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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending certain regulations relating to the common commercial policy as regards the
granting of delegated powers for the adoption of certain measures**

EXPLANATORY MEMORANDUM

1. INTRODUCTION

The entry into force of the Treaty of Lisbon has led to significant changes both in the framework for the adoption of delegated and implementing acts and for the conduct of trade policy.

As regards the adoption of delegated and implementing acts the Treaty on the Functioning of the European Union (hereinafter "the Treaty") clearly distinguishes between the two.

- The provisions of the Treaty on delegated acts, which are set out in Article 290 of the Treaty on the Functioning of the European Union, provide for the legislator to control the exercise of the Commission's powers by means of a right of revocation and/or a right of objection.
- The provisions of the Treaty on implementing acts, which are set out in Article 291, do not provide any role for the European Parliament and the Council to control the Commission's exercise of implementing powers. Such control can only be exercised by the Member States. A legal framework establishing the mechanisms of such control is set out in Regulation (EU) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.¹

As regards trade policy, the Treaty of Lisbon provides that the ordinary legislative procedure applies, meaning that for the first time the European Parliament is fully associated in the conduct of trade policy.

In relation to the adoption of Regulation (EU) No 182/2011 the Commission made the following statement:

"The Commission will proceed to an examination of all legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty, in order to assess if those instruments need to be adapted to the regime of delegated acts introduced by Article 290 of the Treaty on the Functioning of the European Union. The Commission will make the appropriate proposals as soon as possible and no later than at the dates mentioned in the indicative calendar annexed to this declaration."²

The present proposal results from the Commission's examination of the legislative acts in the field of trade policy. Legislation in the field of trade policy has not been adapted in the past to the regulatory procedure with scrutiny.

This proposal accompanies a first proposal the Commission has made on trade policy. That proposal (COM(2011)82 final of 7 March 2011 - referred to as "Trade Omnibus I"³) amends certain regulations relating to the common commercial policy as regards procedures where the

¹ OJ L 55, 28.2.2011 p. 13.

² OJ L 55, 28.2.2011 p. 19.

³ OJ L xxx, xx.xx.xxxx, p. 4.

Council was involved in decision-making which were not based on Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.⁴ It proposes that such procedures be converted into either delegated acts pursuant to Article 290 of the Treaty or implementing acts pursuant to Article 291.

The current proposal examines all remaining decision-making procedures found in trade policy legislation in order to adapt them, where appropriate, to the regime for delegated acts set down in Article 290. In principle these are decision-making procedures based on Council Decision 1999/468/EC. At the time of making the statement related to the adoption of Regulation 182/2011 the Commission provided a list of acts in annex. As regards trade policy, the Commission listed the following acts⁵:

- Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries
- Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules
- Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia, as amended
- Council Regulation (EC) No 953/2003 of 26 May 2003 to avoid trade diversion into the European Union of certain key medicines
- Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America
- Council Regulation (EC) No 1616/2006 of 23 October 2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania
- Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements

⁴ OJ L 184, 17.7.1999, p. 23.

⁵ These acts are numbered 73 to 86 in the list of acts referred to in the Commission's statement. Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0488+0+DOC+XML+V0//EN&language=EN#BKMD-5>.

- Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC
- Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part
- Council Regulation (EC) No 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part
- Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007
- Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process
- Council Regulation (EC) No 1342/2007 of 22 October 2007 on administering certain restrictions on imports of certain steel products from the Russian Federation
- Council Regulation (EC) No 1340/2008 of 8 December 2008 on trade in certain steel products between the European Community and the Republic of Kazakhstan⁶

The Commission has examined all of these regulations. Where appropriate, it proposes that certain procedures be converted into delegated acts. The next section explains for each regulation the approach proposed by the Commission.

2. ANALYSIS OF EXISTING PROCEDURES

- **Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries**

The Commission carefully examined the procedures provided for in this regulation. It considers that the procedures provided for in Articles 2(6), 6(2), 8, 10, 10a(3), 13(3), 15(3),

⁶ The regulations are listed here as they appeared in the list annexed to the Commission statement. In the rest of this proposal they are listed in chronological order by date of adoption.

