

EU DECISION-MAKING: COMITOLOGY

ANDRÁS BANETH

abaneth@pac.org
www.pac.org/europe



Public Affairs Council



Connect with me: [linkedin.com/in/andras-baneth](https://www.linkedin.com/in/andras-baneth)



“COMITOLOGY”
[secondary legislation]

EU INSTITUTIONS AND AGENCIES



European
Central Bank



European Council,
Council of Ministers



European
Commission



European
Parliament



Agencies
including ESAs



DECISION MAKING INSIDE EU INSTITUTIONS

EUROPEAN COMMISSION

Absolute majority

Unanimity
(consensus)

EUROPEAN PARLIAMENT

Simple majority

Absolute majority

Special majority

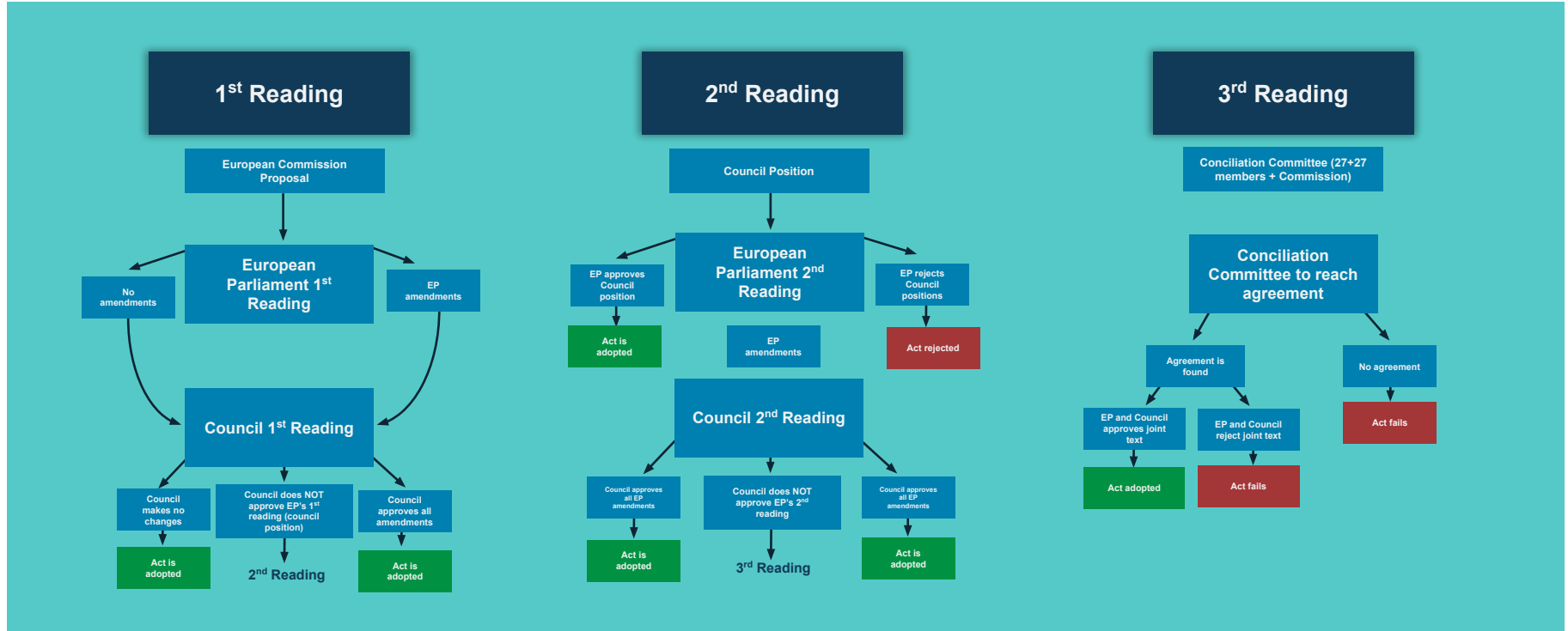
EUROPEAN MINISTERS (MEMBER STATES)

Unanimity

Qualified majority

- 55%
- 65%

1. THE ORDINARY LEGISLATIVE PROCEDURE



2. COMITOLGY [IMPLEMENTING MEASURES]



CHANGES AT FOUR STAGES IN THE EU DECISION-MAKING PROCESS

1. Drafting

Impact assessment by Commission of proposals, with an extended role for the **Regulatory Scrutiny Board**

