

(Annex I, Sections VIII-IX, points 81-101)

Proposal for a regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union

(Text with EEA relevance)

Green: The text can be deemed as already agreed
 Yellow: The issue needs further discussion at technical level
 Red: The issue needs further discussion in depth at trilogues

Note:

Differences between the EP's position and the Commission's proposal are highlighted in Bold/Italics on EP text.

Differences between the Council's position and the Commission's proposal are highlighted in Bold/Italics on Council text.

Modifications by lawyer-linguists are in Italics.

Compromise wording is in Bold/Italics/Underline.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
1.	VIII. FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION			
2.	81. Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards*			

* OJ L 243, 11.9.2002, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
3.	<p>In order to decide on the applicability within the Union of international accounting standards developed by the International Accounting Standards Board, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement Regulation (EC) No 1606/2002. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>		[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
4.			In order to ensure uniform conditions for the implementation of Regulation (EC) No 1606/2002, implementing powers should be conferred on the Commission to adopt measures concerning the applicability within the Union of international accounting standards. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
5.	Accordingly, Regulation (EC) No 1606/2002 is amended as follows:			
6.	(1) Article 3 is amended as follows:			
7.	(a) paragraph 1 is replaced by the following:			
8.	"1. The Commission is empowered to adopt delegated acts in accordance with Article 5a concerning the applicability within the Union of	The Commission is empowered to adopt delegated acts in accordance with Article 5a <i>to supplement this</i>	"1. The Commission shall, by means of implementing acts, [...] adopt measures [...] concerning the	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	international accounting standards.	Regulation by establishing the applicability within the Union of international accounting standards (<i>'adopted international accounting standards'</i>).	applicability within the Union of international accounting standards.	
9.	Where, in the case of possible imminent risks to the stability of financial markets, imperative grounds of urgency so require, the procedure provided for in Article 5b shall apply to delegated acts adopted pursuant to this paragraph.";	<i>deleted</i>	[...]	
10.			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 6(2). "	
11.	(b) paragraph 3 is deleted;			
12.		<i>(1 a) in Article 4, paragraph 1 is replaced by the following:</i>		
13.	<i>(not in COM(2016)0799, but in the basic act)</i> "For each financial year starting on	"For each financial year starting on or after 1 January 2005, companies governed by		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	or after 1 January 2005, companies governed by the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with the procedure laid down in Article 6(2) if, at their balance sheet date, their securities are admitted to trading on a regulated market of any Member State within the meaning of Article 1(13) of Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field ⁽¹⁾ .”	the law of a Member State shall prepare their consolidated accounts in conformity with the international accounting standards adopted in accordance with <i>Article 3(1)</i> , if, at their balance sheet date, their securities are admitted to trading on a regulated market <i>as defined in point (21) of Article 4(1)</i> of Directive <i>2014/65/EU</i> .”		
14.		<i>(1 b) Article 5 is replaced by the following:</i>		
15.	<i>(not in COM(2016)0799, but in the basic act)</i> "Article 5 Options in respect of annual accounts and of non publicly-traded companies Member States may permit or require:	"Article 5 Options in respect of annual accounts and of non publicly-traded companies Member States may permit or require:		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>(a) the companies referred to in Article 4 to prepare their annual accounts,</p> <p>(b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,</p> <p>in conformity with the international accounting standards adopted in accordance with the procedure laid down in Article 6(2).”</p>	<p>(a) the companies referred to in Article 4 to prepare their annual accounts,</p> <p>(b) companies other than those referred to in Article 4 to prepare their consolidated accounts and/or their annual accounts,</p> <p>in conformity with the international accounting standards adopted in accordance with Article 3(1).”</p>		
16.	(2) the following Articles 5a and 5b are inserted:		<p>[...]</p> <p><i>(Deletion of Articles 5a and 5b)</i></p>	
17.	"Article 5a Exercise of the delegation			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
18.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
19.	2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for an indeterminate period of time [from the entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the Commission for <i>a</i> period of <i>five years from ... [date of entry into force of this amending Regulation]</i> . <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
20.	3. The delegation of power referred to in Article 3(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
21.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			

* OJ L 123, 12.5.2016, p. 1.";

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
22.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
23.	A delegated act adopted pursuant to Article 3(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 3(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.		
24.	<i>Article 5b</i> Urgency procedure	<i>deleted</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
25.	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.			
26.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 5a(6) In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.			
27.	(3) Articles 6 and 7 are deleted.	(3) <i>Article 6 is</i> deleted.	(3) Article[...] 6, paragraph 2 is replaced by the following: [...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
28.			"2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply."	
29.		<i>(3 a) Article 7 is replaced by the following:</i>		
30.	<i>(not in COM(2016)0799, but in the basic act)</i> "Article 7 Reporting and coordination 1. The Commission shall liaise on a regular basis with the Committee about the status of active IASB projects and any related documents issued by the IASB in	"Article 7 Reporting and coordination 1. The Commission shall inform on a regular basis the European Parliament and the Council about the status of active IASB projects and any related documents issued by		

* Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.</p> <p>2. The Commission shall duly report to the Committee in a timely manner if it intends not to propose the adoption of a standard.”</p>	<p>the IASB in order to coordinate positions and to facilitate discussions concerning the adoption of standards that might result from these projects and documents.</p> <p>2. The Commission shall duly report to the <i>European Parliament and to the Council</i> in a timely manner if it intends not to propose the adoption of a standard.”</p>		
31.	<p>82. Council Directive 2009/110/EC of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC †</p>			

† OJ L 267, 10.10.2009, p. 7.

32.	<p>In order to adapt Directive 2009/110/EC to take account of inflation or technological and market developments, and to ensure a convergent application of certain exemptions set out in that Directive, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>Directive 2009/110/EC <i>includes in Article 14 an empowerment for the Commission to adopt measures which are necessary to update the provisions of the Directive "in order to take account of inflation or technological and market developments" in accordance with the regulatory procedure with scrutiny. Such empowerment, if adapted to an empowerment for the adoption of delegated acts without further changes, would not satisfy the requirements of Article 290 TFEU regarding the necessary specification of objectives, content and scope of the delegation of power. Taking into account that the Commission has not used the empowerment to date, it should be deleted.</i></p>	<p>In order to adapt Directive 2009/110/EC to take account of inflation or technological and market developments, [...] the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission</p>	
-----	---	--	---	--

			expert groups dealing with the preparation of delegated acts.	
--	--	--	---	--

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
33.			In order to ensure uniform conditions for the implementation of Council Directive 2009/110/EC of 16 September 2009, implementing powers should be conferred on the Commission to ensure the convergent application of certain exemptions set out in that Directive. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
34.	Accordingly, Directive 2009/110/EC is amended as follows:			
35.			(1) The title of Title IV is replaced by the following:	
36.			"FINAL PROVISIONS, DELEGATED AND IMPLEMENTING ACTS".	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
37.	(1) Article 14 is replaced by the following:	(1) Article 14 is <i>deleted</i> .	([...] 2) Article 14 is replaced by the following:	
38.	" <i>Article 14</i> Delegated acts			
39.	The Commission is empowered to adopt delegated acts in accordance with Article 14a:		The Commission is empowered to adopt delegated acts in accordance with [...] Article 14b [...]	
40.	a) amending this Directive in order to take account of inflation or technological and market developments;		[...] amending this Directive in order to take account of inflation or technological and market developments."	
41.	b) amending Article 1(4) and (5) to ensure the convergent application of the exemptions referred to in those provisions.";		[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
42.	(2) the following Article 14a is inserted:	<i>deleted</i>	(3) the following Articles 14a and 14b are inserted:	
43.			“Article 14a Implementing acts	
44.			The Commission shall, by means of implementing acts, ensure the convergent application of the exemptions referred to in Article 1(4) and (5).	
45.			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).	
46.			[...]	
47.	<i>"Article 14a</i> Exercise of the delegation		[...] <i>"Article 14[...]</i> b Exercise of the delegation	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
48.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
49.	2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for an indeterminate period of time [from the entry into force of this Omnibus].		2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
50.	3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
51.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			