15(5), 19, 4(3) of Annex IV and 2, 3(1), 3(3) of Annex VII should be converted into procedures for the adoption of delegated acts. It notes that some of these articles refer to decision-making procedures for the adoption of safeguard measures. The Commission considers that such measures should normally be regarded as implementing measures, except, as in this case, where they may lead to amendments to the relevant annexes of the regulation and therefore exceptionally fall to be considered as delegated acts.

The Commission examined all other decision-making procedures provided for in this Regulation, and concludes that these procedures should be retained as implementing acts. The list of articles containing such procedures is as follows: Articles 2(8), 12, 15(1) and Articles 10, 14 and 21 of Annex III.

- **Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules**

The Commission carefully examined the procedures provided for in this regulation. It considers that the procedures provided for in Articles 3(3), 5(2), 12(3), 13, 16 and 28 should be converted into procedures for the adoption of delegated acts. It notes that some of these articles refer to decision-making procedures for the adoption of safeguard measures. The Commission considers that such measures should normally be regarded as implementing measures, except, as in this case, where they may lead to amendments to the relevant annexes of the regulation and therefore exceptionally fall to be considered as delegated acts.

The Commission examined all other decision-making procedures provided for in this Regulation, and concludes that these procedures should be retained as implementing acts. The list of articles containing such procedures is as follows: Articles 6(2), 6(3), 7(1), 8(2), 11, 15, 17(3), 17(6), 20, 21(2), 21(3), 21(4), 21(5) and 23.

- **Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia, as amended**

The Commission carefully examined the procedures provided for in Articles 2, 4, 7 and 7f of the Regulation. It came to the conclusion that none of these procedures leads to acts which supplement or amend the basic act and which therefore require to be converted into delegated acts.

- **Council Regulation (EC) No 953/2003 of 26 May 2003 to avoid trade diversion into the European Union of certain key medicines**

This regulation provides that the annex to the regulation may be amended to add tiered priced products to the list in the annex. This should be converted into a system of delegated acts.

- **Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America**

This regulation provides that the annex to the regulation may be amended to make adjustments to the customs duties applied and the products to which the duties apply. This should be converted into a system of delegated acts.

- **Council Regulation (EC) No 1616/2006 of 23 October 2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania**

The Commission carefully examined the procedures provided for in Articles 2, 4, and 11 of the Regulation. It came to the conclusion that none of these procedures leads to acts which supplement or amend the basic act and which therefore require to be converted into delegated acts.

- **Council Regulation (EC) No 1342/2007 of 22 October 2007 on administering certain restrictions on imports of certain steel products from the Russian Federation**

Article 5 states that the annexes to the regulation should be modified as specified in the relevant agreement with the Russian Federation. Article 6(3) provides that the annexes can be modified in the event of circumvention. The Commission is permitted to make such changes and no specific procedure is specified. Article 12 also permits the modification of the annexes, and is understood as permitting the Commission to modify the annexes. The Commission considers that these procedures should be converted into delegated powers. The Commission regards the powers provided in Articles 14 and 15 as being implementing acts.

- **Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements**

This regulation provides powers in Article 4(3) and Article 23 to make amendments to Annex II on rules of origin and the regulation as a whole in the event of divergences with international agreements. These procedures should be converted into procedures for the adoption of delegated acts. The regulation contains a number of other procedures currently subject to Regulation 182/2011 which the Commission considers should be maintained as implementing acts. These procedures are decisions on the management of rules of origin (Article 4(3)), suspension of benefits in the event of fraud (Article 5), detailed rules for the implementation and management for implementing the tariff rate quotas for sugar and rice (Articles 6 and 7)⁷, the transitional safeguard mechanism for sugar (Article 9), the transitional surveillance mechanism for processed agricultural products (Article 10), decisions on cumulation for rules of origin purposes (Article 6 of Annex II) and derogations from the provisions of Annex II on rules of origin (Article 36 of Annex II).

⁷ The tariff rate quotas in question no longer apply since 1 January 2010 for rice and 1 October 2009 for sugar.

- **Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC**

Article 7 provides that the Commission may make amendments and technical adjustments following amendments to the Combined Nomenclature or the conclusion of international agreements. The Commission considers that this procedure should be converted into a delegated power. The other procedures should remain as implementing acts.