2. Adopting

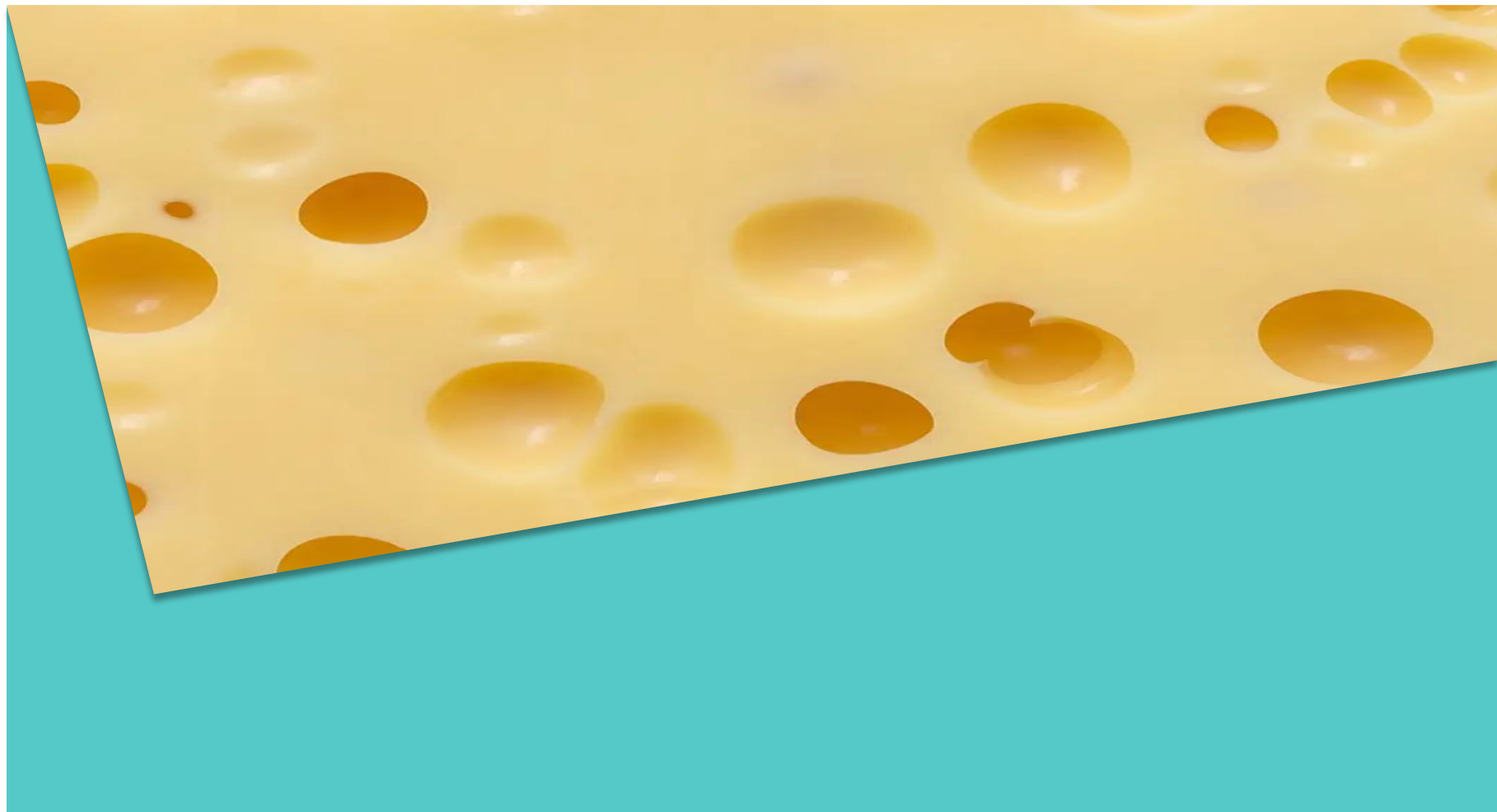
Ordinary legislative procedure: **Impact assessments by European Parliament and Council and trilogues**

Delegated and implementing acts: **Possible impact assessment, expert groups confirmed and public consultation**

3. Implementation

Overall assessment of effectiveness of legislation: **REFIT actions, the REFIT Platform and the possible involvement of the Regulatory Scrutiny Board**

4. Ex post evaluation



DIFFERENT PROCEDURES

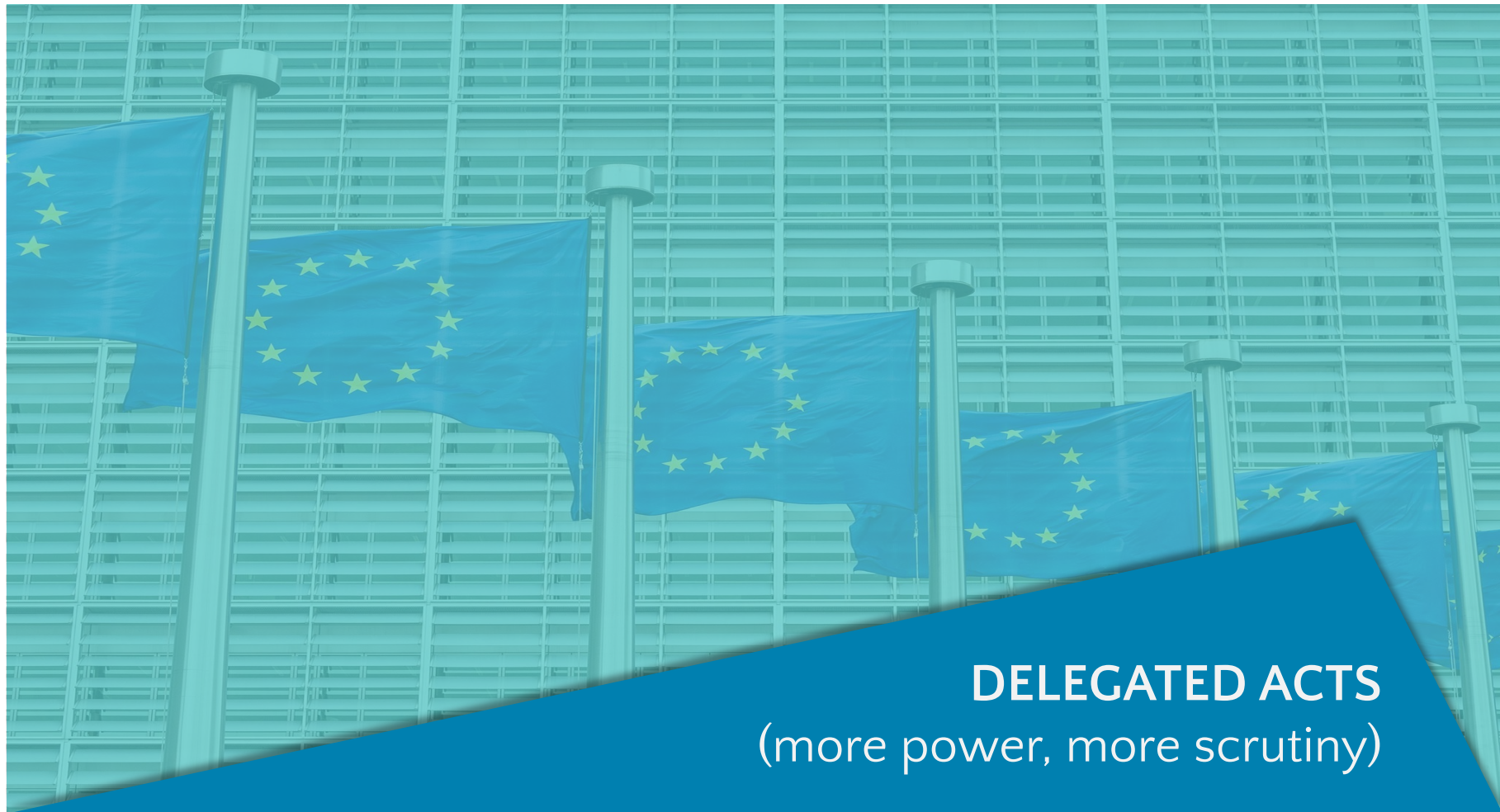
(CONDITIONS / CONTROLS)

