



**COUNCIL OF THE  
EUROPEAN UNION**

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**NOTE**

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from : General Secretariat of the Council

to : Delegations

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Subject: Summary of the meeting of the European Parliament **Committee on Judicial Affairs (JURI)**, held in Strasbourg on 8 March 2010

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The meeting was chaired by Mr Lehne (EPP, DE).

**I. Power of legislative delegation**

2010/2021(INI)

*Rapporteur:* Mr Szájer (EPP, HU)

The rapporteur presented his draft report, underlining its urgency because legislation was ongoing where Article 290 TFEU had to be applied. He invited the Parliament to strongly defend its rights,

stressing the change in the whole logic of delegated acts, which was for him one of the most important changes brought about by the Lisbon Treaty: according to the rapporteur, while the previous comitology procedure gave executive powers to the Commission (even in the case of the regulatory procedure with control), the new Article 290 TFEU allowed to for the Parliament and the Council to delegate a legislative power to the Commission, which they as the legislators could revoke and change at any time. The necessary procedural rules should facilitate, not limit the exercise of these rights. He was concerned about the issue of timetables and deadlines, in particular in the case of the urgency procedure, which may conflict with the Parliament's calendar of meetings - for him, it was necessary that the Parliament would be able to invoke its rights also in the case of an urgency procedure. Mr Szájer added that the new power of the Parliament also entailed an obligation to exercise its control rights over the Commission, and brought a responsibility for this exercise.

Mr Rapkay (S&D, DE) welcomed the report and agreed on all important points, but expressed doubts on some minor issues, in particular the question of whether a delegation of power could be renewed by a silence procedure in Council and Parliament - in this case, Mr Rapkay suggested that the active approval of the Parliament should be necessary. Concerning the role of experts, he agreed with the rapporteur regarding the refusal of any formal role for national experts, but proposed that the Commission could be obliged in certain cases to consult with experts, without giving them any formal power of decision .

Ms Lichtenberger also (Greens/EFA, AT) welcomed the report and agreed with some of the suggestions made by Mr Rapkay.

Mr Speroni (EFD, IT) did not share the enthusiasm expressed by previous speakers and did not see significant change as compared to the previous situation. He strongly supported Mr Rapkay's suggestion that a positive approval by the Parliament be required for a renewal of a delegation and asked what the Parliament could do if it considered that the Commission had exceeded the scope of a delegation.

A Commission representative welcomed the report, which underlined the clear link between Articles 290 and 291 TFEU, and agreed with the rapporteur that the rules on delegated acts were

one of the most significant changes in the Lisbon Treaty. He reminded the Committee that Article 290 TFEU had already been applied, a first agreement in a triologue had been achieved, but he admitted that this should not necessarily be seen as a precedent for the future rules on delegated acts. On the other hand, he noted the convergence of the positions of the Council, the Commission and the Parliament on this issue. Replying to the question asked by Mr Speroni, he considered that Article 290 TFEU lent itself to a logic where the legislator might wish to retain the right to oppose individual measures taken by the Commission, and a right for either of the legislators to revoke the act of delegation at any time.

Mr Szájer welcomed the positions taken by Members of the Committee and by the Commission and added to the reply to Mr Speroni that the new system would bring about significant changes. He expressed his willingness to be stricter on the renewal of a delegation, but invited the Committee to take into consideration the considerable burden that the need for a positive renewal decision might put on the Parliament. For him, the issue of experts was still an open question, which had to be seen also in the light of the practice that would be established. He wanted the Parliament's experts to be consulted, but on the other hand, he did not want to go back to the old comitology procedure by the consultation of national experts. So Mr Szájer was open to new formulas , considering that the one agreed in the De Brún report was possibly not the final word.

*Timetable:*

*Deadline for tabling amendments: 11 March 2010*

## **II. European External Action Service: Regulation amending the Conditions of Employment of Other Servants of the European Communities**

*Rapporteur: Mr Rapkay (S&D, DE)*

The rapporteur deplored that Council and Commission still had not presented any formal proposals, warning that not presenting a formal proposal until May would lead to an unacceptably tight calendar. He considered that the Parliament's position had to be based on the Brok report of October 2009, in particular its points 6 and 7, and mentioned as main issues the question of the unity of the service, the loyalty of personnel, in particular of "double-hatted" personnel and of personnel from Member States' diplomatic services. On the latter point, he was concerned that a yearly renewal of

the secondment would undermine loyalty, and suggested creating a new form of employment. He admitted that hearings were a precious instrument, but considered that hearings of senior personnel could exceed the Parliament's role of controlling the executive, bringing it too close to participation in executive tasks.

