

Wednesday 16 December 2015

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Non-objection to a delegated act: model financial regulation for public-private partnership bodies

European Parliament decision to raise no objections to the Commission delegated regulation of 30 October 2015 amending Delegated Regulation (EU) No 110/2014 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (C(2015)07554 — 2015/2940(DEA))

(2017/C 399/48)

The European Parliament,

- having regard to the Commission delegated regulation (C(2015)07554),
 - having regard to the Commission's letter of 12 November 2015 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on Budgets and the Committee on Budgetary Control to the Chair of the Conference of Committee Chairs of 27 November 2015,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁽¹⁾, and in particular Article 210 thereof,
 - having regard to Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012⁽²⁾,
 - having regard to the recommendation for a decision by the Committee on Budgets and the Committee on Budgetary Control,
 - having regard to Rule 105(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 15 December 2015,
- A. whereas, in the joint statement of the European Parliament, the Council and the Commission on the separate discharge for Joint Undertakings under Article 209 of the Financial Regulation⁽³⁾, the three institutions declared in particular their intention 'to propose relevant modifications to Articles 209 and 60(7) of the Financial Regulation in the framework of the future revision of the Financial Regulation';
- B. whereas Regulation (EU, Euratom) No 966/2012 was modified on 28 October 2015 by Regulation (EU, Euratom) 2015/1929, which, in addition to aligning it with Directives 2014/23/EU⁽⁴⁾ and 2014/24/EU⁽⁵⁾ and strengthening the system of protection of the EU budget, modified Articles 209 and 60 thereof, aligning the rules on discharge, external audit and annual reporting of the bodies operating under Article 209 of the Financial Regulation with those of the bodies operating under Article 208;

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 286, 30.10.2015, p. 1.

⁽³⁾ OJ L 163, 29.5.2014, p. 21.

⁽⁴⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁽⁵⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

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- C. whereas on 30 October 2015 the Commission adopted the delegated regulation (C(2015)07554) updating Delegated Regulation (EU) No 110/2014 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 (aligning it with the corresponding provisions of Delegated Regulation (EU) No 1271/2013 applying to the bodies referred to in Article 208 of the Financial Regulation) with a view to its application from the beginning of the financial year, ensuring a clear-cut transition to the new rules;
- D. whereas, pursuant to Article 210 of Regulation (EU, Euratom) No 966/2012, which empowers the Commission to adopt such delegated acts, the delegated regulation (C(2015)07554) may in principle enter into force only at the end of the period of scrutiny by Parliament and the Council, which runs for two months from the date of notification — i.e. until 30 December 2015 — and may be extended by a further two months;
- E. whereas, however, the Commission asked Parliament on 12 November 2015, should it not intend to object to the delegated act, to notify the Commission accordingly on 21 December 2015 at the latest, since in order to ensure its timely publication in the Official Journal before 31 December 2015 and thereby secure the entry into force of the delegated act on 1 January 2016 as envisaged, it would have to be transmitted to the Publications Office by 21 December 2015;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.
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