DELEGATED ACTS

VS

IMPLEMENTING ACTS

(and RPS)



DELEGATED ACTS
(more power, more scrutiny)

NEW PROCEDURES

1. DELEGATION

The basic legislative act determines the mandate of the delegation to the commission:

Objectives

Content

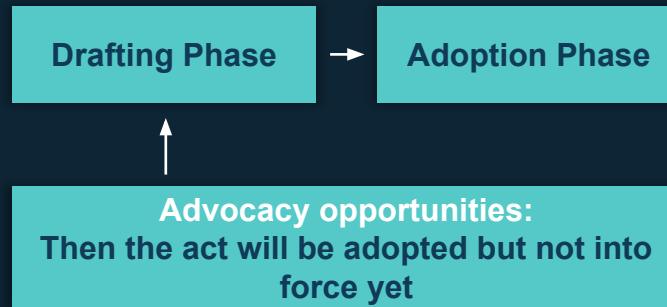
Duration

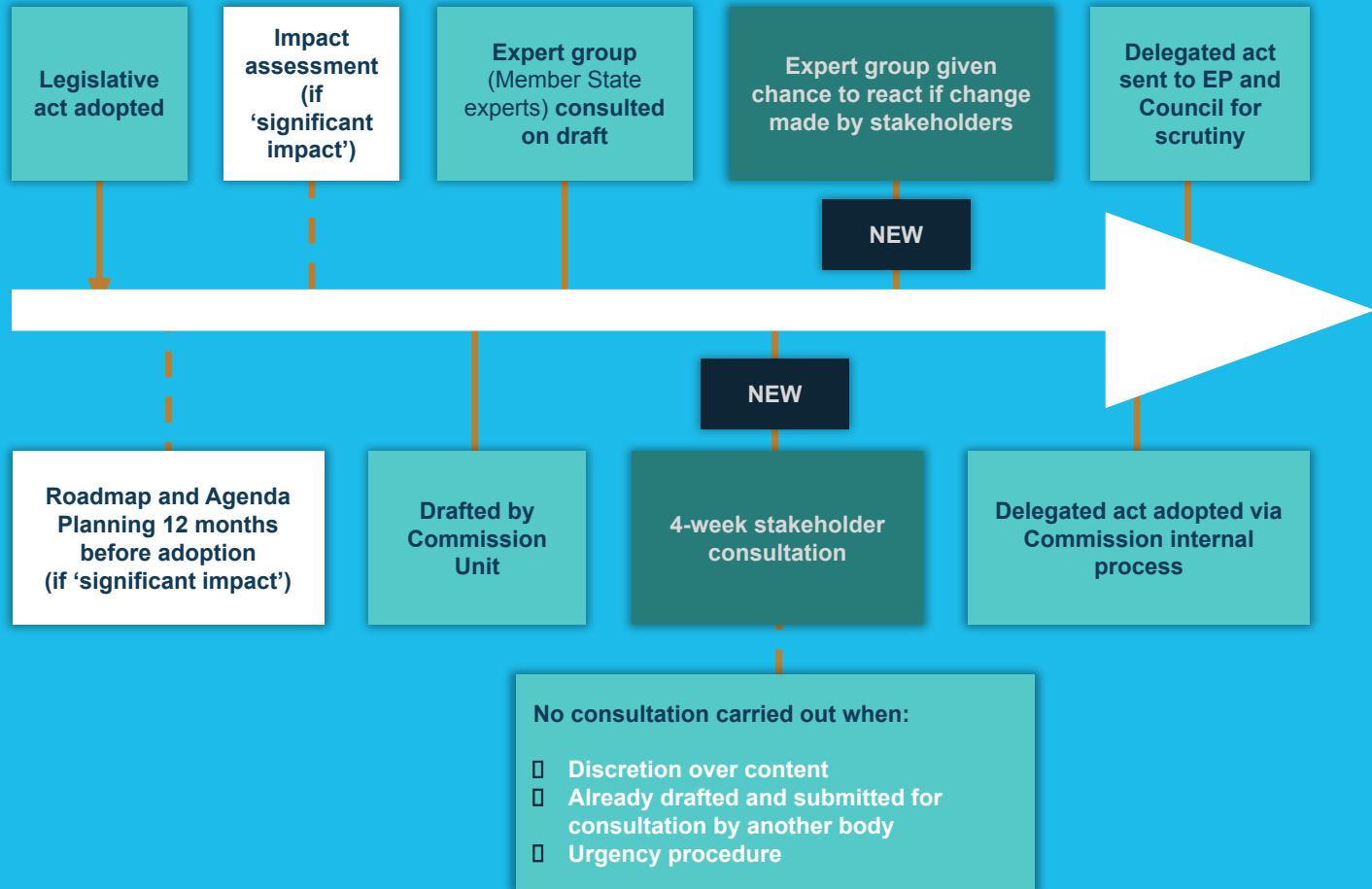
Scope

NEW PROCEDURES

2. ADOPTION

Of the delegated acts
by the Commission alone (experts):





NEW PROCEDURES

CONTROLLING THE ENACTMENT OF DELEGATED ACTS

THE COUNCIL

OR

THE PARLIAMENT

Object

i.e. delegated act
does not enter into
force

Content

i.e. the delegation
authority is
revoked

DELEGATED ACTS

Procedure for Delegated Acts (Article 290 TFEU)

