

## Basic information

**1998/0219(CNS)**

CNS - Consultation procedure  
Decision

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

Repealed by [2010/0051\(COD\)](#)

Amended by [2002/0298\(CNS\)](#)

Amended by [2006/2152\(ACI\)](#)

See also [2001/0314\(COD\)](#)

See also [2008/2002\(ACI\)](#)

### Subject

8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology

8.50.01 Implementation of EU law

Procedure completed

## Key players

European Parliament

### Committee responsible

**INST**

Institutional Affairs

### Rapporteur

[AGLIETTA Maria Adelaide \(V\)](#)

### Appointed

06/10/1997

### Committee for opinion

**AFET**

Foreign Affairs, Security and Defense Policy

### Rapporteur for opinion

[LENZ Marlene \(PPE\)](#)

### Appointed

22/04/1998

**AGRI**

Agriculture and Rural Development

[MULDER Jan \(ELDR\)](#)

18/03/1998

**BUDG**

Budgets

[WYNN Terence \(PSE\)](#)

01/09/1998

**ENER**

Research, Technological Development and Energy

[MCNALLY Eryl Margaret \(PSE\)](#)

28/04/1998

**RELA**

External Economic Relations

[KREISSL-DÖRFLER Wolfgang \(V\)](#)

10/11/1998

**JURI**

Legal Affairs, Citizens' Rights

[CASSIDY Bryan M.D. \(PPE\)](#)

25/02/1998

**TRAN**

Transport and Tourism

[BAZIN Jean-Pierre \(UPE\)](#)

17/02/1999



**ENVI**

Environment, Public Health and Consumer Protection

[COLLINS Kenneth D. \(PSE\)](#)









01/09/1998

	<b>LIBE</b> Civil Liberties and Internal Affairs		
	<b>CONT</b> Budgetary Control	<b>BOURLANGES Jean-Louis (PPE)</b>	22/04/1998
	<b>PECH</b> Fisheries		
	<b>REGL</b> Rules of Procedure, Verification of Credentials and Immunities	<b>CORBETT Richard (PSE)</b>	26/05/1998
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	General Affairs	2186	1999-05-31
	General Affairs	2192	1999-06-21
	Culture	2195	1999-06-28

Key events			
Date	Event	Reference	Summary
24/06/1998	Legislative proposal published	COM(1998)0380 	<a href="#">Summary</a>
18/09/1998	Committee referral announced in Parliament		
24/03/1999	Vote in committee		<a href="#">Summary</a>
24/03/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0169/1999</a>	
05/05/1999	Debate in Parliament		
31/05/1999	Debate in Council		
28/06/1999	Act adopted by Council after consultation of Parliament		
28/06/1999	End of procedure in Parliament		
17/07/1999	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	1998/0219(CNS)
<b>Procedure type</b>	CNS - Consultation procedure
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Decision
<b>Amendments and repeals</b>	Repealed by <a href="#">2010/0051(COD)</a> Amended by <a href="#">2002/0298(CNS)</a>

	Amended by <a href="#">2006/2152(ACI)</a> See also <a href="#">2001/0314(COD)</a> See also <a href="#">2008/2002(ACI)</a>
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 202
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ENVI/4/10431 INST/4/10424

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0169/1999</a> <a href="#">OJ C 219 30.07.1999, p. 0007</a>	24/03/1999	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T4-0452/1999</a> <a href="#">OJ C 279 01.10.1999, p. 0258-0411</a>	06/05/1999	<a href="#">Summary</a>
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		<a href="#">COM(1998)0380</a>  <a href="#">OJ C 279 08.09.1998, p. 0005</a>	24/06/1998	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2001)0783</a> 	20/12/2001	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2002)0733</a> 	13/12/2002	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2003)0530</a> 	08/09/2003	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2004)0860</a>  <a href="#">OJ C 065 17.03.2005, p. 0001-0050 E</a>	07/01/2005	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2006)0446</a> 	09/08/2006	<a href="#">Summary</a>
Document attached to the procedure		<a href="#">SEC(2006)1065</a> 	09/08/2006	
Follow-up document		<a href="#">COM(2007)0842</a> 	20/12/2007	<a href="#">Summary</a>
Follow-up document		<a href="#">SEC(2007)1713</a> 	20/12/2007	
Follow-up document		<a href="#">COM(2011)0879</a> 	12/12/2011	
Follow-up document		<a href="#">SEC(2011)1553</a> 	12/12/2011	

Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EU	Implementing legislative act	31999Y0717 OJ C 203 17.07.1999, p. 0001-0001	17/07/1999	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Interinstitutional agreement 2000/1010 OJ L 256 10.10.2000, p. 0019-0020	Summary
Decision 1999/0468 OJ L 184 17.07.1999, p. 0027	Summary

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

1998/0219(CNS) - 24/06/1998 - Legislative proposal

**OBJECTIVE:** to amend Decision 87/373/EEC on the Commission's implementing powers. **SUBSTANCE:** The final act of the Intergovernmental Conference on the Amsterdam Treaty specifically invites the Commission to submit a proposal for amending Decision 87/373/EEC on procedures for the exercise of implementing powers conferred on the Commission. Consequently, the Commission has submitted an amending text which aims firstly to clarify the criteria on the basis of which one or other procedure should be adopted. Thus, it is proposed that: - the management committee procedure should be used for measures to implement or manage common policies (such as the CAP), implementation of programmes having major budgetary implications or involving substantial financial resources (this procedure would guarantee a decision within an appropriate time); - the regulatory procedure is to be used for general measures which aim to apply, adapt or update basic legislative acts (this would involve the legislator, either the Council or the Parliament and the Council, in the procedure for instruments adopted by codecision). The advisory procedure would be used when the management or regulatory procedure was considered not or no longer appropriate. The other changes aim to simplify the 1987 decision by reducing the number of possible comitology procedures to four: advisory procedure, management procedure, regulatory procedure and a fourth specific procedure concerning safeguard measures for the Member States. Changes in the procedures are also envisaged to take account of the respective powers of each Institution. The proposal includes provisions under which Parliament will be kept informed of the work of the committees. The changes in the existing procedures entail repeal of the 1987 decision.

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

1998/0219(CNS) - 20/12/2001 - Follow-up document

This document sets out the first report of the working of the committees during 2001. The Council, in its Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1999/468/EC) - the so called new comitology decision - provided that the Commission must publish, from 2000 onwards, an annual report on the working of committees. This report is the first to do so. This report focuses on the "comitology" committees indicated in the list of committees published in the Official Journal; it also takes into account the changes resulting from the implementation of Council Decision 1999/468/EC. Thirdly, it evaluates the working of the committees' procedures in 2000. To recall, the purpose of the comitology committees is to assist the Commission in exercising the implementing powers conferred on it by the legislator, i.e. the Council and the European Parliament. As opposed to other types of committees or expert groups, the comitology committees share three essential features: 1) they were created by the legislator (the Council and European Parliament) in accordance with the "legislative" procedures in force at the