- **Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part**

The Commission carefully examined the procedures provided for in Articles 2, 4, and 11 of the Regulation. It came to the conclusion that none of these procedures leads to acts which supplement or amend the basic act and which therefore require to be converted into delegated acts.

- **Council Regulation (EC) No 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part**

The Commission carefully examined the procedures provided for in Articles 2, 4, and 11 of the Regulation. It came to the conclusion that none of these procedures leads to acts which supplement or amend the basic act and which therefore required to be converted into delegated acts.

- **Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007**

This regulation provides for the annexes thereto to be amended in a number of specified purposes as set out in Article 25 thereof. It is appropriate to convert the system for making such amendments into a system of delegated acts. At the same time, the regulation also requires, in Articles 10(2) and 11(8) that certain of these amendments be preceded by decisions adopted pursuant to the examination procedure as provided for in Article 5 of Regulation (EU) No. 182/2011. It is undesirable in terms of legal clarity to require that the same substantive decision be subject to two different decision-making procedures, with the risk that those two procedures lead to different result. As a consequence, the Commission proposes that these procedures be unified into a system of delegated acts. The procedures provided for in Article 11(7) should be considered as implementing act and therefore do not require to be converted into a system of delegated acts.

- **Council Regulation (EC) No 1340/2008 of 8 December 2008 on trade in certain steel products between the European Community and the Republic of Kazakhstan**

Article 5(3) provides that the annexes can be modified in the event of circumvention. The Commission is permitted to make such changes and no specific procedure is set out. The Commission considers that this procedure should be converted into a delegated power. Other procedures should remain as implementing acts.

- **Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process**

Article 7 provides that the Commission may make amendments and technical adjustments following amendments to the Combined Nomenclature or the conclusion of international agreements. The Commission considers that this procedure should be converted into a delegated power. Other procedures should remain as implementing acts.

3. CONCLUSION

The result of the adoption of the two proposals adopted by the Commission as regards decision-making procedures in trade policy will be a substantial number of amendments to the acts in question. In order to improve legibility of the acts concerned, the Commission has proposed to replace whole sentences or paragraphs even where only a limited number of words in the sentence or paragraph are in reality being amended. The Commission will propose a codification of the acts as expeditiously as possible once the two horizontal proposals are adopted.

The Commission also notes that certain regulations, in particular Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries and Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules contain provisions creating procedures for the adoption of delegated or implementing acts in the annexes themselves. While this drafting technique is not now considered satisfactory, it would not be appropriate, in a proposal with a limited scope as in the present, to revisit the structure of the legislation.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A number of basic regulations relating to the common commercial policy provide that acts are to be adopted on the basis of the procedures set out in Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁸.
- (2) An examination of legislative acts in force which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Treaty of Lisbon is necessary in order to ensure consistency with the provisions introduced by that Treaty. It is appropriate, in certain cases, to amend such acts in order to grant delegated powers to the Commission pursuant to Article 290 of the Treaty on the Functioning of the European Union.
- (3) The following regulations should therefore be amended accordingly:
 - Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁹,
 - Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules¹⁰,

⁸ OJ L 184, 17.7.1999, p. 23.

⁹ OJ L 275, 8.11.1993, p. 1.

¹⁰ OJ L 67, 10.3.1994, p. 1.

- Council Regulation (EC) No 953/2003 of 26 May 2003 to avoid trade diversion into the European Union of certain key medicines¹¹,
- Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America¹²,
- Council Regulation (EC) No 1342/2007 of 22 October 2007 on administering certain restrictions on imports of certain steel products from the Russian Federation¹³,
- Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements¹⁴,
- Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC¹⁵,
- Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007¹⁶,
- Council Regulation (EC) No 1340/2008 of 8 December 2008 on trade in certain steel products between the European Community and the Republic of Kazakhstan¹⁷,
- Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process¹⁸.

(4) In order to ensure legal certainty, it is necessary that the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation,

¹¹ OJ L 135, 3.6.2003, p. 5.

¹² OJ L 110, 30.4.2005, p. 1.

¹³ OJ L 300, 17.11.2007, p. 1.