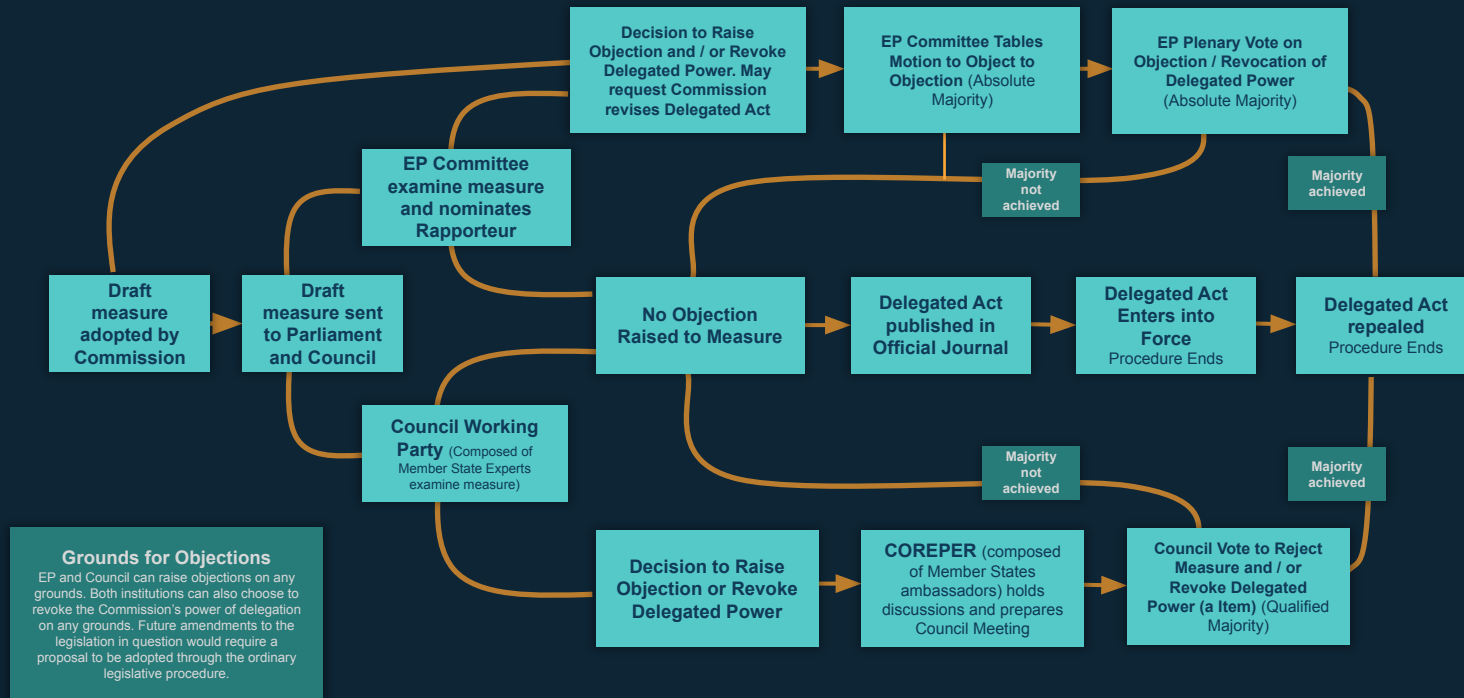


Table 4: Number of (Un-) Successful Vetoes of DA by the European Parliament (2006–14)

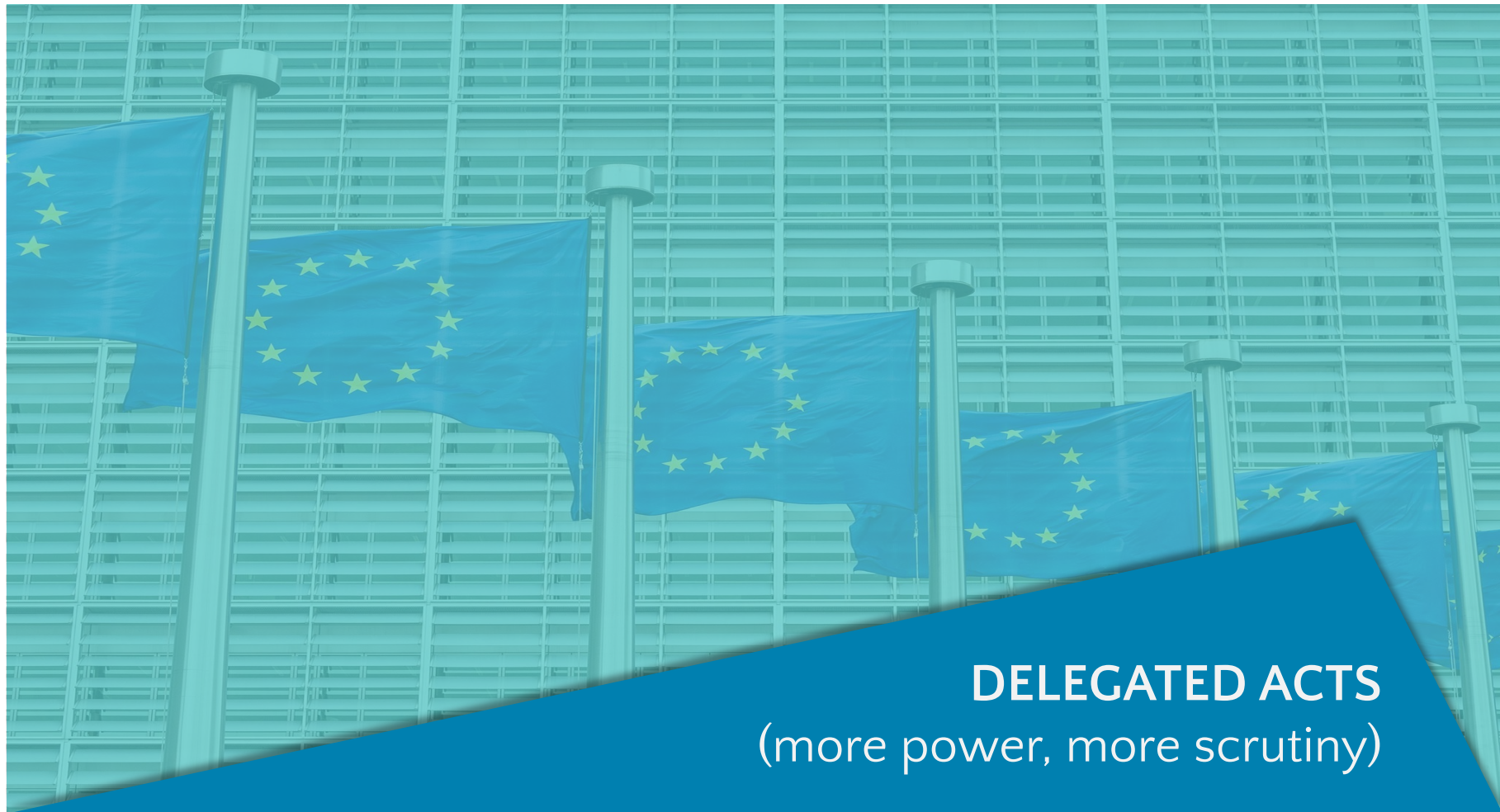
<i>Result</i>	<i>Number of cases</i>	<i>Details of cases (in chronological order)</i>
Successful veto in plenary (absolute majority)	1	Definition of 'engineered nanomaterials' (ENVI)
Unsuccessful veto in plenary	3	Scheme of generalized tariff preferences (INTA); PPP (ECON); OTC derivatives (withdrawn)
Unsuccessful motion for veto in parliamentary committee (simple majority)	11	GMES (ITRE); direct payments to farmers (AGRI); integrated administration and control system and conditions for refusal or withdrawal of payments (AGRI); paying agencies and other bodies, financial management (AGRI); public intervention expenditure (AGRI); the European Agricultural Fund for Rural Development (EAFRD) (AGRI); fruit and vegetables and processed fruit and vegetables sectors (AGRI); school fruit and vegetables scheme (AGRI); support programmes for the olive-oil and table-olives sector (AGRI); agricultural products benefiting from private storage aid (AGRI); national support programmes in the wine sector (AGRI)
Total	15 (out of 166)	

