

(Annex I, Sections X and XIII, points 102, 103 and 170)

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.	X. JUSTICE AND CONSUMERS			
2.	102. Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth			

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	or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)*			
3.	In order to take account of technical progress, changes in international regulations or specifications and new findings, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend Annex I to Directive 92/85/EEC in a technical way. 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		In order to take account of technical progress, changes in international regulations or specifications and new findings, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to [...] make strictly technical amendments to Annex I to Directive 92/85/EEC [...]. 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 of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal	

* OJ L 348, 28.11.1992, p. 1.

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	<p>participation in the preparation of delegated acts, the European Parliament and 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>participation in the preparation of delegated acts, the European Parliament and 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>	

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4.			It is recalled that the Commission is assisted by the Advisory Committee on Safety and Health at Work in the preparation, implementation and evaluation of activities in the fields of safety and health at work, in accordance with Council Decision of 22 July 2003*.	
5.	Accordingly, Directive 92/85/EEC is amended as follows:			
6.	(1) in Article 13, paragraph 1 is replaced by the following:			
7.	"1. The Commission is empowered to adopt delegated acts in accordance with Article 13a amending Annex I, in a technical way, in order to take account of technical progress, changes in international		"1. The Commission is empowered to adopt delegated acts in accordance with Article 13a introducing strictly technical amendments to [...] Annex I [...], in order to take account of technical progress,	

* Council Decision of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

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	regulations or specifications and new findings.		changes in international regulations or specifications and new findings.	
8.	Where, in the case of possible imminent risks to the health or safety of pregnant workers, workers who have recently given birth or breastfeeding workers, imperative grounds of urgency so require, the procedure provided for in Article 13b shall apply to delegated acts adopted pursuant to this paragraph.";		[...]";	
9.			(1a) in Article 13, paragraph 2 is deleted.	
10.	(2) the following Articles 13a and 13b are inserted:		(2) the following Article[...] 13a [...] is [...] inserted:	
11.	<i>"Article 13a</i> Exercise of the delegation			
12.	1. The power to adopt delegated acts is conferred on the Commission subject to the			

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	conditions laid down in this Article.			
13.	2. The power to adopt delegated acts referred to in Article 13(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 13(1) 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 13(1) shall be conferred on the Commission for [...] a period of 5 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 5 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.	
14.	3. The delegation of power referred to in Article 13(1) may be revoked at any time by the European Parliament or by the			

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	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.			
15.	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*.		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 o[...]f 13 April 2016 Better Law-Making [...]*.	
16.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to			

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

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	the European Parliament and to the Council.			
17.	6. A delegated act adopted pursuant to Article 13(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 the Council.			
18.	<i>Article 13b</i> Urgency procedure		[...]	
19.	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.			

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	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.			
20.	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.			
21.	103. Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EC*			

* OJ L 133, 22.5.2008, p. 66.

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22.	<p>In order to update Directive 2008/48/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive to add additional assumptions for the calculation of the annual percentage rate or to modify the existing assumptions. 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</p>		<p>In order to update Directive 2008/48/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Directive to add additional assumptions for the calculation of the annual percentage rate or to modify the existing assumptions. 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 of 13 April 2016 on Better Law-Making [...]. 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</p>	

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	Commission expert groups dealing with the preparation of delegated acts.		Commission expert groups dealing with the preparation of delegated acts.	
23.	Accordingly, Directive 2008/48/EC is amended as follows:			
24.	(1) in Article 19, paragraph 5 is replaced by the following:			
25.	"5. Where necessary, the additional assumptions set out in Annex I may be used in calculating the annual percentage rate of the charge.			
26.	If the assumptions set out in this Article and in Part II of Annex I do not suffice to calculate the annual percentage rate of the charge in a uniform manner or are no longer adapted to the commercial situations in the market, the Commission is empowered to adopt delegated acts in accordance with Article 24a amending this Article and		If the assumptions set out in this Article and in Part II of Annex I do not suffice to calculate the annual percentage rate of the charge in a uniform manner or are no longer adapted to the commercial situations in the market, the Commission is empowered to adopt delegated acts in accordance with Article 24a amending this Article and	

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	Annex I to add the necessary additional assumptions for the calculation of the annual percentage rate of charge or to modify the existing ones.";		Part II of Annex I to add the necessary additional assumptions for the calculation of the annual percentage rate of charge or to modify the existing ones.";	
27.	(2) the following Article 24a is inserted:			
28.	" <i>Article 24a</i> Exercise of the delegation			
29.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
30.	2. The power to adopt delegated acts referred to in Article 19(5) 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 19(5) 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</i>	2. The power to adopt delegated acts referred to in Article 19(5) shall be conferred on the Commission for [...] a period of 5 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	

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		<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>	than nine months before the end of the 5 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.	
31.	3. The delegation of power referred to in Article 19(5) 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.			
32.	4. Before adopting a delegated act, the Commission shall consult experts designated by each		4. Before adopting a delegated act, the Commission shall consult experts designated by each	

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	Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016*.		Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]*.	
33.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
34.	6. A delegated act adopted pursuant to Article 19(5) 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	6. A delegated act adopted pursuant to Article 19(5) 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.";

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	object. That period shall be extended by two months at 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.		
35.	(3) Article 25 is deleted.			
36.	XIII. TAXATION AND CUSTOMS UNION			
37.	170. Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade *			
38.	Under Article 15 of Decision No 70/2008/EC the Commission is empowered to extent certain time limits in accordance with Council Decision 1999/468/EC†. That empowerment has never been			

* OJ L 23, 26.1.2008, p. 21.

† Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

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	exercised and is no longer needed. Therefore, it is not necessary to adapt it to Article 290 of the Treaty Instead, the empowerment should be revoked and Articles 15 and 16 of the Decision should be deleted.			
39.	Accordingly, in Decision No 70/2008/EC, Articles 15 and 16 are deleted.			