¹⁴ OJ L 348, 31.12.2007, p. 1.

¹⁵ OJ L 20, 24.1.2008, p. 1.

¹⁶ OJ L 211, 6.8.2008, p. 1.

¹⁷ OJ L 348, 24.12.2008, p. 1.

¹⁸ OJ L 328, 15.12.2009, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

The Regulations listed in the Annex are hereby adapted, in accordance with the Annex, to Article 290 of the Treaty.

Article 2

References to provisions of the instruments in the Annex shall be construed as being made to those provisions as adapted by this Regulation.

Article 3

This Regulation shall not affect the procedures for the adoption of measures provided for in the Regulations in the Annex which have been initiated but not completed before the entry into force of this Regulation.

Article 4

This Regulation shall enter into force on the 30th 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
[...]

ANNEX

List of Regulations falling under the common commercial policy and adapted to Article 290 of the Treaty.

1. COUNCIL REGULATION (EEC) NO 3030/93 OF 12 OCTOBER 1993 ON COMMON RULES FOR IMPORTS OF CERTAIN TEXTILE PRODUCTS FROM THIRD COUNTRIES¹⁹

As regards Regulation (EEC) No 3030/93, in order to ensure the appropriate functioning of the system for the management of imports of certain textile products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of necessary changes to the annexes to the Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EEC) No 3030/93 is amended as follows:

1. In Article 2, paragraph 6 is replaced by the following:

"6. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a in order to adapt the definition of quantitative limits laid down in Annex V and the categories of products to which they apply, where this proves necessary to ensure that any subsequent amendment to the combined nomenclature (CN) or any decision amending the classification of such products does not result in a reduction of such quantitative limits."

2. In Article 6, paragraph 2 is replaced by the following:

"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to amend the annexes so as to remedy the situation referred to in paragraph 1, due respect being given to the terms and conditions contained in the relevant bilateral agreements.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph."

3. Article 8 is amended as follows:

(a) The first paragraph is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to grant additional opportunities for imports during a given

¹⁹ OJ L 275, 8.11.1993, p. 1.

quota year, where, under particular circumstances, imports over and above those referred to in Annex V are required in respect of one or more categories of products.”;

(b) The following paragraph is inserted after the first paragraph:

“Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to the first paragraph. The Commission shall take a decision within 15 working days of a request from a Member State.”;

(c) The penultimate paragraph is deleted.

4. Article 10 is amended as follows:

(a) In paragraph 7, point (b) is deleted;

(b) Paragraph 13 is replaced by the following:

"13. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a concerning the measures provided for in paragraphs 3 and 9.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph. The Commission shall take a decision within 10 working days of a request from a Member State."

5. Article 10a is amended as follows:

(a) Paragraph 2a is deleted;

(b) Paragraph 3 is replaced by the following:

"3. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a concerning the measures provided for in paragraph 1, with the exception of the opening of consultations as provided for in paragraph 1(a).

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph."

6. Article 13 is amended as follows:

(a) The second subparagraph of paragraph 3 is replaced by the following:

"The Commission shall decide to introduce an *a priori* or an *a posteriori* surveillance system. The Commission shall be empowered to adopt delegated

acts in accordance with Article 16a concerning the imposition of the *a priori* surveillance system.";

- (b) The following subparagraph is added after the second subparagraph:

“Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to the second subparagraph.”

7. Article 15 is amended as follows:

- (a) Paragraph 3 is replaced by the following:

"3. If the Union and the supplier country fail to arrive at a satisfactory solution within the period stipulated in Article 16 and if the Commission notes that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with the procedure laid down in Article 16a to deduct from the quantitative limits an equivalent volume of products originating in the supplier country concerned.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph.”;

- (b) Paragraph 5 is replaced by the following:

"5. In addition, where there is evidence of the involvement of the territories of third countries which are Members of the WTO but which are not listed in Annex V, the Commission shall request consultations with the third country or countries concerned in accordance with the procedure described in Article 16 in order to take appropriate action to address the problem. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to introduce quantitative limits against the third country or countries concerned or to counteract the situation referred to in paragraph 1.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph."

