

# Comitology, follow-up to Amsterdam: procedures for the exercise of implementing powers conferred on the Commission

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This report covers the activities of comitology committees in 2002. It follows the basic structure of the two previous reports and contains an introductory Section 1, a horizontal overview of committee activities in Section 2 and an Annex with detailed statistics regarding the individual comitology committees, organised according to the different areas covered by the services of the Commission. Compared to previous years, this report significantly improves the transparency of the statistics in the Annex by listing all committees individually together with textual comment on the activities of the committees. To recall, the purpose of the comitology committees is to assist the Commission in exercising the implementing powers conferred upon it by the legislator, i.e. the Council and the European Parliament. The comitology committees share three essential features. They are created by the legislator (the Council and the European Parliament) in accordance with the "legislative" procedures in force at the time of adoption of the basic instrument under which they are established, namely the cooperation or advisory procedures and, since the Maastricht Treaty, the codecision procedure. Hence, the legal basis of the comitology committees is enshrined in a so-called "basic instrument". In several respects their structure and working methods are standardised. A representative of the Commission chairs each committee, which consists of Member State representatives; these are the only "members" of the committees. The committees intervene under the procedures set out in the basic legislative instrument, in compliance with the Council's comitology decision. Pursuant to Council Decision 1999/468/EC, the management procedure should be reserved for management measures such as those relating to the application of the common agricultural and common fisheries policy or to the implementation of programmes with substantial budgetary implications. The regulatory procedure is prescribed in the case of measures of general scope designed to apply essential provisions of basic instruments, including measures concerning the protection of the health or safety of humans, animals or plants and in updating the "technical" elements of a basic instrument. The advisory procedure is applied wherever it is considered to be the most appropriate. As in previous years, the small percentage of referrals, about 0,25 %, of the total number of instruments adopted by the Commission (under the management or regulatory procedure) shows that the work of the committees under the current system results in a high degree of consensus and that the proposals by Commission representatives are normally approved by the committees. Concerning the overall change in the work of the committees, the report states that in the White Paper on Governance, the Commission proposed re-examining the conditions under which it adopts implementing measures and the need to maintain the existing committee procedures, in particular the management and regulatory procedures. The Commission announced its intention to launch initiatives aimed at amending Article 202 of the Treaty with a view to putting the Council and the European Parliament on an equal footing "in supervising the way in which the Commission exercises its executive role". In its draft Constitutional Treaty the Convention on the Future of Europe proposed to the Intergovernmental Conference (IGC) that the executive powers of the Commission should be reorganised. The Convention's draft introduces the instrument of "delegated" regulations to be adopted by the Commission in order to supplement or amend certain "non-essential" elements of European laws under the control of the Parliament and the Council, which can revoke the delegation itself or object to a specific draft regulation; a distinction should be made between these delegated regulations and implementing acts that the Commission will adopt under the supervision of the Member States. Lastly, preparations for the enlargement of the European Union include the participation of representatives of the ten acceding States and remaining candidate countries as observers in comitology committees.