time the instrument under which they were established was adopted, namely the cooperation or advisory procedures and, ever since the Maastricht Treaty, the codecision procedure. Hence, the legal basis of the comitology committees is enshrined in a so-called 'basic' instrument; 2) their structure and working methods are in several respects standardised. The committees intervene in the framework of the procedures set out in the basic legislative instrument; 3) the committees exercise their power to deliver opinions on draft implementing measures submitted to them by the Commission pursuant to the basic legislative instrument and intervene in the framework of the advisory procedure, the management procedure or the regulatory procedure provided for to that effect. Pursuant to Article 2 of Council Decision 1999/468/EC, the management procedure should be reserved to 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 in any case in which it is considered to be the most appropriate. It should also be noted that the Commission is obliged to inform the European Parliament about the committees' work and to send it all draft implementing measures pursuant to a basic instrument adopted under Article 251 of the Treaty, so that the European Parliament can exercise its right of scrutiny enshrined in Article 8 of Decision 1999/468/EC. The number of comitology committees has been calculated by sector of activity on the basis of the list of committees published in the Official Journal. Its status on 31.12.2000 was 244 committees. DG Environment, DG Enterprise, DG Agriculture, DG Transport and Energy and DG Health and Consumer Protection have the largest number of committees (at least 20 each). With 152 out of a total of 244 committees, these DGs alone account for more than half the committees. The overall figure may be broken down by the different types of procedure (advisory procedure (type I), management procedure (type II), regulatory procedure (type III), plus the safeguards procedure (type IV - Table II)). The different variants (IIa and IIb, IIIa and IIIb) are classified in the same type (I, II, III) in accordance with the 1987 comitology procedure. The overall figure also includes all corresponding functions - both under the 1987 Comitology Decision and the new 1999 Comitology Decision. Since certain committees have multiple functions (i.e. use a plurality of procedures ranging from type I to III, plus the safeguard procedure), these have been singled out from the other committees to provide a true picture of the applicable procedures. The global figures indicate that a relative majority of the committees (109 out of 244) consists of regulatory committees, followed by a considerably smaller number of management committees. The horizontal breakdown by sector is quite well balanced, with a number of exceptions, notably DG Environment (with a large number of regulatory committees) and DG Agriculture (with a large number of management committees). A sectoral snapshot of the committees' activities should include the opinions delivered by all the committees in a sector. Opinions may be of various kinds: they may concern draft legislative instruments (directives, regulations), decisions designed to regulate a specific (individual) legal situation or to approve financial projects in the context of any of the many Community programmes, or just position statements (which explains why the total number of favourable opinions may be greater than the total number of instruments adopted in a specific sector). In the event of a favourable opinion, the rule is that the Commission adopts the implementing measures (the instruments adopted); under the management procedure it may also adopt an instrument in the absence of an opinion. It is only in the eventuality of an unfavourable opinion that the decision is referred to the Council as "an appeal body".

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

1998/0219(CNS) - 20/12/2007 - Follow-up document

In accordance with Decision 1999/468/EC, the Commission presents its annual report on the working of committees for 2006. It contains general comments on the development of the comitology system, a horizontal overview of committees' activities and an Annex with detailed statistics regarding the individual comitology committees, arranged according to the different departments of the Commission.

2006 was marked by significant **reform of the comitology procedure**. Council Decision 2006/512/EC amending Council Decision 1999/468/EC was adopted on 17 July 2006 and entered into force on 23 July of the same year. The amendment to Council Decision 1999/468/EC is intended to meet the longstanding requests by the European Parliament to improve its rights to scrutinise implementation of legislative acts adopted under the co-decision procedure. The amendment introduces a **"regulatory procedure with scrutiny"** (PRAC), which is added to the existing procedures (advisory, management, regulatory and safeguard).

In a joint statement, the European Parliament, the Council and the Commission agreed on a list of basic legal acts that must be urgently brought into line with the PRAC. The 26 corresponding proposals for this priority alignment were adopted by the Commission on 22 December 2006. All other basic legal acts adopted under the co-decision procedure, which are not listed in the joint statement of July 2006, also have to be aligned. The Commission has committed to reviewing all existing legal acts and, whenever necessary, to make relevant proposals for their alignment before the end of 2007.

The October 2000 bilateral (Commission/European Parliament) agreement on procedures for implementing the Comitology Decision has to be revised to be brought into line with the statement on transparency/updated register, the new regulatory procedure with scrutiny and, whenever possible, to streamline current arrangements. The revision of this agreement is foreseen before the end of 2007.

