

## AMENDMENT FORM

### Suggestion for amendment of Article : 27

By Mr. Poul Schlüter

Status : Alternate

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#### **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 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; they shall consist of one or more of the following possibilities:
  - the European Parliament ~~and~~ or the Council may decide to revoke the delegation in the cases laid down by the law or framework law
  - 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; except on imperative grounds of urgency this period shall be no less than two months.
  - 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 an absolute-majority-of the votes cast of its members., and the-Council shall act by a qualified

majority of its members.

**When drafting delegated acts, the Commission shall consult representatives of Member States, the European Parliament as well as civil society. On request of [X] Member States such consultation shall take place in the framework of an advisory committee within a certain period of time.**

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#### **Explanation:**

Delegation to the Commission will only take place as intended if the legislator has sufficient trust in the new system. The system must therefore be transparent and offer good opportunities for the Council and the European Parliament to control the exercise of the powers delegated to the Commission. The amendments proposed above are intended to ensure this.

The proposed amendment to the first indent allows both of the two branches of the legislature to revoke the delegation irrespective of the position of the other branch.

The proposed indicative time limit should make it possible for both the European Parliament and the Council to have sufficient time to examine the delegated regulations.

The proposed voting rules would make it easier for the Council and the European Parliament to exercise control.

The proposed wording on consultation aims to ensure sufficient transparency in the drafting of delegated regulations to allow the Commission to take all relevant information and views into account.

On the consultation of Member States, it should be noted that Member States are responsible for adopting all measures of national law necessary to implement the Union's legally binding acts, cf. Art. 28, Par. 1 of the draft Constitutional Treaty. National authorities possess knowledge of national and local conditions on which basis they may provide valuable advice to the Commission with a view to promoting the effective implementation of delegated regulations.

Let me add that these issues are complicated and may require more analysis, including in the area covered by the so called Lamfalussy procedure. Other ways to achieve the same objectives may be found. I therefore reserve my right to return to these issues.