8. The following Articles 16a and 16b are inserted:

“Article 16a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and in Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and in Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 2(6), 6(2), 8, 10(13), 10a(3), 13(3), 15(3) and (5) and 19 of this Regulation and Articles 4(3) of Annex IV and 2, 3(1) and (3) of Annex VII to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 16b

Urgency procedure

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.
 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council."
9. Article 19 is replaced by the following:

"Article 19

The Commission shall be empowered to adopt delegated acts in accordance with Article 16a to amend the relevant Annexes where necessary to take into account the

conclusion, amendment or expiry of agreements, protocols or arrangements with third countries or amendments made to Union rules on statistics, customs arrangements or common rules for imports".

10. In Article 4 of Annex IV, paragraph 3 is replaced by the following:

"3. Where it is established that the provisions of this Regulation have been contravened, and in agreement with the supplier country or countries concerned, the Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation concerning the amendment of the relevant Annexes to this Regulation, as necessary to prevent recurrence of such contravention.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph."

11. In Annex VII, Article 2 is replaced by the following:

"Article 2

The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to subject re-imports not covered by this Annex to specific quantitative limits, provided that the products concerned are subject to the quantitative limits laid down in Article 2 of this Regulation.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph."

12. In Annex VII, Article 3 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to effect transfers between categories and advance use or carry-over of portions of specific quantitative limits from one year to another.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.";

(b) Paragraph 3 is replaced by the following:

"3. The Commission shall be empowered to adopt delegated acts in accordance with Article 16a of this Regulation to adjust the specific quantitative limits where there is a need for additional imports.

Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 16b of this Regulation shall apply to delegated acts adopted pursuant to this paragraph."

2. COUNCIL REGULATION (EC) NO 517/94 OF 7 MARCH 1994 ON COMMON RULES FOR IMPORTS OF TEXTILE PRODUCTS FROM CERTAIN THIRD COUNTRIES NOT COVERED BY BILATERAL AGREEMENTS, PROTOCOLS OR OTHER ARRANGEMENTS, OR BY OTHER SPECIFIC COMMUNITY IMPORT RULES²⁰

As regards Regulation (EC) No 517/94, in order to ensure the appropriate functioning of the system for the management of imports of certain textile products not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of necessary changes to the annexes to the Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 517/94 is amended as follows:

1. In Article 3, paragraph 3 is replaced by the following:
 - "3. Any textile product referred to in Annex V and originating in the countries indicated therein may be imported into the Union provided an annual quantitative limit is established by the Commission. The Commission shall be empowered to adopt delegated acts to amend the relevant Annexes in accordance with Article 25a concerning the establishment of such annual quantitative limits."
2. In Article 5, paragraph 2 is replaced by the following:
 - "2. The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning the measures required to adapt Annexes III to VII."
3. In Article 12, paragraph 3 is replaced by the following:
 - "3. The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning measures referred to in paragraphs 1 and 2."
4. Article 13 is replaced by the following:

²⁰ OJ L 67, 10.3.1994, p. 1.

"Article 13

Where imperative grounds of urgency so require in the case the Commission finds, upon its own initiative or on the request of a Member State, that the conditions set out in Article 12(1) and (2) are fulfilled and considers that a given category of products listed in Annex I and not subject to any quantitative restriction should be subject to quantitative limits or prior or retrospective surveillance measures, the Commission shall be empowered to adopt delegated acts in accordance with Article 25b to impose the measures referred to in Articles 12(1) and (2)."

5. Article 16 is amended as follows:

(a) The third paragraph is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning the measures referred to in the first paragraph.";

(b) The following paragraph is added after the third paragraph:

"Where a delay in the imposition of measures would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to the third subparagraph."

6. Article 25 is amended as follows:

(a) In the first sentence of paragraph 3, the words "Article 13" are replaced by the words "Articles 12(3), 13 and 16";

(b) Paragraph 4 is deleted.

7. The following Articles 25a and 25b are inserted:

"Article 25a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Articles 3(3), 5(2), 12(3), 13, 16 and 28 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 3(3), 5(2), 12(3), 13, 16 and 28 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 25b

Urgency procedure

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.
 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 25a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council."
8. Article 28 is replaced with the following:

"Article 28

The Commission shall be empowered to adopt delegated acts in accordance with Article 25a to amend the relevant Annexes where necessary to take into account the conclusion, amendment or expiry of agreements or arrangements with third countries or amendments made to Union rules on statistics, customs arrangements or common rules for imports".