* OJ L 123, 12.5.2016, p. 1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
52.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
53.	6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
54.	(3) Article 15 is deleted.		(4[...]) Article 15, paragraph 2 is replaced by the following:[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
55.			"2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply."	
56.	IX. INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES			
57.	83. Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers‡			
58.	In order to take into account new developments in aerosol dispenser technology and ensure a high level of safety, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the			

* Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

‡ OJ L 147, 9.6.1975, p. 40.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Commission to amend Directive 75/324/EEC to adapt it to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
59.	Accordingly, Directive 75/324/EEC is amended as follows:			
60.	(1) Article 5 is replaced by the following:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
61.	"Article 5			
62.	The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the Annex to adapt it to technical progress.";			
63.	(2) Articles 6 and 7 are deleted;			
64.	(3) in Article 10(3), the first subparagraph is replaced by the following:			
65.	"The Commission is empowered to adopt delegated acts in accordance with Article 10a amending this Directive to ensure necessary technical adaptations concerning the hazard analysis, the technical characteristics of aerosol dispensers, the physical and chemical properties of the contents, the labelling and flammability requirements and test methods and procedures for aerosol dispensers.		"The Commission is empowered to adopt delegated acts in accordance with Article 10a amending Article 8, with the exception of paragraph 2 thereof, and the Annex to this Directive, following the adoption of its opinion referred to in paragraph 2 of this Article. Such amendments shall [...]ensure necessary technical adaptations	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			concerning the hazard analysis, the technical characteristics of aerosol dispensers, the physical and chemical properties of the contents, the labelling and flammability requirements and test methods and procedures for aerosol dispensers.	
66.	(4) the following Article 10a is inserted:			
67.	"Article 10a			
68.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
69.	2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this	2. The power to adopt delegated acts referred to in Article 5 and Article 10(3) shall be conferred on the Commission for [...] a period of five years from [date of entry into force of	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	this Regulation].The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
70.	3. The delegation of power referred to in Article 5 and Article 10(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	specified therein. It shall not affect the validity of any delegated acts already in force.			
71.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
72.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
73.	6. A delegated act adopted pursuant to Article 5 and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period,	6. A delegated act adopted pursuant to Article 5 and Article 10(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European		

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
74.	84. Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products[§]			
75.	In order to adapt Directive 76/211/EC to technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I and II to that Directive. It is of particular importance that the Commission			

[§] OJ L 46, 21.2.1976, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
76.	Accordingly, Directive 76/211/EEC is amended as follows:			
77.	(1) Article 6 is replaced by the following:			
78.	<i>"Article 6</i>			
79.	"The Commission is empowered to adopt delegated acts in accordance with Article 6a amending Annexes I			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	and II to adapt them to technical progress."			
80.	(2) the following Article 6a is inserted:			
81.	"Article 6a			
82.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
83.	2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for <i>a</i> period of five years from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European</i>	2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
84.	3. The delegation of power referred to in Article 6 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
85.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Agreement on Better Law-Making of 13 April 2016*.			
86.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
87.	6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.		

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
88.	85. Directive 80/181/EEC of the Council of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC**			
89.	In order to adapt Directive 80/181/EEC to technical progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Directive and to supplement that Directive with supplementary indications. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the			

** OJ L 39, 15.2.1980, p. 40.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
90.			In order to ensure uniform conditions for the implementation of Directive 80/181/EEC of 20 December 1979, implementing powers should be conferred on the Commission to establish supplementary indications. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
91.	Accordingly, Directive 80/181/EEC is amended as follows:			
92.	(1) Article 6a is replaced by the following:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
93.	"Article 6a			
94.	The Commission is empowered to adopt delegated acts in accordance with Article 6c establishing supplementary indications.	The Commission is empowered to adopt delegated acts in accordance with Article 6c <i>to supplement this Directive</i> by establishing supplementary indications.	[...] 1. The Commission may, by means of implementing acts, establish supplementary indications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 6d.	
95.	The Commission is empowered to adopt delegated acts in accordance with Article 6c amending Chapter I of the Annex to adapt it to technical progress.		2. The Commission is empowered to adopt delegated acts in accordance with Article 6c amending Chapter I of the Annex to adapt it to technical progress."	
96.	(2) the following Article 6c is inserted:		(2) the following Articles 6c and 6d are inserted:	
97.	"Article 6c			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
98.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
99.	2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for <i>a</i> period of five years from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation] . The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
100.	3. The delegation of power referred to in Article 6a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
101.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
102.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
103.	6. A delegated act adopted pursuant to Article 6a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 6a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
104.			<i>Article 6d</i>	
105.			1. The Commission shall be assisted by a committee.	
106.			2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			Parliament and of the Council^{††} shall apply."	
107.	86. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service^{††}			
108.	In order to ensure swift technical adaptation of the quality-of-service standards, in particular on routing times and on the regularity and reliability of cross-border services, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to Directive 97/67/EC to adapt them to technical progress and to supplement that Directive with standardised			

^{††}Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

^{**} OJ L 15, 21.1.1998, p. 14.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>conditions for performance monitoring. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>			
109.			<p>In order to ensure uniform conditions for the implementation of Directive 97/67/EC of 15 December 1997, implementing powers should be conferred on the Commission to specify standardised conditions for</p>	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			performance monitoring. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
110.	Accordingly, Directive 97/67EC is amended as follows:			
111.	(1) in Article 16, the third and fourth paragraphs are replaced by the following:			
112.	"Those standards shall be set by:			
113.	(a) the Member States in the case of national services;			
114.	(b) the European Parliament and the Council in the case of intra-Union cross-border services (see Annex II).			
115.	The Commission is empowered to adopt delegated acts in accordance with Article 21a amending Annex II to adapt the standards for intra-Union cross-border services to technical progress or market developments.			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
116.	Independent performance monitoring shall be carried out at least once a year by external bodies having no links with the universal service providers under standardised conditions and shall be the subject of reports published at least once a year.			
117.	The Commission is empowered to adopt delegated acts in accordance with Article 21a specifying such standardised conditions.";	The Commission is empowered to adopt delegated acts in accordance with Article 21a <i>to supplement this Directive by</i> specifying such standardised conditions.	The Commission shall, by means of implementing acts, [...] specify [...] such standardised conditions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2)."	
118.	(2) the title of Chapter 8 is replaced by the following:			
119.	"Delegated and implementing acts";			
120.	(3) after the title of Chapter 8, the following Article 20a is inserted:			
121.	<i>"Article 20a</i> Exercise of the delegation			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
122.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
123.	2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in Article 16, third paragraph , shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
124.	3. The delegation of power referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		3. The delegation of power referred to in Article 16, third paragraph , may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
125.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ^{§§} .			

