

AMENDMENT FORM

Suggestion for amendment of Article : 28

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Article 28: Implementing acts

1. Member States shall adopt all measures of national law necessary to implement the Union's legally binding acts.
 2. Where uniform conditions for the implementation of the Union's binding acts are needed, those acts may confer implementing powers on the ***Commission and*** in the cases provided for in Article [CFSP], on the Council. ***Specialised agencies possessing legal personality may also be entrusted with implementing tasks. Such tasks must be strictly defined and purely executive in a technical sense.***
 3. ***In the exercise of its implementing powers, the Commission may establish advisory committees composed of representatives of Member States. The Commission may also establish supervisory committees at a technical level.***
 4. Implementing acts of the Union shall take the form of implementing regulations or implementing decisions.
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Explanation :

In Article 28.2 we remove the reference to (unspecified) 'specific cases'. It is the Commission and not the Council that has executive power to implement acts at the Union level. The extension of codecision to all law-making renders null and void the (even today) exceptional power of the Council to grant itself implementing powers.

Discretionary powers must be restricted to the Union institutions themselves. Nevertheless, it would be useful to make explicit the basic principles of the ECJ's case law on the delegation of executive powers as found in Meroni.

In Article 28.3, therefore, we suppress the bizarre reference to future 'control mechanisms' and spell out precisely what the Commission needs to do to bring greater efficiency, effectiveness and transparency to the implementation of the Union's law and policy.

If the Convention were to fail to reform the comitology procedures it will have failed comprehensively.