3. COUNCIL REGULATION (EC) NO 953/2003 OF 26 MAY 2003 TO AVOID TRADE DIVERSION INTO THE EUROPEAN UNION OF CERTAIN KEY MEDICINES²¹

As regards Regulation (EC) No 953/2003, in order to add products to the list of products covered by that Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to amend the Annex to that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

²¹ OJ L 135, 3.6.2003, p. 5.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 953/2003 is amended as follows:

1. Article 4 is amended as follows:

(a) Paragraph 3 is replaced by the following:

"3. The Commission shall be empowered to adopt delegated acts in accordance with Article 5 to determine whether a product fulfils the criteria set out in this Regulation.

Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph.";

(b) Paragraph 4 is replaced by the following:

"4. Where the requirements set out in this Regulation are fulfilled, the Commission shall be empowered to adopt delegated acts in accordance with Article 5 to add the product concerned to Annex I at the next following update. The applicant shall be informed of the decision of the Commission within 15 days.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph.";

(c) Paragraph 9 is replaced by the following:

"9. The Commission shall be empowered to adopt delegated acts in accordance with Article 5 to adjust Annexes II, III and IV where necessary in the light, inter alia, of the experience gained from its application or to respond to a health crisis.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 5a shall apply to delegated acts adopted pursuant to this paragraph."

2. Article 5 is replaced by the following:

"Article 5

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
 2. The delegation of power referred to in Article 4 shall be conferred on the Commission for an indeterminate period of time.
 3. The delegation of powers referred to in Article 4 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
 5. A delegated act adopted pursuant to Article 4 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.”
3. The following Article 5a is inserted:

“Article 5a

Urgency procedure

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.
 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 5(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.”
4. In Article 11, paragraph 2 is replaced by the following:
- "2. The Commission shall periodically report to the European Parliament and Council on the volumes exported under tiered prices, including on the volumes exported within the framework of a partnership agreement agreed between the manufacturer and the government of a country of destination. The report shall examine the scope of countries and diseases and general criteria for the implementation of Article 3."

4. COUNCIL REGULATION (EC) NO 673/2005 OF 25 APRIL 2005 ESTABLISHING ADDITIONAL CUSTOMS DUTIES ON IMPORTS OF CERTAIN PRODUCTS ORIGINATING IN THE UNITED STATES OF AMERICA²²

As regards Regulation (EC) No 673/2005, in order to make the necessary adjustments to the measures provided for in that Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of those adjustments. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 673/2005 is amended as follows:

1. In Article 3, paragraph 3 is replaced by the following:

“3. The Commission shall be empowered to adopt delegated acts in accordance with Article 4 to make adjustments and amendments under this Article.

Where, in the case of adjustments and amendments to the annexes, imperative grounds of urgency so require, the procedure provided for in Article 4a shall apply to delegated acts adopted pursuant to this paragraph.”

2. Article 4 is replaced by the following:

“Article 4

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 3(3) shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Article 3(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

²² OJ L 110, 30.4.2005, p. 1.

5. A delegated act adopted pursuant to Article 3(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.”

3. The following Article 4a is inserted:

“Article 4a

Urgency procedure

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.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 4(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.”

5. COUNCIL REGULATION (EC) NO 1342/2007 OF 22 OCTOBER 2007 ON ADMINISTERING CERTAIN RESTRICTIONS ON IMPORTS OF CERTAIN STEEL PRODUCTS FROM THE RUSSIAN FEDERATION²³

As regards Regulation (EC) No 1342/2007, in order to permit the effective administration through the adoption of adjustments to the restrictions on imports of certain steel products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 1342/2007 is amended as follows:

1. Article 5 is replaced by the following:

²³ OJ L 300, 17.11.2007, p. 1.

