

Decision**of the Bundesrat****Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 715/2007 and (EC) No 595/2009 as regards the reduction of pollutant emissions from road vehicles****COM(2014) 28 final**

At its 920th session on 14 March 2014, under Paragraphs 3 and 5 of the Law on Cooperation between the Federation and the Länder in European Union Affairs (EUZBLG), the Bundesrat adopted the following opinion:

1. The Bundesrat welcomes the package of measures envisaged by the Commission, aimed at reducing pollutant emissions from road vehicles and thus at improving health protection for citizens in urban areas.
2. However, it considers the extent of the powers to be delegated to the Commission pursuant to Article 290 TFEU to be critical and confirms its opinion of 19 December 2013 (Bundesrat Document 768/13 (Decision)). In particular, it emphasises the fact that amending a Regulation should not weaken the Member States' participation and decision-making rights in the EU legislative process as regards essential provisions. It considers it very questionable whether, in the case of the proposal concerned, the requirements for such a large number of delegations are fulfilled, i.e. whether it is in each case a matter of non-essential provisions of the legislative act concerned. The Bundesrat regrets that the Commission has not provided reasons in each case. In its view, regulating limit values in this way encroaches significantly upon production processes and is therefore not, in principle, open to legislation as provided for in Article 290 TFEU. In the Bundesrat's opinion, delegated legislative acts should be limited to the absolute minimum, and the aim, substance and scope of the implementing powers then remaining should be laid down expressly and unambiguously.
3. The Bundesrat is sending this opinion directly to the Commission.