

AMENDMENT FORM

Suggestion for amendment of Article 27

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Article 27: Delegated regulations

1. European laws and European framework laws may delegate to the Commission **or, in exceptional, properly justified cases, to the Council**, the power to enact delegated **European** 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. A delegation may not cover the essential elements of an area **such as legal norms affecting the exercise of fundamental rights and freedoms, principles governing rights and obligations of individuals or the basic principles of the Union's policies**. 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; 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 **applying the conditions set out in** the preceding paragraph, the European Parliament shall act by a majority of its members, and the Council by a qualified majority, **in accordance with the procedure referred to in Article XX (Part Two of the Constitution)**.

Explanation (if any) :

Thought should be given to the possibility to add the Council to article 27 paragraph 1, so that not only the Commission but also the Council could, in exceptional and well-founded cases, have the power to approve delegated regulations.

In line with the style adopted in Article 28 (“European implementing regulations”), delegated regulations might be called “delegated European regulations”.

There should be no possibility to amend laws or framework laws through delegated acts, not even their “non-essential elements”.

Even though the scope of the delegation could be decided by the legislative institutions on a case-by-case basis, the Constitution should, in the second subparagraph of paragraph 1 of article 27, define the areas where delegation is not allowed in any circumstances. At the moment, the concept of “essential elements” is too vague and leaves the legislator with too much discretion as to the scope of the delegation.

In paragraph 2, it should be specifically stated that the details of the procedure concerning the use of the conditions of application for the delegation (indents 1-3) are to be found in article XX in Part Two of the Constitution.