As in previous reports, this report gives **global figures** on formal opinions delivered by the committees and the subsequent implementing measures (legal acts, administrative and financing decisions) adopted by the Commission. These figures describe the concrete "output" of the committees. The total number of opinions delivered by the committees in 2006 was 2 933 (compared with 2 582 in 2005), and the number of implementing measures adopted by the Commission was 2 862 (compared with 2 654 in 2005).

The large number of implementing measures adopted in certain **policy sectors** – Agriculture (1 576), Health and Consumer Protection (328), EuropeAid (297), Research (212) and Information Society (73) – again reflects the intensity of work delegated to the Commission in these areas via the comitology procedures. When compared with the previous year, a significant increase can be noted for EuropeAid (124 in 2005), whereas a decrease can be noted in the sector of Enterprise and Industry (10 in 2006 compared with 55 in 2005) and of Taxation and Customs Union (7 in 2006 compared with 47 in 2005).

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

1998/0219(CNS) - 13/12/2002 - Follow-up document

This report details the working of committees during 2001. The legal nature and role of comitology committees has already been described (please refer to the document dated 20/12/01.) As before, the number of comitology committees has been calculated by sector of activity on the basis of the list of activities published in the Official Journal. The status as at 31/12/01 was 247 committees, as opposed to 254 in 2000. The figures show the focus of activities in the different policy sectors from the comitology perspective. Environment, Agriculture, and Transport/Energy have the largest number of committees (at least 20 each). With 135 out of a total of 247 committees, these policy sectors alone account for more than half of the committees. However, the Commission's efforts to limit the growth in the number of committees have been rewarded, since at the end of 2001 there were slightly less committees (247) than in the previous year (254.) The overall figures can be broken down by type of procedure. The global figures indicate that a relative majority of the committees (106 out of 247) consists of committees working exclusively under the regulatory procedure, followed by a considerably smaller number working exclusively under the management procedure (76). The horizontal breakdown by policy sector is quite even, with a number of exceptions, notably Environment and Transport and Energy (with a large number of committees working under the regulatory procedure and Agriculture (with a large number of committees working under the management procedure.) The number of committees is not the only indicator of activity at comitology level. The number of meetings held in 2001 reflects the intensity of each committee's work. Agriculture leads the field (365 meetings), since managing the different agricultural markets requires frequent meetings. It is followed by Taxation and Customs Union (with 116 meetings) where the focus is on customs matters involving trade with third countries, and Health and Consumer Protection (with 122 meetings) which is responsible among other things for food safety. A further indicator, particularly as regards the allocation of funds, is the number of days taken up by the meetings. These figures broadly correspond to those relating to the number of meetings. A key indicator of the intensity of activities is the number of consultations the Commission puts on a committee's agenda. These can range from formal opinions, preparatory exchanges of view, simple communications from the Chair etc. The total number of consultations in 2001 was 5613, compared to 4561 in 2000. The large number of consultations in certain policy sectors - Agriculture (1984), Health and consumer Protection (1138) and Taxation and Customs Union (562) - again reflect the intensity of the work which was delegated to the Commission, via the comitology procedures in these areas. The report goes on to present committee activities by sectoral policy.

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

1998/0219(CNS) - 17/07/1999 - Implementing legislative act

COMMUNITY MEASURE : Declarations on Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (1999/C 203/01). CONTENT : in the framework of Decision 1999/468/EC , the Commission and the Council have made a series of statements which aim to clarify their position on certain articles of this decision: - Commission statement on Article 4 : under the management procedure, the Commission would recall that its constant practice is to try to secure a satisfactory decision which will also muster the widest possible support within the Committee. The Commission will take account of the position of the members of the Committee and act in such a way as to avoid going against any predominant position which might emerge against the appropriateness of an implementing measure; - Commission statement concerning Article 5 : in the review of proposals for implementing measures concerning particularly sensitive sectors, the Commission, in order to find a balanced solution, will act in such a way as to avoid going against any predominant position which might emerge within the Council against the appropriateness of an implementing measure; - Council and Commission statement : the Commission and the Council agree that provisions relating to committees assisting the Commission in the exercise of implementing powers provided for in application of Decision 87/373/EEC should be adjusted without delay in order to align them with Articles 3, 4, 5 and 6 of Decision 1999/468/EC in accordance with the appropriate legislative procedures. Such adjustment should be made as follows: - current procedure I would be turned into the new advisory procedure; - current procedures II(a) and II(b) would be turned into the new management procedure; - current procedures III(a) and III(b) would be turned into the new regulatory procedure.