"Article 5

For the purposes of applying Article 3(3) and (4) and the second subparagraph of 10(1) of the Agreement, the Commission shall be empowered to adopt delegated acts in accordance with Article 31a of this Regulation to make the necessary adjustments to the quantitative limits set out in Annex V.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this Article."

2. In Article 6, paragraph 3 is replaced by the following:

"3. If the Union and the Russian Federation fail to arrive at a satisfactory solution and if the Commission notes that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with Article 31a concerning adjustments to Annex V for the purpose of deducting from the quantitative limits an equivalent volume of products originating in the Russian Federation.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 31b shall apply to delegated acts adopted pursuant to this paragraph."

3. Article 12 is replaced by the following:

"Where a classification decision adopted in accordance with the Union procedures in force referred to in Article 11 involves a product group subject to a quantitative limit, the Commission shall, where necessary, initiate consultations without delay in accordance with Article 9, in order to reach agreement on any necessary adjustments to the corresponding quantitative limits provided for in Annex V. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a concerning adjustments to Annex V for this purpose."

4. The following Articles 31a and 31b are inserted after the heading of Chapter IV:

"Article 31a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 5, 6(3) and 12 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Articles 5, 6(3) and 12 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 5, 6(3) and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council."

Article 31b

Urgency procedure

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.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 31a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council."

6. COUNCIL REGULATION (EC) No 1528/2007 APPLYING THE ARRANGEMENTS FOR PRODUCTS ORIGINATING IN CERTAIN STATES WHICH ARE PART OF THE AFRICAN, CARIBBEAN AND PACIFIC (ACP) GROUP OF STATES PROVIDED FOR IN AGREEMENTS ESTABLISHING, OR LEADING TO THE ESTABLISHMENT OF, ECONOMIC PARTNERSHIP AGREEMENTS²⁴

As regards Regulation (EC) No 1528/2007, in order to make technical adaptations to the arrangements for products originating in certain states part of the African, Caribbean and Pacific (ACP) Group of States, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of technical amendments to that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 1528/2007 is amended as follows:

²⁴ OJ L 348, 31.12.2007, p. 1.

1. Article 4 is amended as follows:

(a) In paragraph 3, the second sentence is deleted;

(b) The following paragraphs 4 and 5 are added:

"4. The Commission shall be empowered to adopt delegated acts in accordance with Article [insert the number of the Article(s) laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final] concerning technical amendments to Annex II necessary as a result of the application of that Annex.

5. Decisions on the management of Annex II may be adopted in accordance with the procedure referred to in Article 247 and 247a of Regulation (EEC) No 2913/92(*).

(*) OJ L 302, 19.10.1992, p. 1."

2. Article 23 is replaced by the following:

"Article 23

Adaptation to technical developments

The Commission shall be empowered to adopt delegated acts in accordance with Article [insert the number of the Article(s) laying down the procedure for the adoption of delegated acts, currently Articles 24a to 24c of proposal COM(2011) 82 final] concerning technical amendments to Articles 5 and 8 to 22 which may be required as a result of differences between this Regulation and agreements signed with provisional application or concluded in accordance with Article 218 of the Treaty with the regions or states listed in Annex I."

7. COUNCIL REGULATION (EC) NO 55/2008 OF 21 JANUARY 2008 INTRODUCING AUTONOMOUS TRADE PREFERENCES FOR THE REPUBLIC OF MOLDOVA AND AMENDING REGULATION (EC) NO 980/2005 AND COMMISSION DECISION 2005/924/EC²⁵

As regards Regulation (EC) No 55/2008, in order to permit the adjustment of the regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with Moldova. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

²⁵ OJ L 20, 24.1.2008, p. 1.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 55/2008 is amended as follows:

1. Article 7 is replaced by the following:

"Article 7

Conferment of powers

The Commission shall be empowered to adopt delegated acts in accordance with Article 8b in order to make the necessary amendments and adjustments to the provisions of this Regulation as a result of:

- (a) amendments to the Combined Nomenclature codes and to the TARIC subdivisions;
- (b) the conclusion of other agreements between the Union and Moldova."

