

AMENDMENT FORM

Suggestion for amendment of Article : 27

By Mr Hain

Status : Member

Article 27: Delegated regulations

1. European laws and European framework laws may delegate to the Commission the power to enact delegated regulations in order to supplement or amend certain non-essential elements of the law or framework law.

The objectives, content and scope and duration of the delegation shall be explicitly defined in the laws and framework laws. A delegation may not cover the essential elements of an area. These shall be reserved for the law or framework law.

2. The conditions of application to which the delegation is subject shall be explicitly determined in the law or framework law, in accordance with the provisions referred to in Part Two. ; they shall consist of one or more of the following possibilities:

~~——the European Parliament and the Council may decide to revoke the delegation;~~

~~——the delegated regulation may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the law or framework law;~~

~~——the provisions of the delegated regulation are to lapse after a period set by the law or framework law. They may be extended, on a proposal from the Commission, by decision of the European Parliament and of the Council.~~

~~For the purposes of the preceding paragraph, the European Parliament shall act by a majority of its members, and the Council by a qualified majority.~~

- 2 bis The provisions in paragraph 1 and 2 above do not apply in the common foreign, security and defence policy. Specific provisions shall apply in the cases referred to in Article Z (ex-third pillar).

Explanation (if any) :

We find the title confusing, as regulations have an existing meaning. Can we use something else?

Article 27 (2) :

Conditions of application for delegated acts and implementing acts are best set out in Part Two to keep Part One clear and simple. These should provide for positive assent from the Council. The conditions of application also need to provide for a conciliation procedure when either the Council or the European Parliament call back the proposed act.

Article 27(2 bis) :

We have introduced this paragraph because provisions in paragraph 1 and 2 should not apply to CFSP. Under this policy, no primary legislation is adopted and therefore there is no need for delegated legislation. Specific provisions should apply to JHA.