

Tuesday 25 February 2014

P7\_TA(2014)0113

## **Adapting legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny (Article 290 TFEU)\*\*\*I**

**European Parliament legislative resolution of 25 February 2014 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)**

(2017/C 285/30)

*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 2013 <sup>(1)</sup>,
- 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 Commission <sup>(2)</sup>, in particular point 15 thereof and Annex 1 thereto,
- having regard to its resolution of 5 May 2010 on the power of legislative delegation <sup>(3)</sup>,
- having regard to 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 <sup>(4)</sup>,
- 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 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 hereinafter set out;
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;

<sup>(1)</sup> Not yet published in the Official Journal.

<sup>(2)</sup> OJ L 304, 20.11.2010, p. 47.

<sup>(3)</sup> OJ C 81 E, 15.3.2011, p. 6.

<sup>(4)</sup> Texts adopted, P7\_TA(2014)0127.

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3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## P7\_TC1-COD(2013)0220

### **Position of the European Parliament adopted at first reading on 25 February 2014 with a view to the adoption of Regulation (EU) No .../2014 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**

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 Article 81(2) 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>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

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.
- (2) The measures which can be covered by delegations of powers, as referred to in Article 290(1) of the Treaty on the Functioning of the European Union (TFEU), correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC <sup>(3)</sup>.
- (3) It is necessary to adapt to Article 290 of the TFEU legal acts already in force which make 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) 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.
- (6) The United Kingdom and Ireland are bound by the legal acts referred to in the annex and therefore take part in the adoption and application of this Regulation.
- (7) In accordance with Articles 1 and 2 of the Protocol No 22 on the position of Denmark annexed to the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of this Regulation, and is not bound by it or subject to its application,

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 (4) of Decision 1999/468/EC, the Commission shall be empowered to adopt delegated acts in accordance with Article 2 of this Regulation.

<sup>(1)</sup> OJ C 67, 6.3.2014, p. 104.

<sup>(2)</sup> Position of the European Parliament of 25 February 2014.

<sup>(3)</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

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*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 an indeterminate period of time.
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.

*Article 3*

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

*Article 4*

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 Member States in accordance with the Treaties.

Done at ...,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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## 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**

1. Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters <sup>(1)</sup>
  2. Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims <sup>(2)</sup>
  3. Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure <sup>(3)</sup>
  4. Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure <sup>(4)</sup>
  5. Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 <sup>(5)</sup>.
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<sup>(1)</sup> OJ L 174, 27.6.2001, p. 1.

<sup>(2)</sup> OJ L 143, 30.4.2004, p. 15.

<sup>(3)</sup> OJ L 399, 30.12.2006, p. 1.

<sup>(4)</sup> OJ L 199, 31.7.2007, p. 1.

<sup>(5)</sup> OJ L 324, 10.12.2007, p. 79.