A Commission representative recalled that for some specific features, the Commission was obliged to consult the staff representatives, first within the Commission, then the interinstitutional staff representatives committee, which would be a delaying factor, depending on the attitude of the staff representations. The Commission planned for 11 March a special meeting of the College in order to have an orientation debate on the package, with the intention of taking note of a proposal to amend the Staff Regulation, on which the staff representation would then be consulted. Due to the need for this consultation, the proposal could not yet be formally adopted, but the decision of the College to take note of it could already provide some basis to start informal consultations on the text.

Addressing the substance, he stated that the issues raised by the rapporteur would be addressed, including equality of treatment, the status of seconded officials, double-hatted positions (in particular heads of delegations), as well as the question of mobility. On the latter, he considered that due to the need to move a significant number of personnel, mobility backwards to the Commission and to the Council should be facilitated.

### **III. Proposal for a Directive of the European Parliament and of the Council on Alternative Investment Fund Managers and amending Directives 2004/39/EC and 2009/.../EC**

2009/0064 (COD)

*Draftswoman: Ms Regner (S&D, AT)*

The rapporteur commented on some of the 359 amendments tabled, expressing a critical view of some amendments by Mr de Grandes Pascual (EPP, ES) which in her view made the regulation of private equities ineffective. On the other hand, she considered that many amendments, in particular by Mr Lehne and Ms Bowles (ALDE, UK), could lead to compromises. Ms Regner was particularly interested in working together with her colleagues from the UK, because of an ongoing campaign in UK media against the Directive, which risked putting pressure on UK Members. In her opinion, transparency rules could lead to a competitive advantage.

Mr Bodu (EPP, RO) expressed a critical view, considering that the high number of amendments showed that the proposal was completely wrong. He stated that he had written a letter to Ms Bowles pointing out that the Commission should withdraw its proposal. In any case, the Parliament could not deal with such a high number of amendments.

Mr Lehne agreed to see good chances to reach compromises. Considering what happened on the world markets, he expressed the opinion that in the end there had to be a Directive, which was also the position of the Council.

*Timetable:*

*Vote in Committee: 23 March 2010*

#### **IV. Proposal for a Regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa**

##### **Proposal for a Council Regulation amending the Convention Implementing the Schengen Agreement as regards long-stay visas and alerts in the Schengen Information System**

2009/0028(COD)

2009/0025(CNS)

*Draftsman: Mr Lechner (EPP, DE)*

Following the suggestion made by the rapporteur, the Committee decided that Articles 77 and 79 TFEU together were the correct legal basis for the proposal.

#### **V. Joint debate:**

##### **a) European Banking Authority**

2009/0142(COD)

*Draftsman: Mr Lehne (EPP, DE)*

**b) Macro-prudential oversight of the financial system and establishment of a European Systemic Risk Board**

2009/0140(COD)

*Draftswoman: Ms Regner (S&D, AT)*

**c) European Securities and Markets Authorities**

2009/0144(COD)

*Draftsman: Mr Baldassarre (EPP, IT)*

**d) European Insurance and Occupational Pensions Authority**

2009/0143(COD)

*Draftswoman: Ms Castex (S&D, FR)*

**e) Powers of the European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (amendment of Directives 1998/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC, and 2009/65/EC)**

2009/0161(COD)

*Draftsman: Mr Karim (ECR, UK)*

The agenda item was postponed.

**VI. Votes**

**a) Proposal for a Council Directive amending Directive 2006/112/EC on the common system of value added tax as regards the rules on invoicing**

2009/0009(CNS)

*Draftswoman: Ms Thein (ALDE, DE)*

The draft report was adopted as amended.

- b) Proposal for a Directive of the European Parliament and of the Council amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market**

2009/0132(COD)

*Draftsman: Mr Bodu (EPP, RO)*

The draft report was adopted as amended.

- c) Report on the Commission White Paper: "Adapting to climate change: Towards a European framework for action"**

2009/2152(INI)

*Draftswoman: Ms Lichtenberger (Greens/EFA, AT)*

The draft report was adopted as amended.

## **VII. Date and venue of the next meeting**

22-23 March 2010 in Brussels.