^{§§} OJ L 123, 12.5.2016, p.1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
126.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
127.	6. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		6. A delegated act adopted pursuant to Article 16, third paragraph , shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
128.	(4) in Article 21, the second paragraph is deleted.		(4) in Article 21, the second paragraph is [...] replaced by the following:	
129.			“2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council*** shall apply.”	
130.	87. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors^{†††}			
131.	In order to adapt Directive 2000/14/EC to technical progress, the			

*** Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

††† OJ L 162, 3.7.2000, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex III to that Directive. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
132.	Accordingly, Directive 2000/14/EC is amended as follows:			
133.	<i>"Article 17a</i> Exercise of the delegation			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
134.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
135.	2. The power to adopt delegated acts referred to in Article 18a shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 18a shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in Article 18a shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
136.	3. The delegation of power referred to in Article 18a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
137.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ^{***} .			
138.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

^{***} OJ L 123, 12. 5. 2016, p.1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
139.	6. A delegated act adopted pursuant to Article 18a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
140.	(2) in Article 18, paragraph 2 is deleted;			
141.	(3) Article 18a is replaced by the following:			
142.	<i>"Article 18a</i> Amendments to Annex III			
143.	The Commission is empowered to adopt delegated acts in accordance with Article 17a amending Annex III to adapt it to technical progress. Those delegated acts shall not have			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	any direct impact on the measured sound power level of equipment listed in Article 12, in particular through the inclusion of references to relevant European standards.";			
144.	(4) in Article 19, point (b) is deleted.			
145.	88. Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ^{§§§}		[...] <i>(Deletion of this entire point of the Annex)</i>	
146.	In order to adopt the necessary technical adaptations to Regulation (EC) No 2003/2003, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annexes I to IV to that Regulation for the purpose of adapting and modernising the measuring, sampling and analysis methods and specifying the control measures and to amend Annex I to that Regulation to include new types of fertilisers. It is of			

^{§§§} OJ L 304, 21.11.2003, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
147.	Accordingly, Regulation (EC) No 2003/2003 is amended as follows:			
148.	(1) in Article 29, paragraph 4 is replaced by the following:			
149.	"4. The Commission is empowered to adopt delegated acts in accordance with Article 31a amending Annexes I to IV for the purpose of adapting and modernising the measuring, sampling			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	and analysis methods and shall, wherever possible, use European standards.			
150.	The Commission is also empowered to adopt delegated acts in accordance with Article 31a amending Annexes I to IV for the purpose of specifying the control measures provided for in paragraphs 1, 2 and 3 of this Article and in Articles 8, 26 and 27. Such acts shall in particular address the question of the frequency with which tests need to be repeated, as well as measures that are designed to ensure that the fertiliser put on the market is identical with the fertiliser tested.";			
151.	(2) Article 31 is amended as follows:			
152.	(a) paragraph 1 is replaced by the following:			
153.	"1. The Commission is empowered to adopt delegated acts in accordance with Article 31a amending Annex I to include new types of fertilisers.";			
154.	(b) paragraph 4 is deleted;			

Deleted: .

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
155.	(3) the following Article 31a is inserted:			
156.	" <i>Article 31a</i> Exercise of the delegation			
157.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
158.	2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 29(4) and Article 31(1) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>opposes such extension not later than three months before the end of each period.</i>		
159.	3. The delegation of power referred to in Article 29(4) and Article 31(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
160.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016****.			

**** OJ L 123, 12.5.2016, p. 1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
161.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
162.	6. A delegated act adopted pursuant to Article 29(4) and Article 31(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
163.	89. Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP)^{***}			

*** OJ L 50, 20.2.2004, p. 28.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
164.	In order to adopt the necessary technical adaptation to Directive 2004/9/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:			
165.	- to amend that Directive in order to resolve disagreements in relation to GLP compliance;			
166.	- to amend the endorsement formula in that Directive;			
167.	- to amend Annex I to that Directive to take account of technical progress.			
168.	It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
169.	Accordingly, Directive 2004/9/EC is amended as follows:			
170.	(1) in Article 6, paragraph 3 is replaced by the following:			
171.	"3. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending this Directive in order to resolve the matters referred to in paragraph 1.";		"3. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending this Directive in order to resolve the matters referred to in paragraph 1. Amendments relating to the Annex I shall be limited to providing detailed practical guidance to the Member States. "	
172.	(2) the following Article 6a is inserted:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
173.	"Article 6a			
174.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
175.	2. The power to adopt delegated acts referred to in Article 6(3) and Article 8(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 6(3) and Article 8(2) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 6(3) and Article 8(2) shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			three months before the end of each period.	
176.	3. The delegation of power referred to in Article 6(3) and Article 8(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
177.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016*.			
178.	5. As soon as it adopts a delegated act, the Commission shall notify it			

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	simultaneously to the European Parliament and to the Council.			
179.	6. A delegated act adopted pursuant to Article 6(3) and Article 8(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
180.	(3) in Article 7, paragraph 3 is deleted;			
181.	(4) in Article 8, paragraph 2 is replaced by the following:			
182.	"2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
183.	(a) the formula in Article 2(2);			
184.	(b) Annex I, to take account of technical progress.".			
185.	90. Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances^{***}			
186.	In order to ensure the necessary technical adaptations to Directive 2004/10/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex I to that Directive in order to adapt it to technical progress with regard to the principles of good laboratory practice, and to amend that Directive in order		In order to ensure the necessary technical adaptations to Directive 2004/10/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex I to that Directive in order to adapt it to technical progress	

*** OJ L 50, 20.2.2004, p. 44.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>to introduce necessary technical adaptations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>		<p>with regard to the principles of good laboratory practice, and to amend that Directive except Annex I thereof in order to introduce necessary technical adaptations. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with</p>	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			the preparation of delegated acts.	
187.	Accordingly, Directive 2004/10/EC is amended as follows:			
188.	<i>(1) Article 3a is replaced by the following:</i>			
189.	<i>"Article 3a</i>			
190.	The Commission is empowered to adopt delegated acts in accordance with Article 3b amending Annex I to adapt it to technical progress, with regard to principles of GLP.";			
191.	(2) the following Article 3b is inserted:			
192.	<i>"Article 3b</i>			
193.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
194.	2. The power to adopt delegated acts referred to in Article 3a and Article	2. The power to adopt delegated acts referred to in	2. The power to adopt delegated acts referred to in	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	5(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	Article 3a and Article 5(2) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	Article 3a and Article 5(2) shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
195.	3. The delegation of power referred to in Article 3a and Article 5(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
196.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016*.			
197.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
198.	6. A delegated act adopted pursuant to Article 3a and Article 5(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the			

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.			
199.	(3) Article 4 is deleted;			
200.	(4) in Article 5(2), the third and fourth subparagraphs are replaced by the following:			
201.	"The Commission is empowered to adopt delegated acts in accordance with Article 3b amending this Directive to introduce necessary technical adaptations.".		"The Commission is empowered to adopt delegated acts in accordance with Article 3b amending this Directive [...] with the exception of Annex I thereof, in order to resolve the matters referred to in paragraph 1. "	
202.	91. Directive 2006/42/EC of the European Parliament and of the Council on machinery, and			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	amending Directive 95/16/EC ^{§§§§}			
203.	In order to take into account new developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the indicative list of safety components in Annex V to Directive 2006/42/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert			

§§§§ OJ L 157, 9.6.2006, p. 24.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	groups dealing with the preparation of delegated acts.			
204.	In order to ensure uniform conditions for the implementation of Directive 2006/42/EC, implementing powers should be conferred on the Commission concerning necessary measures to deal with potentially hazardous machinery. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.			
205.	Accordingly, Directive 2006/42/EC is amended as follows:			
206.	(1) in Article 8, paragraph 1 is replaced by the following:			
207.	"1. The Commission is empowered to adopt delegated acts in accordance with Article 21a amending Annex V to update the indicative list of safety components.";			
208.	(2) in Article 9(3), the second and third subparagraphs are replaced by the following:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
209.	"Taking due account of the results of that consultation, the Commission shall adopt the necessary measures by implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 22(3).";			
210.	(3) the following Article 21a is inserted:			
211.	<i>"Article 21a</i> Exercise of the delegation			
212.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
213.	2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for <i>a</i> period of five years from ... [date of entry into force of this amending Regulation]. <i>The Commission shall draw up a report in respect of the delegation of power not later</i>	2. The power to adopt delegated acts referred to in Article 8(1) shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation] . The Commission shall draw up a report in respect of the	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
214.	3. The delegation of power referred to in Article 8(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
215.	4. Before adopting a delegated act, the Commission shall consult experts			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
216.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
217.	6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 8(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be		

* OJ L 123, 12.5.2016, p.1."

