

AMENDMENT FORM

Suggestion for amendment of Article 27: Delegated regulations

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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, scope and duration of the delegation shall be explicitly defined in the laws and framework laws **by the legislator/s**. 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 cases where the legislative procedure as defined in Article 25.1 applies they shall may consist of one or more of the following possibilities:

- the European Parliament ~~and~~ **or** 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,~~ **In these cases,** the European Parliament shall act by a majority of its members, and the Council by a qualified majority.

In those cases where Article 25.2 applies, the Council alone shall determine the conditions of application and have the right to decide to revoke the delegation ; to object to a delegated regulation ; or to extend the period within which the delegated regulation is to apply.

Explanation (if any) :

Article 27.1 should make it clear that the scope of any delegation, in particular what constitutes an ‘essential’ or ‘non-essential’ element of a Law or Framework Law, are to be decided by the relevant legislators, ie either the Council and the European Parliament or, as appropriate, the Council alone. It is understood that the decision-making procedure to apply to these aspects will be that generally applicable under the Treaty to adoption of the Law or Framework Law as a whole.

The list in Article 27.2 should not be definitive. It should leave open the possibility of the legislators attaching further conditions to any delegation as they deem appropriate.

The first indent in Article 27.2 should provide that *either* legislator - the Council *or* the Parliament - may revoke the delegation. This is consistent with the approach in the second indent where either legislator can object to a delegated act entering into force.

It should be clear that where the legislative process does not apply (under Article 25.2), the Council alone has responsibility for the application of Article 27.