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

1998/0219(CNS) - 10/10/2000 - Final act

COMMUNITY MEASURE : Agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission. CONTENT : this supplementary final act states that the European Parliament is to be informed by the Commission on a regular basis of the proceedings of the committees involved in committee procedures. To that end, it is to receive, at the same time as the members of the committees and on the same terms, the draft agendas for committee meetings, the draft implementing measures submitted to the committees under basic instruments adopted by the procedure provided for by Article 251 of the EC Treaty, and the results of voting and summary records of the meetings and lists of the authorities to which the persons designated by the Member States to represent them belong. Furthermore, the Commission agrees to forward to the European Parliament, for information, at the request of the parliamentary committee responsible, specific draft measures for implementing basic instruments which, although not adopted under the codecision procedure, are of particular importance to the European Parliament. Once the appropriate technical arrangements have been made, the documents referred to in Article 7(3) of Decision 1999/468/EC will be forwarded electronically. Confidential documents will be processed in accordance with internal administrative procedures drawn up by each institution with a view to providing all the requisite guarantees. Pursuant to Article 8 of Decision 1999/468/EC, the European Parliament may indicate, in a resolution setting out the grounds on which it is based, that draft measures for

implementing a basic instrument adopted by the procedure provided for by Article 251 of the Treaty exceed the implementing powers provided for in that basic instrument. The European Parliament is to adopt such resolutions in plenary; it is to have a period of one month in which to do so, beginning on the date of receipt of the final draft of the implementing measures in the language versions submitted to the Commission. In urgent cases, and in the case of measures relating to day-to-day administrative matters and/or having a limited period of validity, the time limit will be shorter. That time limit may be very short in extremely urgent cases, and in particular on public health grounds. The Member of the Commission responsible is to set the appropriate time limit and to state the reason for that time limit. The European Parliament may then use a procedure whereby application of Article 8 of Decision 1999/468/EC, within the relevant time limit, may be delegated to the parliamentary committee responsible. Following adoption by the European Parliament of a resolution setting out the grounds on which it is based, the Member of the Commission responsible is to inform the European Parliament or, where appropriate, the parliamentary committee responsible, of the action the Commission intends to take thereon. It should be noted that the European Parliament supports the aim and the procedures set out in Declaration No 2 of the Council and the Commission. That Declaration is aimed at simplifying Community implementing arrangements by bringing the committee procedures currently in force into line with those contained in Decision 1999/468/EC.

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

1998/0219(CNS) - 09/08/2006 - Follow-up document

PURPOSE: to report on the working of committees in 2005.

CONTENT: this report covers the activities of the comitology committees which met during the course of 2005. Attached to the report is an Annex containing detailed statistics regarding the individual comitology committees. The Annex also provides textual comments on changes relating to a number of committees and on exceptional events relating to specific draft measures, such as unfavourable opinions, EP resolutions resulting from the exercise of the right of scrutiny and referrals to the Council. The report also examines inter-institutional negotiations on the revision of Council Decision 1999/468/EC, which is soon to be concluded.

As a reminder, the purpose of the comitology committees is to assist the Commission in exercising its *implementing powers*. Comitology committees need to be distinguished from other committees and groups of experts set up by the Commission to assist it in exercising its *right of initiative* or in carrying out monitoring, coordination or co-operation tasks with the Member States. These consultative bodies, of which there are around 1 300, are not analysed in this report.

