

AMENDMENT FORM

Suggestion for amendment of Article : 28

Suggestion for protocol :

By Ms / Mr : **R. van der Linden (member)**
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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 or **may confer implementing powers** in specific cases and in the cases provided for in Article [CFSP], on the Council.
3. Implementing acts of the Union may be subject ~~to control mechanisms~~ to conditions which shall be consonant with principles and rules laid down in advance by the European Parliament and the Council in accordance with the legislative procedure.
4. Implementing acts of the Union shall take the form of European implementing regulations or European implementing decisions.

Explanation (if any) :

Article 28 (2): “may confer” is a weakening of the current formulation in article 202 TEC. Only the exceptions to the rule should incorporate a possibility (i.e. “may”).

Article 28 (3): “control mechanisms” is an entirely new concept within the law of the European Union and within this context a too weak formulation, therefore it should be replaced by “conditions”.

The proposed formulation in this article represents to a minimal degree a reform of the current comitology procedures.

~~Explanation (if any) :~~