices that can normally be made during the negotiation of legislative acts. For instance, the legislator is, due to the method chosen, prevented from deciding whether or not it is appropriate to delegate a certain matter to the Commission. The fact that there is an existing reference to PRAC means that the only choice available to the legislator is between aligning or not aligning the reference.

Secondly, the approach chosen deprives the legislator from the possibility of adjusting how the power given to the Commission is circumscribed. It is recalled that the Treaty requires that the legislator explicitly define the objectives, content, scope and duration of a delegation of power pursuant to Article 290 TFEU. However, no similar explicit requirement existed pursuant to the predecessor Treaty or pursuant to Council Decision 1999/468/EC which established the details of among other the regulatory procedure with scrutiny.

During the examination of the provisions suggested for alignment to Article 290 TFEU, it was regularly considered that the proposed alignment was unacceptable for legal reasons, because the concerned PRAC empowerments did not sufficiently define these parameters. The Group saw, in those cases, no other option than to remove the concerned acts from the Omnibus proposals and to recommend that the concerned acts be aligned as and when they are subject to legislative revision or by means of a separate alignment proposal, as this would allow the legislator to comply with the criteria set out in Article 290 TFEU.

This was, by way of example, the case for Article 11(3) of Decision 406/2009 of the European Parliament and of the Council of 23 April 2009 on the effort of the Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020. The Commission proposed an alignment of this provision to Article 290 TFEU. However, the Group took the view that aligning to delegated acts a provision which empowers the Commission to "*adopt measures necessary to implement paragraphs 1 and 2*", without being able to adjust this wording, was unacceptable.

Other acts which could not be included for reasons of incompatibility with Article 290 TFEU were those acts that contained a PRAC provision which provides for the amendment of acts other than the legislative act concerned. This was, by way of example, the case for acts No 22, No 37 and No 38 listed in the Annex to Omnibus I.

Thirdly, in the view of the Group and contrary to the Commission's views on the matter, the method chosen does not allow the proposed automatic adaptation to the urgency procedure for delegated acts. Whereas Article 5a of Council decision 1999/468/EC specifically provides for the use of the urgency procedure, Article 290 TFEU does not. The urgency procedure for delegated acts is a derogation from the condition referred to in Article 290(2)(b) TFEU and, as agreed by all three institutions in the Common Understanding, recourse should only be foreseen in duly justified exceptional cases of urgency. Without the possibility to specify the nature of the imperative grounds of urgency in the concerned basic acts, the Group felt that it was unacceptable to include acts providing for the urgency procedure in the Omnibus proposals.

Last but not least, during the examination of Omnibus III, the question arose whether it would be appropriate or not to only partially align certain acts by including some provisions of a specific act in one of the Annexes while leaving others out of them, in which case the latter would continue to refer to the PRAC procedure. As it appeared that the Commission would not be likely to support such a partial alignment of acts, it was decided that acts had to be either included and aligned in their entirety or excluded from the Omnibus regulations.

Hence, all acts for which there was at least one provision affected by any of the difficulties described, or on which it was not possible to find sufficient support for alignment to Article 290 or to Article 291 TFEU were removed from the Omnibus in their entirety. This was the case also where sufficient support could be found for aligning all the other provisions of the act in question. By way of illustration, 30 acts were deleted from Omnibus I, and 13 from Omnibus III, because they contained at least one provision which provides for the use of the urgency procedure.

### **The conditional results**

The results of the workings of the Friends of Presidency (Comitology) group are included in Annex to this note. Annex I presents the results as regards Omnibus I. For the sake of completeness, it also includes the acts that were retained under the Lithuanian Presidency. Annex II presents the results as regards Omnibus III.

Additions to the Commission proposals are underlined; deletions are indicated by [...].

These results are conditional upon a satisfactory horizontal solution for the issue of the consultation of experts, including from all Member States, during the preparation of delegated acts by the Commission, on the basis of the initiative to complement the Common Understanding on delegated acts in this regard, which was endorsed by Coreper (second part) on 19 February 2014.<sup>7</sup>

It is strongly felt that this consultation should be systematic, timely, transparent and appropriate, and that the current practice in this regard is insufficient. This issue marked the discussions in the Group throughout the examination of the Omnibus proposals. The Friends of the Presidency Group have repeatedly underlined that any agreement on the alignment package will be dependent upon a satisfactory horizontal solution for this issue.

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<sup>7</sup> 6774/14.

## ANNEX I

Proposal for a

### **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**adapting to Article 290 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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33, 43(2), [...] 91, 95, [...] 104, 114, 153(2)(b), 168(4)(b), [...]192(1), 207 and 338(1), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>8</sup>,

Having regard to the opinion of the Committee of the Regions<sup>9</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

[...]