Source: Based on the information from the European Parliament's Unit for Reception and Referral of Official Documents

Table 6: Number of Successful Vetoes of DA by the Council of Ministers (2006–14)

<i>Result</i>	<i>Number of cases</i>	<i>Details of cases (in chronological order)</i>
Successful veto (qualified majority)	1	Galileo (MOVE)
<i>Total</i>	1 (out of 166)	

Source: Based on the reports from the Commission on the working of committees, <http://ec.europa.eu/transparency/regcomitology/index.cfm?do=Report.Report>, updated in September 2014.



DELEGATED ACTS (more power, more scrutiny)



IMPLEMENTING ACTS
(less power, less scrutiny)

NEW PROCEDURES

EXAMINATION PROCEDURE

DEPENDING ON BASIC ACT:

Examination or Advisory (only consultative)

EXAMINATION GENERALLY USED FOR:

CAP / CFP

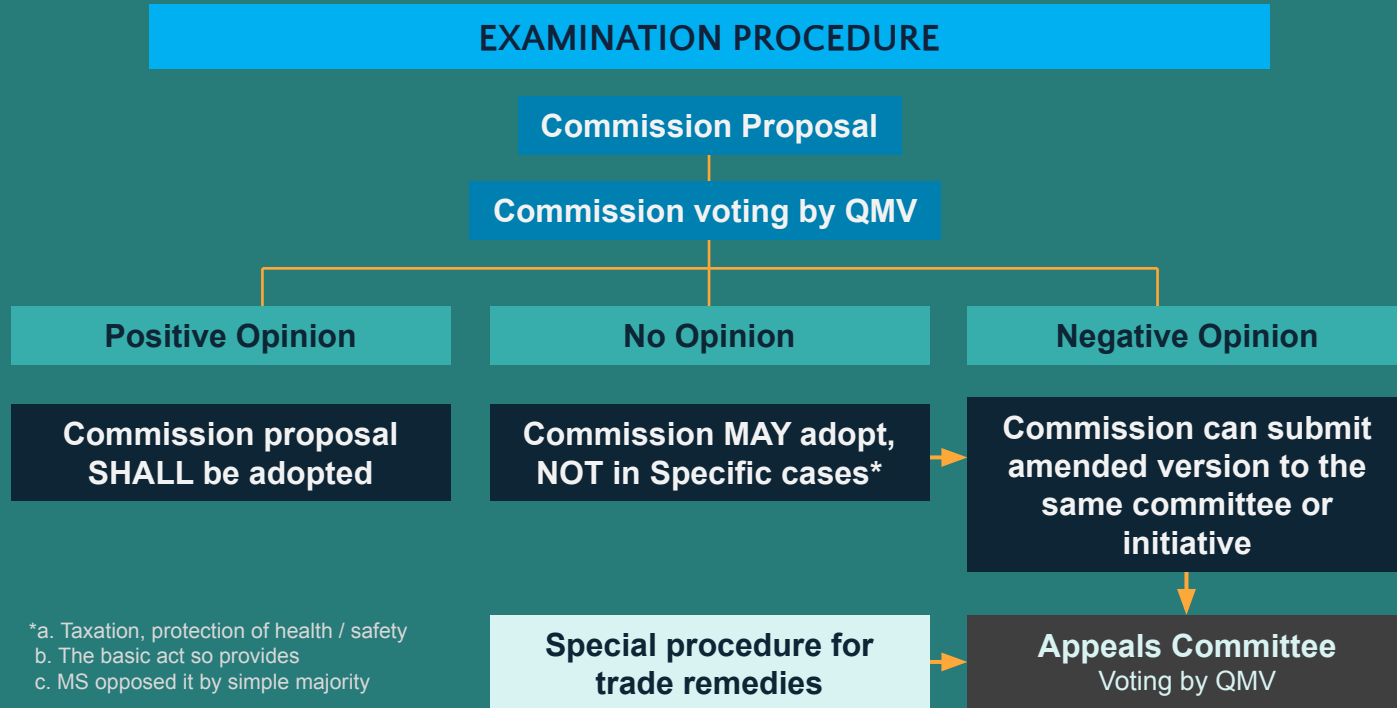
Environment, protection of health / safety / animals / plants

