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**LIMITE**

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**'I' ITEM NOTE**

From:	Presidency
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	COM(2016)799 final and COM(2016)799 final/2 - Annex1 - Corrigendum - 2016/0400(COD) -  COM(2016)798 final and COM(2016)798 final - Annex 1 - 2016/0399(COD) -
No. prev. doc.:	5623/17 + ADD 1 REV 1 5705/17 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union  Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the European Union  - Activation of the Friends of Presidency Group ("RPS Adaptation") - Consultation of the European Central Bank

## **I Background**

On 14 December 2016 the Commission presented two proposals: the first aiming at the adaptation of a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS) to Articles 290 and 291 TFEU<sup>1</sup>; the second, more specific, aiming at the adaptation of a number of legal acts in the area of Justice providing for the use of the RPS to Article 290 TFEU<sup>2</sup>.

The two proposals follow up to the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>3</sup>, which provides that *"(t)he three Institutions acknowledge the need for the alignment of all existing legislation to the legal framework introduced by the Lisbon Treaty, and in particular the need to give high priority to the prompt alignment of all basic acts which still refer to the regulatory procedure with scrutiny. The Commission will propose that latter alignment by the end of 2016."* (paragraph 27).

## **II Friends of the Presidency Group**

The two proposals affect legal acts covering the responsibilities of a number of Council formations, COREPER I and II and a wide range of different working groups.

In order to maintain an appropriate degree of coordination and consistency of approach, the Presidency has decided to activate the Friends of the Presidency group to examine the proposals and assess, for each legal act concerned, the adaptation proposed by the Commission.

The Friends of the Presidency group will work under COREPER's direction and report back to it as regards on-going work and progress achieved.

Delegations and the European Commission are invited to inform the Presidency and the GSC of the name and contact details of their representative at the Friends of the Presidency group at the following address before 15 February 2017:

[Secretariat.SJ4FOPCOM@consilium.europa.eu](mailto:Secretariat.SJ4FOPCOM@consilium.europa.eu)

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<sup>1</sup> Doc. ST 5623/17 + ADD 1 REV 1

<sup>2</sup> Doc. ST 5705/17 + ADD 1

<sup>3</sup> OJ L 123 of 12.5.2016, p.1

The Friends of the Presidency group will be Brussels based. At the meetings, the Member State representative may be accompanied, where appropriate, by the relevant expert dealing with the legal acts concerned by the Commission proposals.

The Presidency will shortly circulate information about how it intends to structure the work related to the examination of the proposals, which will reflect the aim of ensuring efficiency and coherence, whilst drawing on all available expertise.

### **III Consultation of European Central Bank**

Article 127(4) TFEU provides that the European Central Bank shall be consulted on any proposed Union act in its fields of competence. Since a number of legal acts<sup>4</sup> referred to in the Annex to the first Commission proposal fall within the fields of competence of the European Central Bank, the European Central Bank should be invited to submit an opinion regarding the proposal.

### **IV Decision**

On the basis of the above, the Committee of Permanent Representatives is therefore invited to:

- endorse the Presidency's intention to activate the Friends of the Presidency group as referred to above;
- invite the European Central Bank to submit an opinion.

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<sup>4</sup> See in particular, Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index; Regulation (EC) No 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector; Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains; Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates; Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies; Council Directive 2009/110/EC of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (listed in the Annex to the Commission proposal, respectively, at n. 61, 63, 65, 67, 74 and 80)