- (3) It is appropriate to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny.
- (4) This Regulation should not affect pending procedures in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC before the entry into force of this Regulation.
- (5) Since the adaptations to be made by this Regulation concern only procedures, they do not, in the case of directives, need to be transposed by the Member States.

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<sup>8</sup> OJ C , , p. .

<sup>9</sup> OJ C , , p. .

- (6) [When the Commission prepares delegated acts on the basis of the legal acts adapted by this Regulation, it is of particular importance that it carry out appropriate consultations, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council,]<sup>10</sup>

HAVE ADOPTED THIS REGULATION:

*Article 1*

[...] Where the legal acts listed in the Annex to this Regulation provide for the use of the regulatory procedure with scrutiny referred to in Article 5a(1) to (5) of Decision 1999/468/EC, the Commission shall be empowered to adopt delegated acts in accordance with Article 2 of this Regulation.

[...]

*Article 2*

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 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power 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. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

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<sup>10</sup> The Council attaches the greatest importance to a horizontal solution for the issue of consultation of experts, including from all Member States, during the preparation of delegated acts by the Commission, on the basis of its initiative to complement the Common Understanding on this matter (doc. 6774/14). The text of this recital will have to reflect the horizontal agreement.



5. An adopted delegated act 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.

6. Where the legal acts listed in the Annex to this Regulation provide that the time-limit laid down in Article 5a(3)(c) of Decision 1999/468/EC is curtailed pursuant to Article 5a(5)(b) of that Decision, the periods laid down in paragraph 5 of this Article shall be set at one month.

#### *Article 3*

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 2(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

#### *Article 4*

This Regulation shall not affect pending procedures in which a committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC.

#### *Article 5*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX

### Legal acts making reference to the regulatory procedure with scrutiny referred to in Article 5a of the Decision 1999/468/EC which are adapted to the regime of delegated acts<sup>11</sup>.

#### A. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

[...]

2. Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)

[...]

#### C. CLIMATE ACTION

[...]

24. Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006

[...]

#### E. ENTERPRISE AND INDUSTRY

[...]

36. 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

[...]

40. Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances

41. Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP)

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<sup>11</sup> For information purposes, legal acts referring to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with \*[...] .

[...]

43. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

[...]

45. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers

## **F. ENVIRONMENT**

46. Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products

[...]

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

[...]

## **G. STATISTICS**

[...]

85. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains

[...]

## **I. MOBILITY AND TRANSPORT**

[...]

106. Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods \*

[...]

128. Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community

[...]

130. Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road

[...]

132. Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national Boatmasters' certificates for the carriage of goods and passengers by inland waterway

## **J. HEALTH AND CONSUMERS**

[...]

137. 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/EEC

[...]

149. Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organism

[...]

151. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

[...]

157. Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients

[...]

**K. TAXATION AND CUSTOMS UNION**

160. 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

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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 43(2), [...] 100(2), 114, 168(4)a, 168(4)b, [...] 192(1), [...] 214(3) [...] thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>12</sup>,

Having regard to the opinion of the Committee of the Regions<sup>13</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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

[...]

- (3) It is appropriate to adapt to Article 290 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny and which fulfil the criteria of Article 290(1) TFEU.
- (4) [When the Commission prepares delegated acts on the basis of the legal acts adapted by this Regulation, it is of particular importance that it carry out appropriate consultations, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.]<sup>14</sup>

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<sup>12</sup> OJ C , , p. .

<sup>13</sup> OJ C , , p. .

<sup>14</sup> The Council attaches the greatest importance to a horizontal solution for the issue of consultation of experts, including from all Member States, during the preparation of delegated acts by the Commission, on the basis of its initiative to complement the Common Understanding on this matter (doc. 6774/14). The text of this recital will have to reflect the horizontal agreement.

- (5) It is appropriate to adapt to Article 291 of the TFEU a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny and which fulfil the criteria of Article 291(2) of the TFEU.
- (6) When implementing powers are conferred on the Commission, those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>15</sup>
- (7) Following the entry into force of the Treaty of Lisbon, it is also appropriate to amend a number of legal acts already in force which provide for the use of the regulatory procedure with scrutiny by deleting certain measures covered by that procedure.
- (8) This Regulation should not affect pending procedures in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC before the entry into force of this Regulation.
- (9) Since the adaptations and amendments to be made by this Regulation concern only procedures, they do not, in the case of directives, need to be transposed by the Member States,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

[...] Where provisions listed in Annex I to this Regulation provide for the use of the regulatory procedure with scrutiny referred to in Article 5a(1) to (5) of Decision 1999/468/EC, the Commission shall be empowered to adopt delegated acts in accordance with Article 2 of this Regulation.

[...]

