

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.12.2007
COM(2007) 776 final

2007/0272 (COD)

Adaptation to the regulatory procedure with scrutiny

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 2223/96 on the European system of national and regional accounts in the Community as regards the implementing powers conferred on the Commission

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1 Reform of comitology procedures

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ has been amended by Council Decision 2006/512/EC of 17 July 2006².

Article 5a of Decision 1999/468/EC as amended introduces a new regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

1.2 Priority alignment and general alignment

In a joint Statement³, the European Parliament, the Council and the Commission set out a list of basic instruments that should be adjusted as a matter of urgency to the amended Decision so as to introduce the new regulatory procedure with scrutiny (priority alignment). For the regulatory procedure with scrutiny to be applicable to instruments adopted by codecision already in force when Decision 2006/512/EC took effect, the Statement also calls for those instruments to be adjusted in accordance with the applicable procedures (general alignment).

The Commission has undertaken to examine all these instruments with a view to submitting, by the end of 2007, the legislative proposals for adapting them, if necessary, to the new regulatory procedure with scrutiny⁴.

1.3 Method

As mentioned in the Commission's Communication to the European Parliament and the Council of (...), the Commission has carefully examined all the instruments adopted by codecision in order to identify those which permit the Commission to adopt measures of general scope designed to amend non-essential elements of the basic instrument in question. The Commission has identified more than 200 instruments that should be adjusted.

Some of these instruments come under the Commission's codification programme. Examples include Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁵. Adjustment to the new procedure should take place, depending on how far the codification process has progressed, either by recasting the codified proposal or, as in the present case, by legislative amendment.

¹ OJ L 184, 17.7.1999, p.23, amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11)

² OJ L 200, 22.7.2006, p. 11.

³ OJ C 255, 21.10.2006, p. 1.

⁴ PE 376.314v01-00 – A6-0236/2006 (Commission declaration annexed to Parliamentary report)

⁵ OJ L 310, 30.11.1996, p. 1. Regulation last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1)

2. LEGAL ASPECTS OF THE PROPOSAL

The purpose of the adjustment is to introduce the new regulatory procedure with scrutiny, as provided for in Article 5a of Decision 1999/468/EC as amended.

In the case in question, under Regulation (EC) No 2223/96 the Commission may amend the methodology of the 1995 European system of accounts and adapt the information required from Member States (new tables, countries and/or regions concerned). Since these measures of general scope are designed to amend non-essential elements of the Regulation in question or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Since the basic instrument is a Regulation, it must be adjusted by means of an equivalent instrument.

Adaptation to the regulatory procedure with scrutiny

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Council Regulation (EC) No 2223/96 on the European system of national and regional accounts in the Community as regards the implementing powers conferred on the Commission

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 (1) thereof,

Having regard to the proposal from the Commission⁶,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁷,

Whereas:

- (1) Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community⁸ provides that certain measures are to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁹.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.
- (3) In accordance with the joint statement of the European Parliament, the Council and the Commission¹⁰ on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ OJ L 310, 30.11.1996, p. 1, Regulation as last amended by Regulation (EC) No 1267/2003 of the European Parliament and of the Council (OJ L 180, 18.7.2003, p. 1)

⁹ OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

¹⁰ OJ C 255, 21.10.2006, p. 1.

- (4) As regards Regulation (EC) No 2223/96, powers should be conferred on the Commission in particular to adopt amendments to the European system of Accounts 1995 methodology and to decide on changes in the data requested from Member States. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 2223/96, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) Regulation (EC) No 2223/96 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION

Article 1

Regulation (EC) No 2223/96 is amended as follows:

- (1) In Article 2, paragraph 2 is replaced by the following:
- "2. Amendments to the ESA 95 methodology which are intended to clarify and improve its content shall be adopted by the Commission provided that they do not change its underlying concepts, do not require additional resources for their implementation and do not cause an increase in own resources. These measures designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2)."
- (2) In Article 3(2), the second subparagraph is replaced by the following:
- "Within the limits set in Article 2(2), any changes — new tables, countries and/or regions concerned — in the data requested from the Member States shall be adopted by the Commission. These measures designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2)."
- (3) Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by the Statistical Programme Committee (hereinafter referred to as "the Committee").
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]