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
218.	(4) in Article 22, paragraph 3 is replaced by the following:			
219.	"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council* shall apply.			
220.	92. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market*****			
221.	In order to ensure swift technical adaptation of Directive 2006/123/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Directive with		[...]	

* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).".

***** OJ L 376, 27.12.2006, p. 36

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>common criteria and certain time-limits. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>			
222.			<p>In order to ensure uniform conditions for the implementation of Directive 2006/123/EC of 12 December 2006, implementing powers should be conferred on the</p>	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
			Commission to establish common criteria for defining what is appropriate to the nature and extent of the risk relevant to professional liability insurance and guarantees and certain time-limits. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
223.	Accordingly, Directive 2006/123/EC is amended as follows:			
224.	(1) in Article 23, paragraph 4 is replaced by the following:			
225.	"4. For the implementation of paragraph 1, the Commission may, in accordance with the procedure referred to in Article 40(2), establish a list of services which exhibit the characteristics referred to in paragraph 1 of this Article.			
226.	The Commission is empowered to adopt delegated acts in accordance with Article 39a establishing common	The Commission is empowered to adopt delegated acts in accordance with Article	[...] The Commission may also, in accordance with the procedure referred to in	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	criteria for defining, for the purposes of the insurance or guarantees referred to in paragraph 1 of this Article, what is appropriate to the nature and extent of the risk.";	39a <i>to supplement this Directive by</i> establishing common criteria for defining, for the purposes of the insurance or guarantees referred to in paragraph 1 of this Article, what is appropriate to the nature and extent of the risk.	Article 40(3) , establish[...] common criteria for defining, for the purposes of the insurance or guarantees referred to in paragraph 1 of this Article, what is appropriate to the nature and extent of the risk.";	
227.	(2) Article 36 is replaced by the following:			
228.	"Article 36 Delegated and implementing acts		"Article 36 [...]Implementing acts	
229.	The Commission is empowered to adopt delegated acts in accordance with Article 39a in order to specify the time-limits provided for in Articles 28 and 35.	The Commission is empowered to adopt delegated acts in accordance with Article 39a <i>to supplement this Directive by specifying</i> the time-limits provided for in Articles 28 and 35.	The Commission shall, by means of implementing acts , [...] specify the time-limits provided for in Articles 28 and 35. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).	
230.	The Commission shall also adopt, by means of implementing acts, the			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	practical arrangements for the exchange of information by electronic means between Member States, and in particular the interoperability provisions for information systems. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 40(2).";			
231.	(3) the following Article 39a is inserted:		[...] <i>(Deletion of entire Article 39a)</i>	
232.	<i>"Article 39a</i> Exercise of the delegation			
233.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
234.	2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 23(4) and Article 36 shall be conferred on the Commission for a period of five years from ... [date of entry into force of this		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>		
235.	3. The delegation of power referred to in Article 23(4) and Article 36 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
236.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
237.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
238.	6. A delegated act adopted pursuant to Article 23(4) and Article 36 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the	6. A delegated act adopted pursuant to Article 23(4) and Article 36 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the		

* OJ L 123, 12.5.2016, p. 1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	European Parliament or of the Council.	Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
239.	(4) in Article 40, paragraph 3 is deleted.		([...] 3) in Article 40, paragraph 3 is replaced by the following:	
240.			"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council^{††††} shall apply."	
241.	93. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals		[...] <i>(Deletion of this entire point of the Annex)</i>	

^{††††} Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC****			
242.	The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:			
243.	- to amend Regulation (EC) No 1907/2006 in order to vary the percentage of dossiers selected for compliance checking and to amend or include further criteria for their selection;			
244.	- to amend the Annexes to that Regulation in certain cases;	- to amend the Annexes to that Regulation;		
245.	- to supplement that Regulation with rules on test methods.			
246.	It is of particular importance that the Commission carry out appropriate			

**** OJ L 396, 30.12.2006, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
247.	Accordingly, Regulation (EC) No 1907/2006 is amended as follows:			
248.	(1) in Article 13, paragraphs 2 and 3 are replaced by the following:			
249.	“2. The methods referred to in paragraph 1 shall be regularly reviewed and improved with a view to reducing testing on vertebrate animals and the number of animals involved. The Commission, following			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	consultation with relevant stakeholders, shall, as soon as possible, amend if appropriate Commission Regulation (EC) No 440/2008 ^{§§§§§} , and the Annexes to this Regulation, if relevant, so as to replace, reduce or refine animal testing. To that end the Commission is empowered to adopt delegated acts in accordance with Article 131a to amend that Commission Regulation and to amend the Annexes to this Regulation.			
250.	3. Where tests on substances are required to generate information on intrinsic properties of substances, they shall be conducted in accordance with the test methods laid down in a Commission Regulation or in accordance with other international test methods recognised by the Commission or the Agency as being appropriate.			

§§§§§ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 31.5.2008, p. 1)";