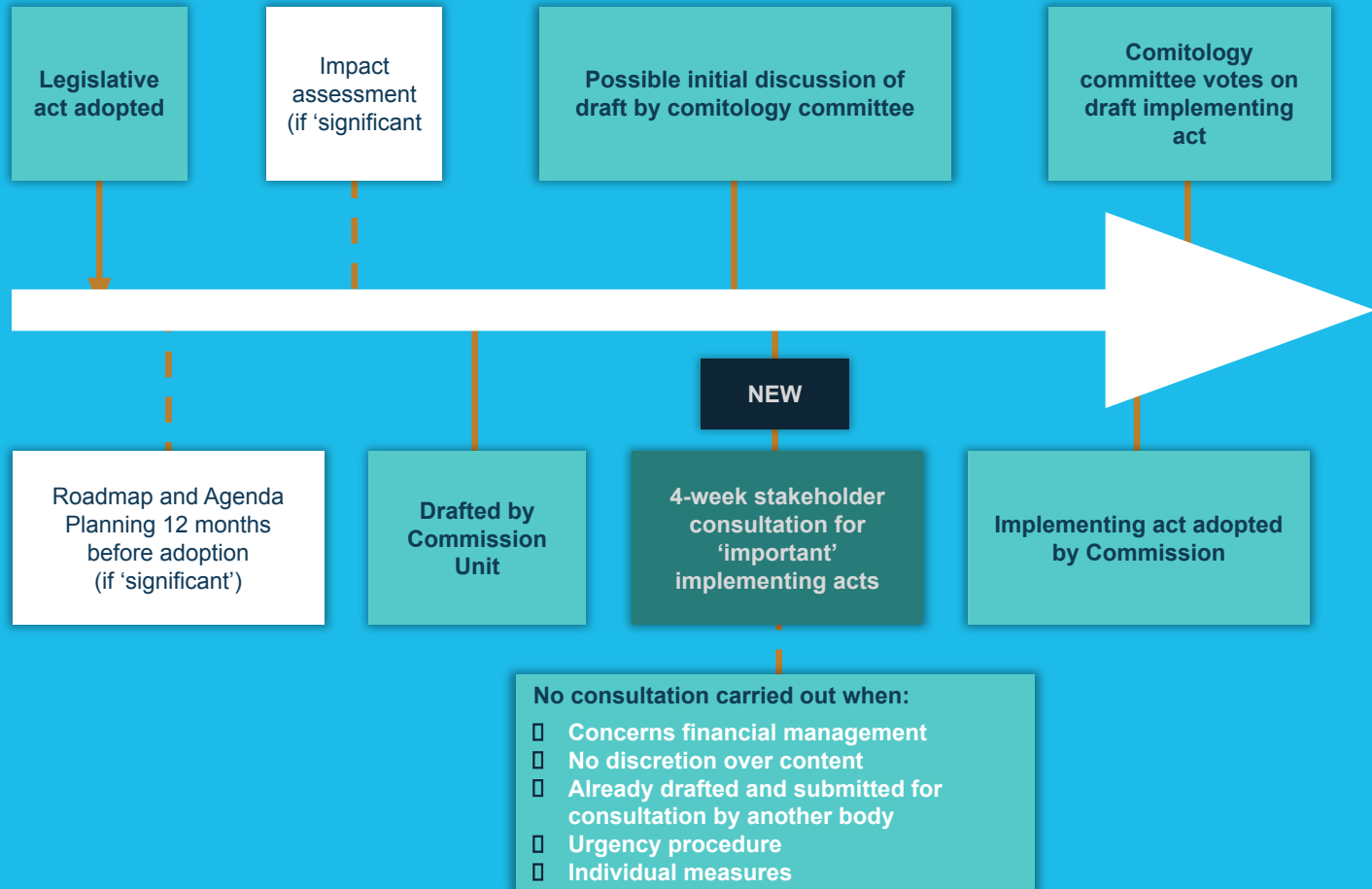
CCP

Taxation, financial services

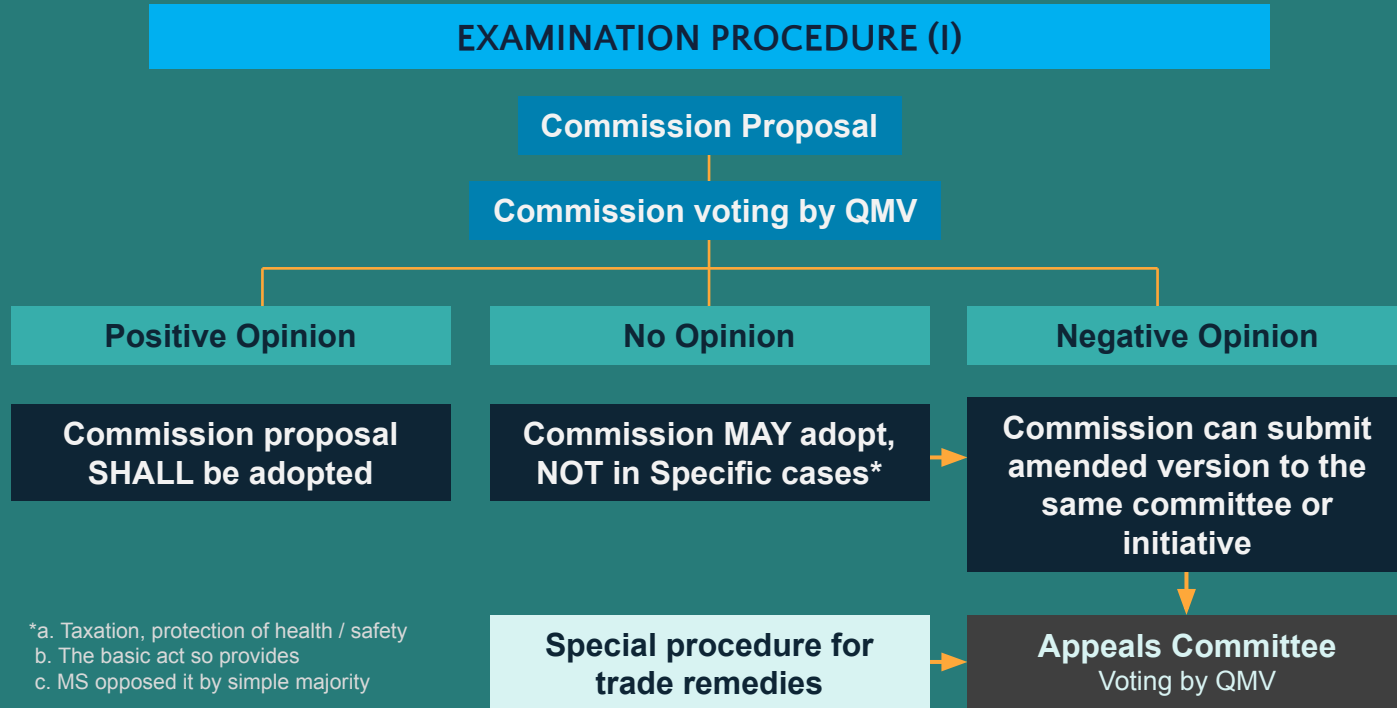
Programmes with substantial financial implications