#### *Article 2*

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 shall be conferred on the Commission for a period of five years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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<sup>15</sup> Regulation (EU) No 182/2011 of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.02.2011, p. 13.

3. The delegation of power 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. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. An adopted delegated act 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.<sup>16</sup>

6. Where provisions listed in Annex I to this Regulation provide that the time-limit laid down in Article 5a(3)(c) of Decision 1999/468/EC is curtailed pursuant to Article 5a(5)(b) of that Decision, the periods laid down in paragraph 5 of this Article shall be set at one month.

#### *Article 3*

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 2(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

#### *Article 4*

1. Where provisions listed in Annex II provide for the use of the regulatory procedure with scrutiny referred to in Article 5a(1) to (5) of Decision 1999/468/EC, the Commission shall be empowered to adopt implementing acts in accordance with the examination procedure of Article 5 of Regulation (EU) No 182/2011.

2. Where provisions listed in Annex II provide for the use of the urgency procedure referred to in Article 5a(6) of Decision 1999/468/EC, the Commission shall be empowered to adopt immediately applicable implementing acts in accordance with Article 8 in conjunction with Article 5 of Regulation (EU) No 182/2011.

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<sup>16</sup> It remains to be examined whether for certain acts longer periods could be foreseen, such as three months, extendable by another three months.



*Article 5*

Regulation (EC) No 66/2010 of the European Parliament and of the Council, [...] Council Directive 97/70/EC, [...] Directive 2002/46/EC of the European Parliament and the Council and Council Regulation (EC) No 1257/96 are amended as set out in Annex III to this Regulation.

*Article 6*

This Regulation shall not affect pending procedures in which a committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC.

*Article 7*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

**Provisions of legal acts making reference to the regulatory procedure with scrutiny referred to in Article 5a of Decision 1999/468/EC which are adapted to the regime of delegated acts<sup>17</sup>.**

### **A. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY**

[...]

2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Article 35

[...]

### **D. ENTERPRISE AND INDUSTRY**

8. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Article 8(1)a

### **E. ENVIRONMENT**

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

Article 15

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

[...]

Article 48(2)

[...]

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<sup>17</sup> For information purposes, provisions referring to the curtailed time limit pursuant to Article 2(6) are indicated in this Annex with \*[...]].

**G. INTERNAL MARKET AND SERVICES**

21. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(1)

[...]

**H. MOBILITY AND TRANSPORT**

23. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations

Article 13

[...]

24. Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (Recast)

Article 10(3)

[...]

26. Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues

Article 15

27. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8(b)

[...]

## ANNEX II

**Provisions of legal acts making reference to the regulatory procedure with scrutiny referred to in Article 5a of Decision 1999/468/EC which are adapted to the regime of implementing acts<sup>18</sup>.**

### **A. COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY**

1. 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)

Article 9(3)\*

2. Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

Article 26(7)

Article 27a(5)

3. Directive No 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)

Article 9b(3)

Article 10(4)

Article 13a(4)

Article 15(4)

Article 17(6)a

Article 19(4)

[...]

### **C. ENTERPRISE AND INDUSTRY**

6. Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)

Article 8(1)b in conjunction with Article 9(3)

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<sup>18</sup> For information purposes, provisions referring to the urgency procedure pursuant to Article 8 of Regulation (EU) No 182/2011 are indicated in this Annex with \*\*.

## **D. ENVIRONMENT**

6bis. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

Article 6(7)

Article 8(2)

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

Article 16(4)

Article 17(3)

Article 30(6)

Article 46(6)

[...]

## **F. INTERNAL MARKET AND SERVICES**

17. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC

Article 14(2)

## **G. MOBILITY AND TRANSPORT**

17bis. Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations

Article 14(1)

Article 14(2)

[...]

19. Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over

Article 8(a) First indent

## **H. HEALTH AND CONSUMERS**

[...]

24. Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council

Articles 13(2)

Article 18\*\*

Article 19(3)

Article 24(4)

[...]

### ANNEX III

#### **Amendments to Regulation (EC) No 66/2010 of the European Parliament and of the Council, [...] Council Directive 97/70/EC, [...] Directive 2002/46/EC of the European Parliament and the Council and to Council Regulation (EC) No 1257/96**

##### **A. ENVIRONMENT**

1) In paragraph 5 of Article 6 of Regulation (EC) No 66/2010, the second subparagraph is deleted.

[...]

##### **B. MOBILITY AND TRANSPORT**

3) In point a) of Article 8 of Directive 97/70/EC, the second indent is deleted.

##### **C. HEALTH AND CONSUMERS**

[...]

5) In Article 12 of Directive 2002/46/EC, paragraph 3 is deleted.

##### **D. HUMANITARIAN AID**

6) In Article 15 of Regulation (EC) No 1257/96, paragraph 1 is deleted.

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