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
251.	The Commission is empowered to adopt delegated acts in accordance with Article 131a laying down test methods.	The Commission is empowered to adopt delegated acts in accordance with Article 131a to supplement this Regulation by laying down test methods.		
252.	Information on intrinsic properties of substances may be generated in accordance with other test methods provided that the conditions set out in Annex XI are met.			
253.	(2) in Article 41, paragraph 7 is replaced by the following:			
254.	“7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to vary the percentage of dossiers selected and to amend or include further criteria in paragraph 5.”	“7. The Commission is empowered to adopt delegated acts in accordance with Article 131a, after consulting with the Agency, to amend this Regulation by varying the percentage of dossiers selected and by updating or including further criteria in paragraph 5.”		
255.	(3) Article 58 is amended as follows:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
256.	(a) in paragraph 1, the introductory wording are replaced by the following:			
257.	“The Commission is empowered to adopt delegated acts in accordance with Article 131a amending Annex XIV to include substances referred to in Article 57. Those acts shall specify for each substance:”;			
258.	(b) paragraph 8 is replaced by the following:			
259.	“8. The Commission shall adopt delegated acts in accordance with Article 131a amending Annex XIV to remove substances which, as a result of new information, no longer meet the criteria of Article 57.”;			
260.	(4) in Article 68, paragraphs 1 and 2 are replaced by the following:			
261.	“1. The Commission shall adopt delegated acts in accordance with Article 131a amending Annex XVII in order to introduce new restrictions or adapt current restrictions for the			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	manufacture, use or placing on the market of substances on their own, in mixtures or in articles, pursuant to the procedure set out in Articles 69 to 73, when there is an unacceptable risk to human health or the environment, arising from the manufacture, use or placing on the market of such substances, which needs to be addressed on a Union-wide basis. Any such act shall take into account the socio-economic impact of the restriction, including the availability of alternatives.			
262.	The first subparagraph shall not apply to the use of a substance as an on-site isolated intermediate.			
263.	2. The Commission is empowered to adopt delegated acts in accordance with Article 131a amending Annex XVII in relation to restrictions on consumer use in respect of a substance on its own, in a mixture or in an article which meets the criteria for classification in the hazard classes carcinogenicity, germ cell mutagenicity or reproductive toxicity,			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	category 1A or 1B, and could be used by consumers. Articles 69 to 73 shall not apply.”;			
264.		<i>(4a) in Article 73, paragraph 2 is replaced by the following:</i>		
265.	<i>(not in COM(2016)0799, but in the basic act)</i> 2. A final decision shall be taken in accordance with the procedure referred to in Article 133(4). The Commission shall send the draft amendment to the Member States at least 45 days before voting.	<i>“2. The Commission is empowered to adopt a delegated act in accordance with Article 131a to supplement this Regulation with the final decision on amending Annex XVII.”</i>		
266.	(5) Article 131 is replaced by the following:			
267.	<i>"Article 131</i> Amendments to the Annexes			
268.	The Commission is empowered to adopt delegated acts in accordance with Article 131a amending the Annexes.”;			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
269.	(6) the following Article 131a is inserted:			
270.	“Article 131a Exercise of the Delegation			
271.	1. The power to adopt delegated acts conferred on the Commission is subject to the conditions laid down in this Article.	1. The power to adopt delegated acts <i>is</i> conferred on the Commission subject to the conditions laid down in this Article.		
272.	2. The power to adopt delegated acts referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 73(2) , Article 131 and Article 138(9) shall be conferred on the Commission for <i>a</i> period of five years from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>		
273.	3. The delegation of power referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 73(2) , Article 131 and Article 138(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
274.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement <i>of 13 April 2016</i> on Better Law-Making*.		
275.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
276.	6. A delegated act adopted pursuant to Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 131 and Article 138(9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if,	6. A delegated act adopted pursuant to Article 13(2) and (3), Article 41(7), Article 58(1) and (8), Article 68(1) and (2), Article 73(2) , Article 131 and Article 138(9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that		

* OJ L 123, 12.5.2016, p. 1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		
277.	(7) in Article 133, paragraph 4 is deleted;			
278.	(8) Article 138 is amended as follows:			
279.	(a) paragraph 5 is deleted;			
280.	(b) in paragraph 9, the second sentence is replaced by the following:			
281.	“The Commission is empowered to adopt delegated acts in accordance with Article 131a amending those testing requirements on the basis of that review, while ensuring a high			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	level of protection of health and the environment.”.			
282.	94. Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control *****			
283.	In order to ensure that the necessary technical adaptations are made to Directive 2009/34/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annexes to that Directive to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of			

***** OJ L 106, 28.4.2009, p. 7.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
284.	As far as the empowerment in Article 5(3) is concerned, which provides that Member States which have granted limited EC pattern approval are to apply for adjustment to technical progress of Annexes I and II, such limited EC pattern approvals no longer exist. The empowerment in Article 5(3) should therefore be deleted.			
285.	Accordingly, Directive 2009/34/EC is amended as follows:			
286.	(1) in Article 5, paragraph 3 is deleted;			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
287.	(2) Article 16 is replaced by the following:			
288.	<i>"Article 16</i>			
289.	The Commission is empowered to adopt delegated acts in accordance with Article 16a amending Annexes I and II to adapt them to technical progress.";			
290.	(3) the following Article 16a is inserted:			
291.	<i>"Article 16a</i>			
292.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
293.	2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this	2. The power to adopt delegated acts referred to in Article 16 shall be conferred on the Commission for [...] a period of five years from [date of entry into	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
294.	3. The delegation of power referred to in Article 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
295.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
296.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
297.	6. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period	6. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the		

* OJ L 123, 12.5.2016, p. 1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	shall be extended by two months at the initiative of the European Parliament or of the Council.	Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
298.	<i>(4) Article 17 is deleted</i>			
299.	<p>95. Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community^{††††††}</p> <p>In order to ensure that the list of defence-related products set out in the Annex to Directive 2009/43/EC strictly corresponds to the Common Military List of the European Union, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Annex and to amend that</p>			

†††††† OJ L 146, 10.6.2009, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>Directive as regards the circumstances in which Member States may exempt transfers of defence-related products from the obligation of prior authorisation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>			
300.	<p>Accordingly, Directive 2009/43/EC is amended as follows:</p>			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
301.	(1) in Article 4, paragraph 3 is replaced by the following:			
302.	"3. The Commission is empowered to adopt delegated acts in accordance with Article 13a, at the request of a Member State or on its own initiative, amending paragraph 2, in order to include cases where:			
303.	(a) the transfer takes place under conditions which do not affect public policy or public security;			
304.	(b) the obligation of prior authorisation has become incompatible with international commitments of the Member States subsequent to the adoption of this Directive;			
305.	(c) it is necessary for intergovernmental cooperation, as referred to in Article 1(4).";			
306.	(2) Article 13 is replaced by the following:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
307.	<i>"Article 13</i> Amendment of the Annex			
308.	The Commission is empowered to adopt delegated acts in accordance with Article 13a amending the list of defence-related products set out in the Annex, so that it strictly corresponds to the Common Military List of the European Union.			
309.	Where imperative grounds of urgency so require, the procedure provided for in Article 13b shall apply to delegated acts adopted pursuant to this Article.";		[...]	
310.	(3) the following Articles 13a and 13b are inserted:		(3) the following Article[...] 13a [...] is inserted:	
311.	<i>"Article 13a</i> Exercise of the delegation			
312.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
313.	2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for an indeterminate period of time from the [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for a period of five years from ... [date of entry into force of this <i>amending Regulation</i>]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 4(3) and Article 13 shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
314.	3. The delegation of power referred to in Article 4(3) and Article 13 may be revoked at any time by the European			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
315.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
316.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

* OJ L 123, 12.5.2016, p. 1.”;

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
317.	6. A delegated act adopted pursuant to Article 4(3) and Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 4(3) and Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	(
318.	<i>Article 13b</i> Urgency procedure		[...]	
319.	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.			
320.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 13a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.			
321.	(4) Article 14 is deleted.			
322.	96. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys *****			
323.	In order to harmonise the safety levels of toys throughout the Union and to remove obstacles to trade in toys			

