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REPORT

on the proposal for a regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny – Part Three
(COM(2007)0822 – C6-0474/2007 – 2007/0282(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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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 instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny – Part Three (COM(2007)0822 – C6-0474/2007 – 2007/0282(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0822),
 - having regard to Article 251(2) and Articles 61(c), 63, first paragraph, point 1(a), and 67 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0474/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0086/2008),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

EXPLANATORY STATEMENT

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ was amended by Council Decision 2006/512/EC of 17 July 2006². Article 5a of amended Decision 1999/468/EC introduced the new 'regulatory procedure with scrutiny' (RPS) for *measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with codecision, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements*.

Following the screening of the existing legislation and on-going procedures³, the European Commission presented inter alia this proposal, covering 4 legislative acts to be adapted to the new regulatory procedure with scrutiny (RPS).

In its decision of 12 December 2007 the Conference of Presidents designated the Committee on Legal Affairs as the lead Committee to deal with this 'comitology alignment' and the specialised committees as opinion-giving committees. The Conference of Committees Chairs agreed on 15 January 2008 on the modalities of cooperation between JURI and other committees involved.

The Rapporteur proposed to other committees that the alignment packages should be adopted as soon as possible, in order for the RPS procedure to start applying to the existing acquis before the entry into force of the Treaty of Lisbon (which contains important provisions on delegated acts, which will replace RPS, but which will take time to be adopted via codecision). The present Report does not contain any amendments, as none were found to be necessary to the three files under the remit of the Legal Affairs Committee or to that which was analysed by the Committee on Civil Liberties, Justice and Home Affairs.

¹ OJ C 203, 17.7.1999, p. 1.

² OJ L 200, 22.7.2006, p. 11.

³ COM(2007)0740.

LETTER FROM COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

IPOL-COM-LIBE D(2008)15848

Mr Giuseppe GARGANI
Chairman
Legal Affairs Committee

Dear Mr Gargani,

LIBE Committee is asked to deliver an opinion on the point 3 (Council Regulation (EC) No 343/2003)¹ of the Annex of the Commission's proposal on adaptation to the regulatory procedure with scrutiny (*Third Omnibus proposal*)².

Given the time constraints, LIBE Committee will not be able to adopt an opinion on the above-mentioned document. Consequently and on behalf of the committee, I would like to inform you of the committee's position.

Our committee would therefore ask the Committee on Legal Affairs to take the following aspects into account in its reports (Rapporteur: Mr Jozsef SZAJER):

On 6 March, 2008, LIBE Committee decided to support the proposal of the Commission. However, some Members expressed the opinion that comitology procedure provided for in Article 20(3) and Article 22(2) of the Council Regulation (EC) No 343/2002 should be adapted to regulatory procedure with scrutiny (instead of maintaining the regulatory procedure).

Yours sincerely,

Gérard DEPREZ

¹ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national - OJ L 50, 25.2.2003, p.1

² Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny. Adaptation to the regulatory procedure with scrutiny. Part Three. COM(2007)822-2007/0282(COD).

PROCEDURE

Title	Adaptation of certain acts to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC - Adaptation to the regulatory procedure with scrutiny (Part Three)
References	COM(2007)0822 – C6-0474/2007 – 2007/0282(COD)
Date submitted to Parliament	19.12.2007
Committee responsible Date announced in plenary	JURI 15.1.2008
Committee(s) asked for opinion(s) Date announced in plenary	LIBE 15.1.2008
Rapporteur(s) Date appointed	József Szájer 19.12.2007
Discussed in committee	26.2.2008
Date adopted	27.3.2008
Result of final vote	+: 22 –: 0 0: 0
Members present for the final vote	Carlo Casini, Bert Doorn, Monica Frassoni, Giuseppe Gargani, Neena Gill, Piia-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Antonio López-Istúriz White, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Diana Wallis, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) present for the final vote	Sharon Bowles, Mogens Camre, Janelly Fourtou, Jean-Paul Gauzès, Sajjad Karim, Kurt Lechner, Georgios Papastamkos, Michel Rocard, Gabriele Stauner, József Szájer, Jacques Toubon
Substitute(s) under Rule 178(2) present for the final vote	Gabriela Crețu