NEW PROCEDURES



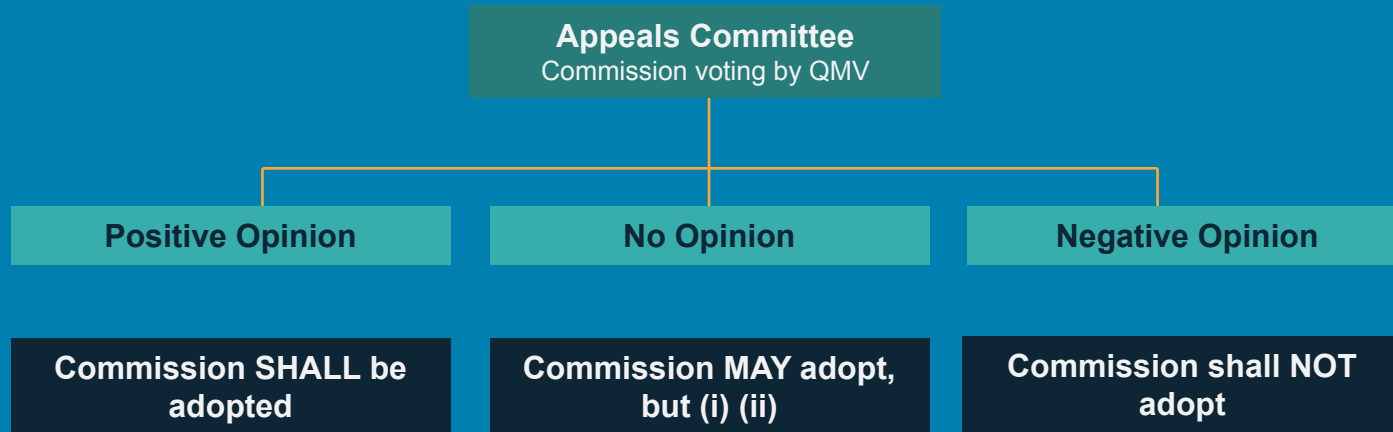


NEW PROCEDURES



NEW PROCEDURES

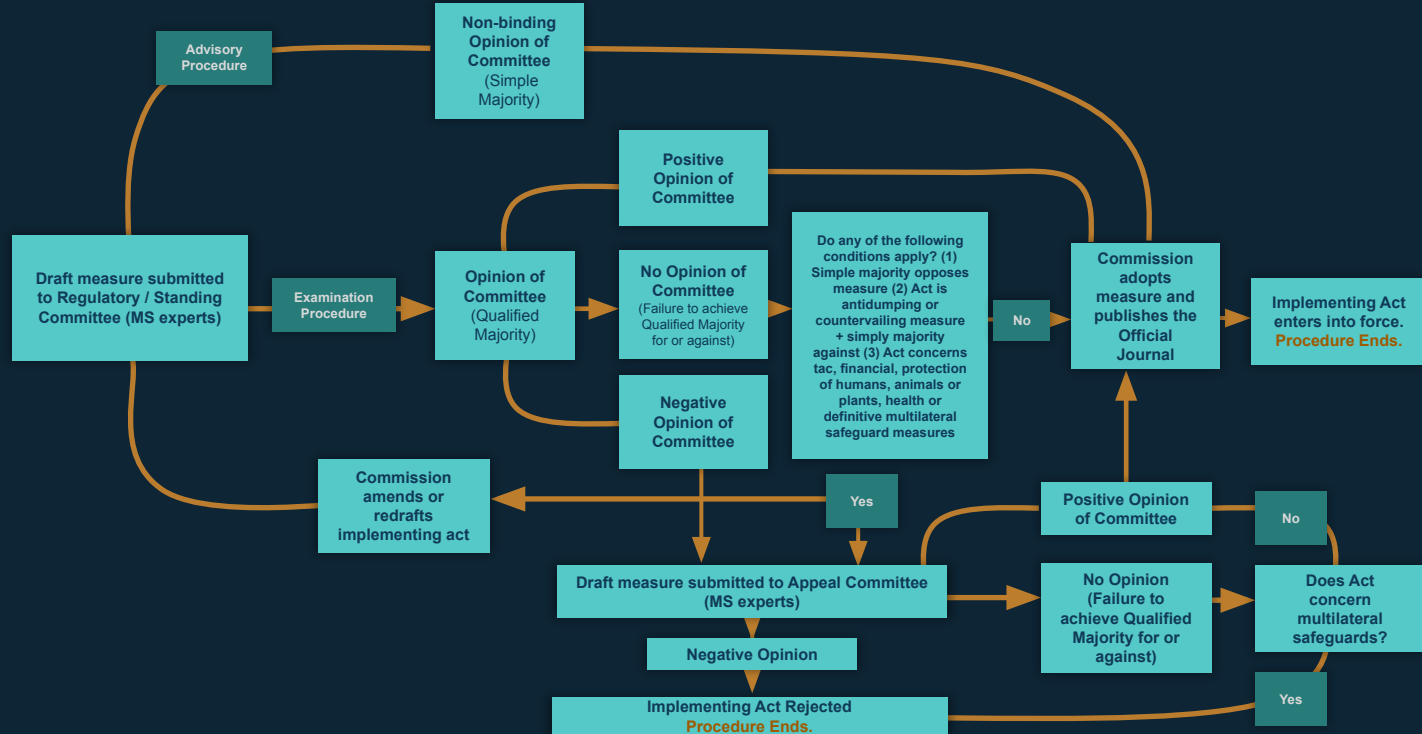
EXAMINATION PROCEDURE (I)



Derogations: (i) definitive multilateral safeguard measures requires + (ii) definitive draft anti-dumping countervailing measures may be adopted by simple majority until 01.09.2012

IMPLEMENTING ACTS

Procedure for
Implementing Acts (Article 291 TFEU)



DIFFERENCES BETWEEN COMITOLGY COMMITTEES AND EXPERT GROUPS

Comitology has a limited scope: control of the implementing powers of the Commission

Comitology committees always created by the legislator

Comitology committees composed of all Member States

Opinions delivered by comitology committees have a direct impact on the decision-making process

Expert groups: advice and expertise to the Commission for the preparation of legislative proposals; policy initiatives and delegated acts, as well as for the implementation of existing legislation

Expert groups normally established by the Commission. In some cases – which should be the exception – set up by the legislator

Expert groups may be composed of individuals, organisation in the broad sense of the word and Member State's authorities

Opinions of expert groups cannot bind the Commission

REGULATION PROCEDURE WITH SCRUTINY (RPS)

Procedure for Regulatory Procedure with Scrutiny (Article 5a of Council Decision 1999/468/EC)