***** OJ L 170, 30.6.2009, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	between Member States, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend:			
324.	- Annex I, points 11 and 13 of Part III of Annex II, and Annex V to Directive 2009/48/EC; to adapt them to technical and scientific developments;			
325.	- Appendix C to Annex II to that Directive so as to lay down specific limit values for chemicals used in toys for use by children under 36 months or in other toys intended to be placed in the mouth;			
326.	- Appendix A to Annex II to that Directive so as to lay down permitted uses in toys of substances or mixtures classified as carcinogenic, mutagenic or toxic for reproduction of category 1A, 1B or 2 under Regulation (EC) No 1272/2008.			
327.	It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
328.	Accordingly, Directive 2009/48/EC is amended as follows:			
329.	(1) Article 46 is replaced by the following:			
330.	<i>"Article 46</i> Amendments to the Annexes			
331.	1. The Commission is empowered to adopt delegated acts in accordance with Article 46a amending Annex I, points 11 and 13 of Part III of Annex II, and Annex V to adapt them to			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	technical and scientific developments.			
332.	2. The Commission is empowered to adopt delegated acts in accordance with Article 46a amending Appendix C to Annex II in order to lay down specific limit values for chemicals used in toys for use by children under 36 months or in other toys intended to be placed in the mouth, taking into account the packaging requirements for food as laid down in Regulation (EC) No 1935/2004 and the related specific measures for particular materials, as well as the differences between toys and materials which come into contact with food.			
333.	3. The Commission is empowered to adopt delegated acts in accordance with Article 46a amending Appendix A to Annex II in order to decide upon permitted uses in toys of substances or mixtures that are classified as carcinogenic, mutagenic or toxic for reproduction of category 1A, 1B or 2 under Regulation (EC) No 1272/2008			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	and that have been evaluated by the relevant Scientific Committee.";			
334.	(2) the following Article 46a is inserted:			
335.	<i>"Article 46a</i> Exercise of the delegation			
336.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
337. 30 8	2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall</i>	2. The power to adopt delegated acts referred to in Article 46 shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
338.	3. The delegation of power referred to in Article 46 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
339.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Agreement on Better Law-Making of 13 April 2016*.			
340.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
341.	6. A delegated act adopted pursuant to Article 46 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 46 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
342.	(3) Article 47 is deleted.			
343.	97. Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC *****			
344.	In order to adapt Regulation (EC) No 79/2009 to technical progress as regards the safety of hydrogen powered vehicle, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation with technical requirements for such vehicles as well as with administrative provisions, templates for administrative documents and models for markings. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted			

***** OJ L 35, 4.2.2009, p. 32.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
345.	Accordingly, Regulation (EC) No 79/2009 is amended as follows:			
346.	(1) Article 12 is replaced by the following:			
347.	<i>“Article 12</i> Delegated powers			
348.	The Commission is empowered to adopt delegated acts in accordance with Article 12a in the light of technical progress concerning:	The Commission is empowered to adopt delegated acts in accordance with Article 12a <i>to supplement this Regulation</i> in the light of technical progress concerning:”		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
349.	(a) detailed rules for the test procedures set out in Annexes II to V;			
350.	(b) detailed rules concerning the requirements for the installation of hydrogen components and systems set out in Annex VI;			
351.	(c) detailed rules concerning the requirements for the safe and reliable functioning of hydrogen components and systems set out in Article 5;			
352.	(d) specifications for requirements relating to any of the following:			
353.	(i) the use of pure hydrogen or a mixture of hydrogen and natural gas/biomethane;			
354.	(ii) new forms of hydrogen storage or usage;			
355.	(iii) the impact protection of vehicles with regard to the integrity of hydrogen components and systems;			
356.	(iv) integrated system safety requirements, covering at least the detection of leakage and			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	requirements relating to purge gas;			
357.	(v) electrical isolation and electric safety;			
358.	(e) administrative provisions for the EC type-approval of vehicles, with regard to hydrogen propulsion, and hydrogen components and systems;			
359.	(f) rules on the information to be provided by manufacturers for the purposes of the type-approval and inspection referred to in Article 4(4) and (5);			
360.	(g) detailed rules for the labelling or other means of clear and rapid identification of hydrogen-powered vehicles referred to in point 16 of Annex VI; and			
361.	(h) other measures necessary for the application of this Regulation.			
362.	(2) the following Article 12a is inserted:			
363.	“Article 12a Exercise of the delegation ”			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
364.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
365.	2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.	2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for <i>a</i> period of <i>five years from ...</i> [date of entry into force of this <i>amending</i> Regulation]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for [...] a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
366.	3. The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			
367.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016*.			
368.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
369.	6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
370.	(3) Article 13 is deleted.			
371.	98. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC ^{*****}			
372.	In order to adapt Directive 2009/81/EC to rapid technical, economic and regulatory developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the threshold amounts for contracts in order to align them to those laid down in Directive 2014/25/EU of the European Parliament and of the Council ^{†††††††} , to amend the references to the Common Procurement Vocabulary (CPV nomenclature) and to amend certain reference numbers in the CPV nomenclature and the procedures for reference in notices to certain headings in the CPV nomenclature. As the technical details and characteristics of the devices for electronic receipt should be kept up to date with technological developments,			

***** OJ L 216, 20.8.2009, p. 76

††††††† Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L94, 28.3.2014, p.243).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	it is also necessary to empower the Commission to amend the technical details and characteristics of devices for electronic receipt. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
373.	Accordingly, Directive 2009/81/EC is amended as follows:			
374.	(1) Article 68(1) is amended as follows:			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
375.	(a) the second subparagraph is replaced by the following:			
376.	"The Commission is empowered to adopt delegated acts in accordance with Article 66a amending the thresholds as provided for in the first subparagraph;"			
377.	(b) the following third subparagraph is inserted:			
378.	"Where it is necessary to revise the thresholds as provided for in the first subparagraph, and time constraints prevent the use of the procedure set in Article 66a and therefore imperative grounds of urgency so require, the procedure provided for in Article 66b shall apply to delegated acts adopted pursuant to this paragraph.";			
379.	(2) in Article 69, paragraph 2 is replaced by the following:			
380.	"2. The Commission is empowered to adopt delegated acts in accordance with Article 66a amending:			
381.	(a) the reference numbers in the CPV nomenclature set out in Annexes I and			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	II, insofar as this does not change the material scope of this Directive, and the procedures for reference in the notices to particular headings in the CPV nomenclature within the categories of services listed in those Annexes;			
382.	(b) the technical details and characteristics of the devices for electronic receipt referred to in points (a), (f) and (g) of Annex VIII.";			
383.	(3) the following Articles 66a and 66 b are inserted:			
384.	" <i>Article 66a</i> Exercise of the delegation			
385.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
386.	2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for a period of five years from ... [date of	2. The power to adopt delegated acts referred to in Article 68(1) and Article 69(2) shall be conferred on the Commission for [...] a period of five years	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
387.	3. The delegation of power referred to in Article 68(1) and Article 69(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	validity of any delegated acts already in force.			
388.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.			
389.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
390.	6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed	6. A delegated act adopted pursuant to Article 68(1) and Article 69(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that		

