

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

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PURPOSE: the simplification of the procedures for the exercise of implementing powers conferred on the Commission which will replace the 1987 comitology Decision. **COMMUNITY MEASURE:** Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. **CONTENT:** The new Decision will simplify the committee procedures, grant the European Parliament a right of scrutiny over the implementation of acts adopted by co-decision and substantially increase transparency in comitology. The Decision provides for criteria which will guide the legislator in the choice of committee procedures, while allowing for a certain degree of flexibility: - the management procedures should be followed as regards management measures such as those relating to the application of the common agricultural and common fisheries policies or to the implementation of programmes with substantial budgetary implications; - the regulatory procedure should be followed as regards 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, as well as measures designed to adapt or update certain non-essential provisions of a basic instrument; - the advisory procedure should be followed in any case in which it is considered to be the most appropriate and will continue to be used in those cases where it currently applies. The simplification of committee procedures particularly concerns the management and regulatory procedures, which will no longer have 2 variants each. The most important change relates to the regulatory procedure. If the implementing measures the Commission envisages to adopt do not obtain the necessary majority in the committee, the Commission will present a proposal to the Council. The Council will no longer have the possibility to reject the proposal by simple majority (the so-called 'double safety net' is therefore abolished). If a qualified majority indicates its opposition to the text, the Commission will have to re-examine its proposal, and negotiations will have to continue in order to reach a compromise. The effectiveness of the decision-making is guaranteed by the fact that after a time-limit to be fixed in each basic act, if the Council has neither adopted the implementing act nor indicated its opposition to it, the Commission can adopt the measures. However, the Commission has stated that in the review of proposals for implementing measures concerning particularly sensitive sectors, in order to find a balanced solution, it will act in such a way as to avoid going against any predominant position that might emerge within the Council against the appropriateness of an implementing measure. The Commission has made a statement of a similar scope with regard to implementing measures under the management procedure. The Decision provides for the involvement of the European Parliament in the implementation of acts adopted by co-decision. If the European Parliament considers that an implementing measure that the Commission intends to take exceeds the implementing powers provided for in the basic act, it can indicate so to the Commission, which will have to re-examine the draft measures. In the framework of the regulatory procedure, the European Parliament is also granted a scrutiny right in those cases where, due to lack of agreement by the committee, the Commission refers to the Council a proposal on the implementing measures. The EP will receive extensive information on committee procedures so it can fully exercise its right of scrutiny. Information to the public on committee procedures will be substantially improved. The rules on public access applicable to the Commission are made applicable to committee documents, a list of all the committees will be published in the Official Journal, and the Commission will publish an annual report on the working of committees. A public register will be set up containing the references of comitology documents, and the Commission has indicated that it intends to make available to the public the documents communicated to the European Parliament on comitology proceedings. Lastly, it is foreseen that provision relating to existing committees should be adjusted to align them to the new procedures.

ENTRY INTO FORCE: 18/07/1999.