**The European Parliament's right of scrutiny:** The Commission is obliged to inform the European Parliament of work in progress in the Committees and to send it all draft implementing measures concerning basic legal acts which have been adopted in conformity with the co-decision procedure. In February 2000, the European Parliament and the Commission concluded an "Agreement on procedures for implementing Council Decision 1999/468 /EC". This was specifically designed to regulate the procedures for implementing the obligations incumbent on the Commission. Although, under the terms of the Agreement, the Commission has one month in which to forward a definitive draft implementing measure, in practice the Commission uploads the draft implementing measure into the register at the same time as they send it to the Member States. If a vote is launched by written procedure, without a committee meeting being held in accordance with the rules of Procedure, the same applies. Once the vote has taken place the Commission is instructed to complete a voting form, which indicates the global result of the vote in respect of the specific draft implementing measure.

In cases where the draft implementing measure has been amended, it will be uploaded a second time into the register, together with the voting form, and sent to the European Parliament. In cases where the draft implementing measure remains unchanged, only the voting form is uploaded and transmitted to the European Parliament. The version of the draft implementing measure initially uploaded is then considered the final draft.

**Resolutions adopted by the European Parliament in 2005:** In 2005, the European Parliament adopted two Resolutions, in which it claimed that the Commission exceeded the implementing powers conferred upon it when adopting specific implementing measures. In both cases they concerned environmental issues: waste and hazardous substances in electrical and electronic equipment. In both cases, the Commission defends its position and is waiting for a Court ruling on the matter.

**Review of transmissions to the European Parliament:** In a 2005 Resolution, the Parliament called on the Commission to undertake a careful review of all transmissions of draft implementing measures since the register went into production. The result of a Commission review was accordingly forwarded to the Parliament in 2005. In cases where anomalies were detected, the Commission proposed an "ex-post" control, which gave the Parliamentary committees concerned the possibility to re-examine the implementing measures. The Commission also offered to repeal any measure the European Parliament requested – such as the end of life vehicles Directive. Further, the Commission implemented reinforced internal control mechanisms within its administrative procedures to avoid similar problems in the future.

**Referrals to the Council:** In 2005, a total of 11 cases were referred to the Council. They occurred in four policy areas; Health and Consumer Protection; Environment; Europe Aid and Statistics. The eleven cases referred to the Council represent less than 0.5% of the total number of implementing measures adopted by the Commission under the management or regulatory procedures of which there were 2 637. The Commission points out that 10 referrals were draft Commission decisions regarding the authorisation to place genetically modified products on the market. The high concentration of GMO referrals can be attributed to the divided views of the Member States.

**Reform of the current comitology system:** At the end of the Austrian Presidency in June 2006, the three institutions reached agreement modifying Council Decision 1999/468/EC and the introduction of new regulatory procedures with scrutiny. This new procedure will apply to implementing measures of a general scope and to non-essential elements of basic legal acts adopted under the co-decision procedure. The Parliament obtains the right to veto the substance of such implementing measures and, as a result, greatly improves its control powers over the implementing powers conferred on the Commission by comitology procedures.

**The Committees in figures:** Transport/energy (38), enterprise (32), environment (32) and Agriculture (31) continue to have by far the largest number of committees. With 133 out of a total of 250 committees, these policy sectors alone account for more than half of all the committees. Commission efforts to stabilise the number of committees is beginning to bear fruit. Whilst the overall number of committees at the end of 2005 were slightly higher than in 2004, it still meets the Commission objective to limit the number of committees to around 250.