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
391.	<i>Article 66b</i> Urgency procedure			
392.	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.			
393.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 66a (6). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the European Parliament or by the Council.			
394.	(6) in Article 67, paragraphs 3 and 4 are deleted.			
395.	99. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of eco-design requirements for energy- related products			
396.	In order to improve the environmental impact of energy-related products and achieve energy savings, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement Directive 2009/125/EC with specific ecodesign requirements for selected environmental aspects which have a significant environmental impact. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid		[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
397.			In order to ensure uniform conditions for the implementation of Directive 2009/125/EC, implementing powers should be conferred on the Commission to lay down specific ecodesign requirements for selected environmental aspects which have a significant environmental impact. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
398.			<p>There is no need to empower the Commission in Directive 2009/125/EC to adopt certain implementing measures during a transitional period. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Directive 2009/125/EC, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.</p>	
399.	Accordingly, Directive 2009/125/EC is amended as follows:			
400.	(1) Article 15 is amended as follows:			
401.	(a) paragraph 1 is replaced by the following:			
402.	"1. Where a product meets the criteria listed in paragraph 2, it shall be		"1. Where a product meets the criteria listed in	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	covered by a delegated act or by a self-regulation measure in accordance with paragraph 3(b).		paragraph 2, it shall be covered by [...] an implementing act or by a self-regulation measure in accordance with paragraph 3(b).	
403.	The Commission is empowered to adopt such delegated acts in accordance with Article 18a.”;	The Commission is empowered to adopt such delegated acts in accordance with Article 18a <i>by supplementing this Directive.</i>	[...] Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(3)." ;	
404.	(b) paragraph 3 is replaced by the following			
405.	"3. In preparing a delegated act the Commission shall take into account:		"3. In preparing [...] an implementing act the Commission shall take into account:	
406.	(a) Union environmental priorities, such as those set out in Decision No 1600/2002/EC or in the Commission's European Climate Change Programme (ECCP);			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
407.	(b) relevant Union legislation and self-regulation, such as voluntary agreements, which, following an assessment in accordance with Article 17, are expected to achieve the policy objectives more quickly or at lesser expense than mandatory requirements.";			
408.	(c) paragraph 10 is replaced by the following:			
409.	"10. Where appropriate a delegated act laying down ecodesign requirements shall include provisions on the balancing of various environmental aspects."	"10. Where appropriate a delegated act laying down ecodesign requirements shall include provisions on the balancing of various environmental aspects. <i>The Commission is empowered to adopt such delegated acts in accordance with Article 18a by supplementing this Directive.</i> "	"10. Where appropriate [...] an implementing act laying down ecodesign requirements shall include provisions on the balancing of various environmental aspects.";	
410.	(2) in Article 16(2), the second subparagraph is replaced by the following:		(2) [...] Article 16(2) is deleted. [...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
411.	“The Commission is empowered to adopt those measures by delegated acts in accordance with Article 18a.”	“The Commission is empowered to adopt those measures by delegated acts in accordance with Article 18a <i>by supplementing this Directive.</i> ”	[...]	
412.	(3) the following Article 18a is inserted:		[...]	
413.	" <i>Article 18a</i> Delegated acts		[...]	
414.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		[...]	
1.	2. The power to adopt delegated acts referred to in Article 15(1) and Article 16(2) shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	2. The power to adopt delegated acts referred to in Article 15(1) and Article 16(2) shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this <i>amending Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the</i>	[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>		
2.	3. The delegation of power referred to in Article 15(1) and Article 16(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		[...]	
3.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional		[...]	

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Agreement on Better Law-Making of 13 April 2016*.			
4.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		[...]	
5.	6. A delegated act adopted pursuant to Article 15(1) and Article 16(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		[...]	

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
6.	(6) in Article 19, the third paragraph is deleted.		(3[...]) in Article 19, the third paragraph is [...] replaced by the following:	
7.			"3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council ^{*****} shall apply."	
8.	100. Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore^{*****}		<i>The Council decided to postpone the discussion on this entire point of the Annex.</i>	
9.	In order to adapt Regulation (EC) No 661/2009 to technical progress the			

^{*****} Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

^{*****} OJ L 200, 31.7.2009, p. 1.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	<p>power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend certain limit values and Annex IV and to supplement that Regulation with technical requirements for motor vehicles, systems, components and separate technical units, as well as with administrative provisions, templates for administrative documents and models for markings. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert</p>			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	groups dealing with the preparation of delegated acts.			
10.	Accordingly, Regulation (EC) 661/2009 is amended as follows:			
11.	(1) the title of Chapter IV is replaced by the following:			
12.	"Delegation of powers";			
13.	(2) Article 14 is replaced by the following:			
415.	“Article 14 Delegated powers			
416.	The Commission is empowered to adopt delegated acts in accordance with Article 14a required in the light of technical progress in respect of:	The Commission is empowered to adopt delegated acts in accordance with Article 14a <i>to amend this Regulation</i> in the light of technical progress <i>by laying down the following:</i>		
417.		<i>(a) measures amending the limit values on rolling resistance and rolling noise laid down in Parts B and C of Annex II insofar as is</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>necessary as a result of changes in test procedures and without lowering the level of protection of the environment;</i>		
418.		<i>(b) measures amending Annex IV to include the UNECE Regulations that are mandatory under Article 4(4) of Decision 97/836/EC.</i>		
419.		<i>The Commission is empowered to adopt delegated acts in accordance with Article 14a to supplement this Regulation in the light of technical progress by laying down the following:</i>		
420.	(a) detailed rules concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;	(a) detailed rules concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
421.	(b) detailed rules concerning specific safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States, taking account of UNECE Regulation 105;	(b) detailed rules concerning specific safety requirements for vehicles intended for the transport of dangerous goods by road within or between Member States, taking account of UNECE Regulation 105;		
422.	(c) a more precise definition of the physical characteristics and performance requirements a tyre must fulfil to be defined as 'special use tyre', 'off-road professional tyre', 'reinforced tyre', 'extra load tyre', 'snow tyre', 'T-type temporary-use spare tyre' or 'traction tyre' in accordance with points 8 to 13 of the second paragraph of Article 3;	(c) a more precise definition of the physical characteristics and performance requirements a tyre must fulfil to be defined as 'special use tyre', 'off-road professional tyre', 'reinforced tyre', 'extra load tyre', 'snow tyre', 'T-type temporary-use spare tyre' or 'traction tyre' in accordance with points 8 to 13 of the second paragraph of Article 3;		
423.	(d) measures amending the limit values on rolling resistance and rolling noise laid down in Parts B and C of Annex II insofar as is necessary as a result of changes in test procedures and without lowering	<i>deleted</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the level of protection of the environment;			
424.	(e) detailed rules on the procedure for the determination of the noise levels referred to in point 1 of Part C of Annex II;	(d) detailed rules on the procedure for the determination of the noise levels referred to in point 1 of Part C of Annex II;		
425.	(f) measures amending Annex IV to include the UNECE Regulations that are mandatory under Article 4(4) of Decision 97/836/EC;	<i>deleted</i>		
426.	(g) administrative provisions concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;	(e) administrative provisions concerning the specific procedures, tests and technical requirements for the type-approval of motor vehicles, their trailers and components and separate technical units with regard to the provisions of Articles 5 to 12;		
427.	(h) measures exempting certain vehicles or classes of vehicles of categories M2, M3, N2 and N3 from the obligation to install advanced vehicle systems referred to in Article	(f) measures exempting certain vehicles or classes of vehicles of categories M2, M3, N2 and N3 from the obligation to install advanced vehicle		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	10 where, following a cost/benefit analysis and taking into account all relevant safety aspects, the application of those systems proves not to be appropriate to the vehicle or class of vehicles concerned;	systems referred to in Article 10 where, following a cost/benefit analysis and taking into account all relevant safety aspects, the application of those systems proves not to be appropriate to the vehicle or class of vehicles concerned;		
428.	(i) other measures necessary for the application of this Regulation.”	(g) other measures necessary for the application of this Regulation.”		
429.	(2) the following Article 14a is inserted:	(3) the following Article 14a is inserted:		
430.	“ <i>Article 14a</i> Exercise of the delegation			
431.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
432.	2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for an indeterminate period of time from	2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for <i>a</i> period of <i>five years from ...</i>		

Commented [ew1]: Point (2) is actually point (3) (Technical correction (not adopted by AM)).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the date of entry into force of this Regulation.	<i>[date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>		
433.	3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
434.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016*.			
435.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
436.	6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at	6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of <i>three</i> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed		

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	the initiative of the European Parliament or of the Council.	the Commission that they will not object. That period shall be extended by <i>three</i> months at the initiative of the European Parliament or of the Council.		
437.	(3) Article 15 is deleted.			
438.	101. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products *****		[...] <i>(Deletion of this entire point of the Annex)</i>	
439.	In order to ensure that Regulation (EU) No 1223/2009 is adapted to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:			
440.	- to amend the definition of nanomaterials in that Regulation;			
441.	- to amend that Regulation in respect of notification requirements;			