2. The following Article 8b is inserted:

"Article 8b

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 7 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

8. COUNCIL REGULATION (EC) NO 732/2008 OF 22 JULY 2008 APPLYING A SCHEME OF GENERALISED TARIFF PREFERENCES FOR THE PERIOD FROM 1 JANUARY 2009 TO 31 DECEMBER 2011 AND AMENDING REGULATIONS (EC) NO 552/97, (EC) NO 1933/2006 AND COMMISSION REGULATIONS (EC) NO 1100/2006 AND (EC) NO 964/2007²⁶

As regards Regulation (EC) No 732/2008, in order for its Annexes to be adapted to developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of certain adjustments to the Annexes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 732/2008 is amended as follows:

1. In Article 10, paragraph 2 is replaced by the following:
 - “2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide, after having examined the request, whether to grant the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph.”

2. In Article 11, paragraph 8 is replaced by the following:
 - “8. When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of the arrangement. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to remove a country from the arrangement by amending Annex I and to establish a transitional period of at least three years.”

3. Article 25 is replaced by the following:

“Article 25

The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt amendments to the Annexes made necessary:

- (a) by amendments to the Combined Nomenclature;

²⁶ OJ L 211, 6.2.2008, p. 1.

- (b) by changes in the international status or classification of countries or territories;
- (c) by the application of Article 3(2);
- (d) if a country has reached the thresholds set out in Article 3(1).”

4. The following Articles 27a and 27b are inserted:

“Article 27a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 10(2), 11(8) and 25 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Articles 10(2), 11(8) and 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 10(2), 11(8) and 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 27b

Urgency procedure

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.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.”

9. COUNCIL REGULATION (EC) NO 1340/2008 OF 8 DECEMBER 2008 ON TRADE IN CERTAIN STEEL PRODUCTS BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF KAZAKHSTAN²⁷

As regards Regulation (EC) No 1340/2008, in order to permit the effective administration of certain restrictions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex V. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 1340/2008 is amended as follows:

1. In Article 5, paragraph 3 is replaced by the following:

- "3. Should the Union and the Republic of Kazakhstan fail to arrive at a satisfactory solution and should the Commission note that there is clear evidence of circumvention, the Commission shall be empowered to adopt delegated acts in accordance with Article 16a in order to deduct from the quantitative limits an equivalent volume of products originating in the Republic of Kazakhstan and to amend Annex V accordingly.

Where a delay in action would cause damage which would be difficult to repair and therefore, imperative grounds of urgency so require, the procedure provided for in Article 16b shall apply to delegated acts adopted pursuant to this paragraph."

2. The following Articles 16a and 16b are inserted:

“Article 16a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 5(3) shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of powers referred to in Article 5(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.

²⁷ OJ L 348, 24.12.2008, p. 1.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 5(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 16b

Urgency procedure

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.
2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 16a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council."

10. COUNCIL REGULATION (EC) NO 1215/2009 OF 30 NOVEMBER 2009 INTRODUCING EXCEPTIONAL TRADE MEASURES FOR COUNTRIES AND TERRITORIES PARTICIPATING IN OR LINKED TO THE EUROPEAN UNION'S STABILISATION AND ASSOCIATION PROCESS²⁸

As regards Regulation (EC) No 1215/2009, in order to permit the adjustment of the Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments required in light of changes in customs codes or for the conclusion of agreements with the countries and territories covered by that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Accordingly, Regulation (EC) No 1215/2009 is amended as follows:

1. Article 7 is replaced by the following:

²⁸ OJ L 328, 15.12.2009, p. 1.

"Article 7

Conferment of powers

The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 8b in order to make the necessary amendments and adjustments to the provisions of this Regulation as a result of:

- (a) amendments to the Combined Nomenclature codes and to the TARIC subdivisions;
- (b) the conclusion of other agreements between the Union and the countries and territories referred to in Article 1.

2. The following Article 8b is inserted:

"Article 8b

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2. The delegation of power referred to in Article 7 shall be conferred on the Commission for an indeterminate period of time.
- 3. The delegation of powers referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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.
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council."

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE**

1. NAME OF THE PROPOSAL:

Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures.

2. BUDGET LINES:

Not applicable.

3. FINANCIAL IMPACT:

Proposal has no financial implications.

4. ANTI-FRAUD MEASURES:

Not applicable.