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REPORT

on the 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 in the area of Justice providing for the use of the regulatory procedure with scrutiny
(COM(2013)0452 – C7-0197/2013 – 2013/0220(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 to Article 290 of the Treaty on the Functioning of the European Union a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny
(COM(2013)0452 – C7-0197/2013 – 2013/0220(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0452),
 - having regard to Article 294(2) and Article 81(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0197/2013),
 - 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 16 October 2013¹,
 - having regard to the letter from the President of the Committee of the Regions to the President of Parliament of 11 October 2013,
 - having regard to the Common Understanding on Delegated Acts, as approved on 3 March 2011 by the Conference of Presidents,
 - having regard to the Framework Agreement on relations between the European Parliament and the European Commission², in particular point 15 thereof and Annex 1 thereto,
 - having regard to its resolution of 5 May 2010 on the power of legislative delegation³,
 - having regard to the report on follow-up on the delegation of legislative powers and control by Member States of the Commission's exercise of implementing powers, adopted by the Committee on Legal Affairs on 26 November 2013⁴,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0480/2013),
- A. Whereas the Commission committed itself to assessing by the end of 2012 how many legislative acts containing references to the regulatory procedure with scrutiny remained

¹ Not yet published in the Official Journal.

² OJ L 304, 20.11.2010, p. 47.

³ OJ C 81 E, 15.3.2011, p. 6.

⁴ A7-0435/2013.

in force, in order to prepare the appropriate legislative initiatives and thus complete the adaptation to the new legal framework; whereas the announced objective was that, by the end of the seventh term of Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments; whereas the Commission has put forward the proposals fulfilling this commitment, albeit much later than expected;

1. Adopts its position at first reading, taking over 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, the Commission and the national parliaments.

EXPLANATORY STATEMENT

At the moment of the adoption of the Comitology Regulation¹, the European Commission issued the following statement:

"As regards legislative acts in force which currently contain references to the regulatory procedure with scrutiny, the Commission will review the provisions attached to this procedure in each instrument it intends to modify, in order to adapt them in due course according to the criteria laid down in the Treaty. In addition, the European Parliament and the Council will be entitled to signal basic acts they consider important to adapt as a matter of priority.

*The Commission will assess the results of this process by the end of 2012 in order to estimate how many legislative acts containing references to the regulatory procedure with scrutiny remain in force. The Commission will then prepare the appropriate legislative initiatives to complete the adaptation. The overall objective of the Commission is that, by the end of the 7th term of the Parliament, all provisions referring to the regulatory procedure with scrutiny would have been removed from all legislative instruments."*²

In keeping with that statement and further to the announced screening of the existing legislation, the Commission put forward three proposals for a regulation adapting to Article 290 TFEU a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS)³. Indeed, the definition of delegated acts given by Article 290(1) TFEU is very similar to the definition of the acts to which the RPS applies, as established by Article 5a of Decision 1999/468/EC⁴, now repealed by Article 12 of the Comitology Regulation. In both cases, the acts in question are of general application and seek to amend or supplement certain non-essential elements of the legislative instrument.

An earlier alignment exercise took place in 2007-2008, after the introduction of the RPS. On that occasion, the Conference of Presidents designated the Committee on Legal Affairs as the lead committee and the specialised committees as opinion-giving committees. The Conference of Committees Chairs, which then endorsed that decision, confirmed its approach vis-à-vis the new alignment proposals and on 19 November 2013 agreed on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

The present draft report is related to a proposal covering five legislative acts in the area of Justice which still refer to the RPS⁵. Given the specificity of the subject-matter, which entirely falls within the remit of the Committee on Legal Affairs, no opinion-giving committees are concerned. This draft report does not contain amendments.

¹ 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).

² This statement was published in the Official Journal together with Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 19).

³ See COM (2013) 451, 452 and 751 respectively.

⁴ OJ L 184, 17.7.1999, p. 23.

⁵ Those instruments need to be aligned by a separate proposal as they were adopted under a legal basis pursuant to Title V part III of the TFEU and therefore do not bind all Member States, and are thus irreconcilable with the legal bases of the other basic acts.

PROCEDURE

Title	Adapting to Article 290 of the TFEU a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny
References	COM(2013)0452 – C7-0197/2013 – 2013/0220(COD)
Date submitted to Parliament	27.6.2013
Committee responsible Date announced in plenary	JURI 4.7.2013
Rapporteur(s) Date appointed	József Szájer 1.7.2013
Discussed in committee	26.11.2013
Date adopted	17.12.2013
Result of final vote	+: 23 -: 1 0: 0
Members present for the final vote	Raffaë Baldassarre, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Eva Lichtenberger, József Szájer, Axel Voss
Substitute(s) under Rule 187(2) present for the final vote	Silvia Costa, Jürgen Klute, Kay Swinburne
Date tabled	20.12.2013