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

1998/0219(CNS) - 28/06/1999 - Final act

**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.

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

1998/0219(CNS) - 06/05/1999 - Text adopted by Parliament, 1st reading/single reading

Under consultation procedure, the European Parliament adopted the report by Marie Adelaide Aglietta (V,IT), which approves the Commission proposal laying down the procedures for the exercise of implementing powers conferred on the Commission, subject to amendments, the majority of which seek to place the two branches of legislative authority (namely the European Parliament and the Council) on an equal footing. In particular, the report recalls that the Treaty of Amsterdam has further extended the field of application of codecision procedure and that henceforth the Parliament's increased power should be acknowledged in all areas where legislative authority is shared, including the area of implementing powers. The Parliament seeks to make the proposed system of comitology more transparent, particularly with regard to the activity and the procedures of the committees. The Parliament limits the use of the management procedure to the adoption of measures of general scope designed to apply basic instruments and measures relating to the implementation of common policies (eg. the CAP). The Parliament proposes that all other measures, and in particular those implementing programmes with budgetary implications, as well as measures relating to the criteria for granting financial support be adopted by use of the advisory procedure. The Parliament removes any reference to use of the regulatory or safeguard procedures. The Parliament also asks that it be granted, in the same capacity as the Council, the right to challenge within a timeframe of two months any implementing measure under codecision procedure, where the measure or draft measure exceeds the implementing powers provided for in the basic act. After this time period, the Commission should either submit a legislative proposal or take an amended implementing measure. In the case of measures relating to areas where codecision does not apply, the Commission is still required to take account of the Parliament's position as far as possible. Finally, the Parliament insists that, except for reasons of confidentiality, all documents shall be made public and accessible by electronic transmission. **AVC96050 11/03/99 DAF EN** **PURPOSE:** to establish a procedure under the Lomé Convention for the partial or full suspension of cooperation in cases of serious abuse of human rights. **COMMUNITY MEASURE:** Council decision 1999/214/EC regarding the implementation of Article 366a of the Fourth Lomé Convention. **CONTENT:** According to the Lomé Convention, respect for human rights, democratic principles and the rule of law (Article 5 of the Mauritius Agreement amending Lomé IV) constitutes an essential element of the Convention. In Article 366a, the Convention provides that a party (the

Community and its Member States or any of the ACP States) which considers that another party has failed to fulfil an obligation in respect of Article 5 of the Mauritius Agreement, may invite that party to hold consultations with a view to examining the situation and resolving it. To this end, Article 366a provides that a specific procedure should be applied containing the precise time limits for consultations. This decision fixes the procedure to be followed in such cases. Hence, it provides that the Council, acting by a qualified majority, will invite the ACP State concerned to hold consultations. On expiry of the time limit provided for by Article 366a of the Convention (or else immediately in case of urgency or refusal to hold consultations), the Council may, acting by a qualified majority, decide to partially suspend cooperation. It should be noted that the European Parliament shall be immediately and fully informed of any decision to suspend or withdraw cooperation. However, it will not be allowed to take the initiative in this area and its assent for the suspension or resumption of cooperation will not be required, as it had wanted. The measures decided upon will remain in force for as long as necessary and cannot be modified except by means of a Council decision. To this end, the Council will review at least every six months the measures taken. In fields covered by the Convention and falling within the competence of Member States, the Member States may authorise the Council to cover these fields in adopting decisions relating to consultation or suspension of the Convention. ENTRY INTO FORCE: 12/03/1999.

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

1998/0219(CNS) - 07/01/2005 - Follow-up document

PURPOSE: to present a report from the Commission on the activities of comitology committees in 2003.

CONTENT: this report covers the activities of comitology committees during the year 2003 and follows the basic structure of the previous report covering the year 2002.

It contains an introductory Section 1, which looks at the legal nature and role of the committees in question, the state of implementation of Decision 1999/468/EC, the European Parliament's right of scrutiny, referrals to the Council and wider developments (e.g. Convention on the Future of Europe and enlargement).

This is followed by a horizontal overview of committees' activities in Section 2 that looks at the number of committees and types of procedures, the number of meetings and the number of opinions and instruments.

Lastly, there is an Annex with detailed statistics regarding the individual comitology committees, organized according to the different departments of the Commission (presented as a Commission staff paper).

This report maintains the improved transparency of the statistics in the Annex by listing all committees individually together with textual comments on their activities.

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

1998/0219(CNS) - 08/09/2003 - Follow-up document

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.