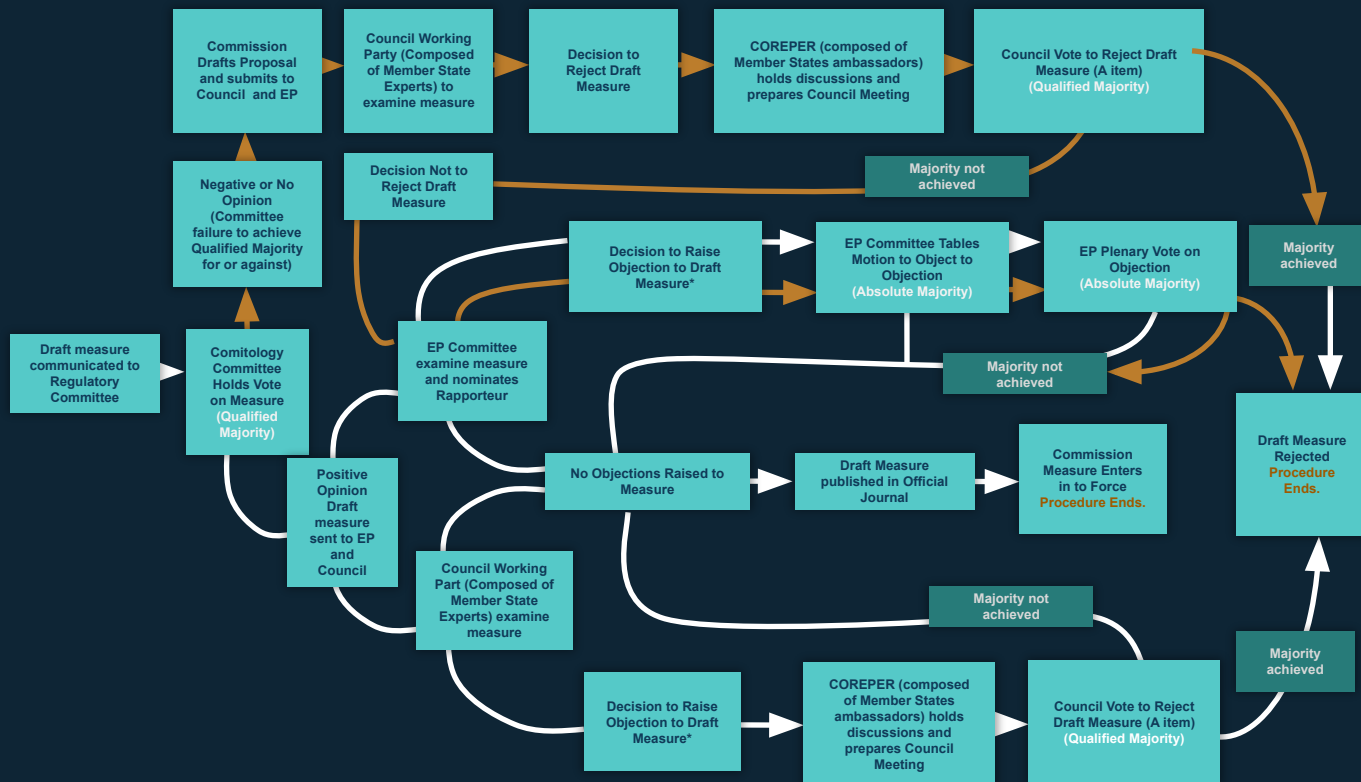
ORANGE: Council 2 months to act
EP 4 months to act from forwarding date of draft measure

WHITE: Council and EP have 3 months to act from forwarding date of draft measure

*Grounds for Objections

EP and Council can raise objections on the following grounds:

- (1) CEC exceeds implementing powers in parent measure
- (2) Draft measure is not compatible with aim or content of parent measure
- (3) Measure does not respect principles of proportionality or subsidiarity



Comitology Register

[Home](#) [Committees](#) [Meetings](#) [Documents](#) [Annual Reports](#) [Datasets](#)

Comitology Register > Search for documents

COMITOLGY REGISTER

Search for documents

Search options

Committee

Meeting

Document

Documents (74860)

Showing results 1 to 5

D069981/01 - (Draft)

COMITOLGY REGISTER

Search options

Committee

Meeting

Document Code

Document Type

Procedure

Document Title

From



To



[Clear](#)

Documents (74860)

Showing results 1 to 5

D069981/01 - (Draft Implementing Act) in dossier CMTD(2020)1661 - Date: 30/10/2020 - 20/11/2020

[COMMISSION IMPLEMENTING DECISION of XXX renewing and amending the marketing authorisation for the medicinal product for human use "Feraccru - ferric maltol", granted by Decision C\(2016\)1140\(final\)](#)

Committee: C02500 - Standing Committee on medicinal products for human use

V070092/01 - (Voting Sheet) in dossier CMTD(2020)1354 - Date: 12/10/2020 - 12/10/2020

[Formal results of voting on COMMISSION REGULATION \(EU\) .../... of XXX amending the Annexes to Regulation \(EC\) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as regards food allergen management, redistribution of food and food safety culture](#)

Committee: C20404 - Standing Committee on Plants, Animals, Food and Feed - Section: "Biological safety of the food chain"

D067752/03 - (Draft Implementing Act) in dossier CMTD(2020)1354 - Date: 12/10/2020 - 12/10/2020

[COMMISSION REGULATION \(EU\) .../... of XXX amending the Annexes to Regulation \(EC\) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs as regards food allergen management, redistribution of food and food safety culture](#)

Committee: C20404 - Standing Committee on Plants, Animals, Food and Feed - Section: "Biological safety of the food chain"

D069258/02 - (Draft Implementing Act) in dossier CMTD(2020)1339 - Date: 14/10/2020 - 14/10/2020

[COMMISSION IMPLEMENTING REGULATION \(EU\) .../... of XXX laying down rules for the application of Directive \(EU\) 2017/1132 of the European Parliament and of the Council as regards technical specifications and procedures for the system of interconnection of registers and repealing Commission Implementing Regulation \(EU\) 2015/884](#)

Committee: C47000 - Committee on Interconnection of Central, Commercial and Companies' Registers

D069258/01 - (Draft Implementing Act) in dossier CMTD(2020)1339 - Date: 14/10/2020 - 14/10/2020



Comments / Questions

abaneth@pac.org
(+32) 496-201 416
www.pac.org/europe