***** OJ L 342, 22.12.2009, p. 59.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
442.	- to amend that Regulation to extend the scope of Annex IV to hair colouring products;			
443.	- to amend the Annexes to that Regulation in relation to substances that are carcinogenic, mutagenic or toxic for reproduction;			
444.	- to amend the notification information in that Regulation and to amend Annexes II and III in relation to nanomaterials;			
445.	- to amend Annexes II to VI to that Regulation where there is a potential risk to human health, arising from the use of substances in cosmetic products, which needs to be addressed on a Union-wide basis;			
446.	- to amend Annexes III to VI and VIII to that Regulation for the purpose of adapting them to technical and scientific progress;			
447.	- to supplement that Regulation with a list of common criteria for claims.			
448.		<i>- to supplement that Regulation by authorising</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		<i>derogations from the prohibition on animal testing, in case a serious concern arises as regards the safety of an existing cosmetics ingredient.</i>		
449.	It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.			
450.	In order to ensure uniform conditions for the implementation of the relevant provisions of Regulation	<i>deleted</i>		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	(EC) No 1223/2009 concerning derogations in relation to animal testing, implementing powers should be conferred on the Commission to adopt decisions authorising derogations from the prohibition on animal testing. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.			
451.	Accordingly, Regulation (EU) No 1223/2009 is amended as follows:			
452.	(1) in Article 2, paragraph 3 is replaced by the following:			
453.	“3. In view of the various definitions of nanomaterials published by different bodies and the constant technical and scientific developments in the field of nanotechnologies, the Commission is empowered to adopt delegated acts in accordance with Article 31a amending paragraph 1(k) to adjust and adapt that point to technical and scientific progress and to definitions subsequently agreed at international level.”;			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
454.	(2) in Article 13, paragraph 8 is replaced by the following:			
455.	“8. The Commission is empowered to adopt delegated acts in accordance with Article 31a amending paragraphs 1 to 7 of this Article by adding requirements, taking into account technical and scientific progress and specific needs related to market surveillance.”;			
456.	(3) in Article 14, paragraph 2 is replaced by the following:			
457.	“2. Subject to a decision of the Commission to extend the scope of Annex IV to hair colouring products, such products shall not contain colorants intended to colour the hair, other than those listed in Annex IV and colorants intended to colour the hair which are listed there but not used in accordance with the conditions laid down in that Annex.			
458.	To adopt the decision referred to in the first subparagraph, the Commission is empowered to adopt			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	delegated acts in accordance with Article 31a amending Annex IV.”;			
459.	(4) Article 15 is amended as follows:			
460.	(a) paragraph 1 is replaced by the following:			
461.	“1. The use in cosmetic products of substances classified as CMR substances, of category 2, under Part 3 of Annex VI to Regulation (EC) No 1272/2008 shall be prohibited.			
462.	However, a substance classified in category 2 may be used in cosmetic products where the substance has been evaluated by the SCCS and found safe for use in cosmetic products.			
463.	For the purposes of this paragraph the Commission is empowered to adopt delegated acts in accordance with Article 31a amending the Annexes to this Regulation.”;			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
464.	(b) in paragraph 2, the fourth and fifth subparagraphs are replaced by the following:			
465.	"For the purposes of this paragraph, the Commission shall adopt delegated acts in accordance with Article 31a amending the Annexes to this Regulation within 15 months of the inclusion of the substances concerned in Part 3 of Annex VI to Regulation (EC) No 1272/2008.			
466.	Where, in case of risk to human health arising from the use of substances in cosmetic products, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this Article.";			
467.	(5) Article 16 is amended as follows:			
468.	(a) paragraphs 6 and 7 are replaced by the following:			
469.	"6. The Commission is empowered to adopt delegated acts in accordance			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	with Article 31a amending Annexes II and III, taking into account the opinion of the SCCS, and where there is a potential risk to human health, including when there is insufficient data.			
470.	7. The Commission is empowered to adopt delegated acts in accordance with Article 31a amending paragraph 3 by adding requirements, taking into account technical and scientific progress.";			
471.	(b) paragraph 8 is deleted;			
472.	(c) paragraph 9 is replaced by the following:			
473.	"9. Where, in case of risk to human health arising from the use of substances in cosmetic products, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to paragraphs 6 and 7.";			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
474.	(6) in Article 18(2), the ninth subparagraph is replaced by the following:			
475.	“The measures referred to in the sixth subparagraph shall be adopted by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).”	<i>“The Commission is empowered to adopt delegated acts in accordance with Article 31a to supplement this Regulation by providing authorisation for the derogation referred to in the sixth subparagraph.”</i>		
476.	(7) in Article 20(2), the second subparagraph is replaced by the following:			
477.	“The Commission is empowered to adopt delegated acts in accordance with Article 31a establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive 2005/29/EC.”	“The Commission is empowered to adopt delegated acts in accordance with Article 31a <i>to supplement this Regulation by</i> establishing a list of common criteria for claims which may be used in respect of cosmetic products, after consulting the SCCS or other relevant authorities and taking into account the provisions of Directive		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
		2005/29/EC.”		
478.	(8) Article 31 is replaced by the following:			
479.	<i>"Article 31</i> Amendment of the Annexes			
480.	1. The Commission is empowered to adopt delegated acts in accordance with Article 31a, after consulting the SCCS, amending Annexes II to VI where there is a potential risk to human health, arising from the use of substances in cosmetic products, which needs to be addressed on a Union-wide basis.			
481.	Where, in case of a potential risk to human health arising from the use of substances in cosmetic products, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant this paragraph.			
482.	2. The Commission is empowered to adopt delegated acts in accordance with Article 31a, after consulting the			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	SCCS, amending Annexes III to VI and VIII for the purposes of adapting them to technical and scientific progress.			
483.	3. The Commission is empowered to adopt delegated acts in accordance with Article 31a, after consulting the SCCS, amending Annex I where it appears necessary, in order to ensure the safety of cosmetic products placed on the market.";			
484.	(9) the following Articles 31a and 31b are inserted:			
485.	"Article 31a Exercise of the delegation			
486.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
487.	2. The power to adopt delegated acts referred to in Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (3) shall be conferred on the	2. The power to adopt delegated acts referred to in Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 18(2) , Article 20(2) and		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Commission for an indeterminate period of time from [date of entry into force of this Omnibus].	Article 31(1), (2) and (3) shall be conferred on the Commission for a period of five years from ... [date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		
488.	3. The delegation of power referred to in Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), Article 20(2) and Article 31(1), (2) and (3), may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the	3. The delegation of power referred to in Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16(8) and (9), Article 18(2) , Article 20(2) and Article 31(1), (2) and (3), may be revoked at any time by the European Parliament or by the		

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		
489.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement <i>of 13 April 2016</i> on Better Law-Making*.		
490.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the			

* OJ L 123, 12.5.2016, p.1.”

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	Council.			
491.	6. A delegated act adopted pursuant to Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 20(2) and Article 31(1), (2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 2(3), Article 13(8), Article 14(2), Article 15(1) and (2), Article 16 (8) and (9), Article 18(2) , Article 20(2) and Article 31(1), (2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		
492.	<i>Article 31b</i> Urgency procedure			

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT	COMPROMISE TEXT
	1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.			
493.	2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.			
494.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 31a(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.			
495.	(10) in Article 32, paragraphs 3 and 4 are deleted.			