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## COVER NOTE

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| From:            | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director   |
| date of receipt: | 2 October 2023  |
| To:              | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union   |
| Subject:         | Draft Agreement on the European election recess period in 2024 for the transmission of delegated acts and draft measures adopted under the regulatory procedure with scrutiny |

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (24.11.2023)**

Delegations will find in Annex a letter, with its enclosure, from the Commission on the above-mentioned subject.

E-MAIL

EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary-General

Ref: Ares(2023)6601109 - 29/09/2023

IM 010943 2023  
02-10-2023Brussels  
SG.F.4 [REDACTED]

**Subject: Agreement on the European election recess period in 2024 for the transmission of delegated acts and draft measures adopted under the regulatory procedure with scrutiny**

Dear Secretary-General,

As provided for in the Common Understanding on Delegated Acts, our institutions need to agree on an arrangement for the transmission of delegated acts during the European election recess period in 2024. Similarly, the interinstitutional agreement between the European Parliament and the Commission of 2008 on procedures for implementing Decision 1999/468/EC provides that, for draft measures adopted under the regulatory procedure with scrutiny, the Commission will take the European Parliament's periods of recess into account, including the European election recess.

The services of the Parliament have reached out to the services of the Council and the Commission with a draft arrangement on the transmission of delegated acts and draft measures adopted under the regulatory procedure with scrutiny. The services of the three institutions have agreed on the enclosed draft '*Agreement on the European election recess period in 2024 for the transmission of delegated acts and draft measures adopted under the regulatory procedure with scrutiny*'.

I would like to ask you to confirm your endorsement of this agreement.

The Commission service in charge of the draft agreement is the Institutional Affairs Unit (SG.F.4) in the Secretariat-General [REDACTED] remains at the disposal of your services in case of questions or suggestions aiming at finalising the agreement by October, as foreseen in the Common Understanding on Delegated Acts.

Yours faithfully,

Ilze JUHANSONE

Enclosure

Ms Thérèse Blanchet  
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Electronically signed on 28/09/2023 20:01 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121

*Draft*

**Agreement on the European election recess period in 2024 for the transmission of delegated acts and draft measures adopted under the regulatory procedure with scrutiny**

*(draft 13/09/2023)*

The Common Understanding on delegated acts agreed by the three institutions in 2016<sup>1</sup> lays down the dates of the annual summer and winter recess periods during which the Commission may not transmit any delegated acts to the European Parliament and the Council. Point 14 of the Common Understanding also provides for the three institutions to agree on a specific arrangement for the European election recess by October of the year preceding the elections to the European Parliament. The election recess should therefore replace, for 2024, the ordinary summer recess for delegated acts provided for in point 14 of the Common Understanding.

Similarly, the interinstitutional agreement between the European Parliament and the Commission on procedures for implementing Decision 1999/468/EC of 2008<sup>2</sup> provides in paragraph 18 that, for measures adopted under the regulatory procedure with scrutiny (RPS), the Commission will take Parliament's recess periods into account, including the European election recess.

On this basis, this agreement sets out the recess dates for transmission of delegated acts and final draft RPS measures during the European elections of 2024.

**I. Election recess dates**

The Commission will not formally transmit any delegated act or final draft measure adopted under the RPS (after the vote of the committee<sup>3</sup>) to the European Parliament and the Council from Friday 15 March 2024, subject to section II.

Transmission may re-start:

- for final draft measures adopted under the RPS, from Wednesday 10 July 2024,
- for delegated acts, from Thursday 18 July 2024,
- for delegated acts in the area of financial services for which a period for objection of '1+1 month' applies and which do not fall under section II point c, from Monday 26 August 2024.

**II. Special cases**

<sup>1</sup> Annex to the Interinstitutional Agreement on Better Law-Making, OJ L 123, 12.5.2016, p.1-14

<sup>2</sup> OJ C 143, 10.6.2008, p.1.

<sup>3</sup> Unless otherwise indicated, 'committee' refers to a committee within the meaning of Regulation (EU) No 182/2011.

a) The recess set out in section I will not apply to delegated acts adopted under the urgency procedure. If a delegated act is adopted under the urgency procedure during the recess period, the time limit for objections provided for in the basic act will start to run only when the recess has ended, namely on 18 July 2024.

b) The recess set out in section I does not affect measures adopted under the RPS falling under the urgency procedure or curtailment of deadlines.

c) If both the adoption and entry into force of a delegated act or of a measure adopted under the RPS are needed in order to comply with a specific deadline fixed by a legal act of the EU or by international law and which is incompatible with the recess periods under section I, or in case there is an urgent need to address situations resulting from Russia's war of aggression against Ukraine, or from unforeseen and unpredictable circumstances, such as the outbreak of a pandemic, the Commission may transmit the act nevertheless during the recess period, thereby triggering the start of the objection period. The Commission will do its best to prevent such occurrences by trying to transmit these acts before the recess period. The Commission will inform the European Parliament and the Council by the end of January 2024 of all cases in which such an occurrence could arise. After January 2024, the Commission will inform immediately the European Parliament and the Council where such cases occur.

### **III. General early warning**

By the end of January 2024, the Commission will send the list of delegated acts, which are planned to be adopted between 18 February 2024 and 23 August 2024 to the European Parliament and to the Council. This allows the secretariats to prepare themselves for the delegated acts that will be transmitted shortly before the recess period and for those that will be adopted during the recess period but will only be formally transmitted after the recess period. The same applies to final draft RPS measures, which are intended to be submitted to the committee vote during that period.

### **IV. Information on delegated acts and final draft measures adopted under the RPS adopted during the recess**

The Commission will immediately informally send to the European Parliament and the Council any delegated act adopted during the recess period which is not formally transmitted to the European Parliament and the Council. The same applies to final draft measures adopted under the RPS (after the committee vote).

## **V. Cooperation between the Institutions**

In order to avoid unnecessary delays of the entry into force of delegated acts adopted but not yet transmitted during the recess period, and considering that the European Parliament and the Council shall be informed about the planning of the adoption of delegated acts and final draft RPS measures in accordance with section III and that those acts were informally transmitted to them in accordance with section IV, the European Parliament and the Council will endeavour to avoid an extension of the objection period. The three institutions recognise that in some specific matters, in view of the complexity, the importance or the political sensitivity of the act, an extension might nevertheless be needed. In case of such an extension and in case of a later decision that there is in the end no intention to object to the act or RPS measure, the European Parliament and the Council will endeavour to decide before the expiry of the objection period that they will not object and will communicate that decision to the Commission, so that the delegated act can be published and enter into force as soon as possible.

The modalities regarding access to information and preparatory meetings laid down in paragraph 28 of the Interinstitutional Agreement on Better Law-Making fully apply during the recess period.

## **VI. Implementing Acts**

The recess period will not apply to implementing acts. The relevant secretariats of the Council and parliamentary committees continue to receive all draft and final draft implementing acts through the comitology register.