



Reports of Cases

Case C-65/13

European Parliament
v
European Commission

(Action for annulment — Regulation (EU) No 492/2011 — Implementing Decision 2012/733/EU — EURES network — Implementing power of the European Commission — Scope — Article 291(2) TFEU)

Summary — Judgment of the Court (Second Chamber), 15 October 2014

Institutions of the European Union — Exercise of powers — Implementing power conferred on the Commission for the adoption of implementing measures — Limits — Determination by reference to the general aims of the legislative act in question and the necessity or appropriateness of the provisions of the implementing measure adopted — Adoption of Decision 2012/733 — Limits of the implementing power conferred on the Commission not exceeded

(Art. 291(2), TFEU; European Parliament and Council Regulation No 492/2011, Art. 11(1), second subpara., Arts 12, 13, 21, 29 and 38; Commission Decision 2012/733)

When an implementing power is conferred on the Commission on the basis of Article 291(2) TFEU, the Commission is called on to provide further detail in relation to the content of the legislative act, in order to ensure that it is implemented under uniform conditions in all Member States. Further detail is provided if the provisions of the implementing measure adopted by it (i) comply with the essential general aims pursued by the legislative act and (ii) are necessary or appropriate for the implementation of that act without supplementing or amending it.

Implementing Decision 2012/733 implementing Regulation No 492/2011 as regards the clearance of vacancies and applications for employment and the re-establishment of EURES, which is based on the implementing power conferred on the Commission by Article 38 of Regulation No 492/2011 on freedom of movement for workers within the Union, satisfies those conditions. First, Decision 2012/733 complies with the essential general aim of Chapter II of Regulation No 492/2011 to put workers in a position to take up concrete offers of employment from other regions of the Union by ensuring in a general way a clearer picture of the labour market, in that, as is apparent from recital 4 in the preamble to, and Article 2 of, Decision 2012/733, that decision, like Regulation No 492/2011, is intended to facilitate the cross-border geographical mobility of workers, by promoting, under a joint action framework, namely, EURES, transparency and exchange of information on the European labour markets.

Secondly, since Article 38 of Regulation No 492/2011 must be construed in the light of Article 291 TFEU, the reference to measures for the implementation of Regulation No 492/2011 in Article 38 concerns the need to ensure that that regulation is implemented under uniform conditions in all Member States but it does not affect the scope of the implementing power which the Commission has under the framework established by Chapter II of Regulation No 492/2011. In this connection,

having regard to the fact that EURES was not established by Regulation No 492/2011, that regulation, and, in particular, the second subparagraph of Article 11(1) of the regulation, confer on the Commission the authority to develop the operating rules for joint action by the Commission and the Member States as regards the clearing of vacancies and applications for employment within the Union and the resultant placing of workers in employment. The establishment of the EURES Management Board and the conferment of a consultative role on it by Decision 2012/733 neither supplement nor amend the framework established by Regulation No 492/2011 since they are intended merely to ensure that the joint action required by that regulation operates effectively without encroaching on the powers of the Advisory Committee and the Technical Committee established by Articles 21 and 29 of that regulation, respectively. Similarly, it cannot be accepted that the Commission exceeded its implementing power by the mere fact of having provided for the future adoption of the EURES Charter. Article 10 of the decision neither supplements nor amends the framework established by the regulation since Article 10 and the action stated therein are intended merely to facilitate the exchange of information within EURES, as required by Articles 12 and 13 of that regulation, and to promote its effective operation.

(see paras 40, 43, 46, 50, 52, 60, 87, 92)