EU DECISION-MAKING: COMITOLOGY

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[secondary legislation]

EU INSTITUTIONS AND AGENCIES









European Commission





European Parliament

DECISION MAKING INSIDE EU INSTITUTIONS

EUROPEAN COMMISSION

Absolute majority

Unanimity (consensus)

EUROPEAN PARLIAMENT

Simple majority

Absolute majority

Special majority

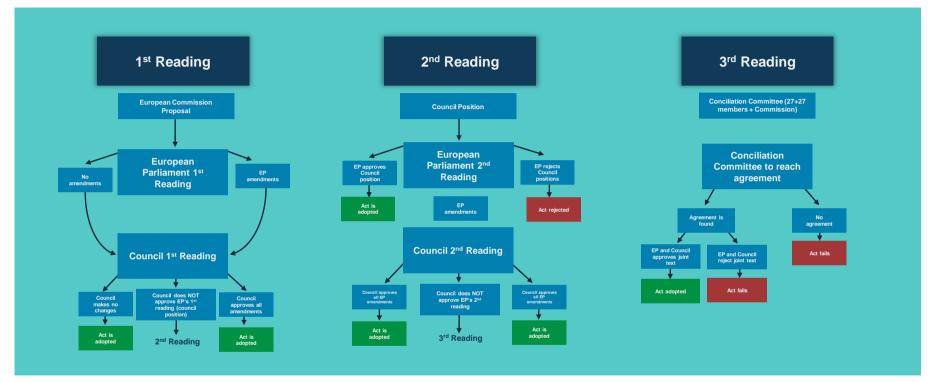
EUROPEAN
MINISTERS
(MEMBER STATES)

Unanimity

Qualified majority

- **55%**
- **65%**

1. THE ORDINARY LEGISLATIVE PROCEDURE



2. COMITOLOGY [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

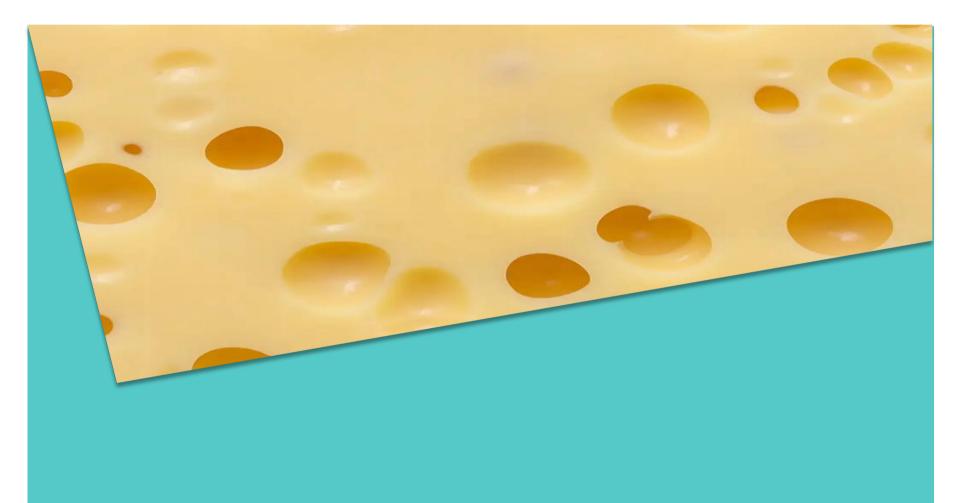
Ordinary legislative procedure: Impact assessments by European Parliament and Council and trilogues

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

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)



1. DELEGATION

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

Objectives

Content

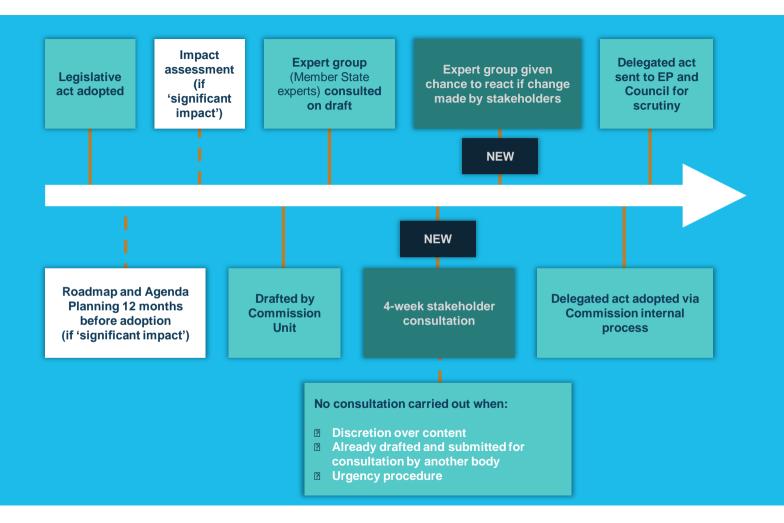
Duration

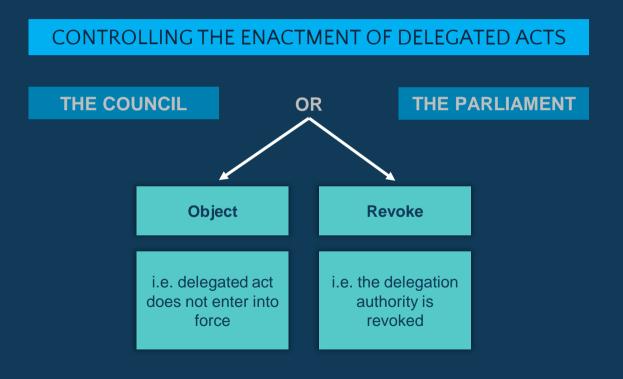
Scope

2. ADOPTION

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







DELEGATED ACTS

Procedure for Delegated Acts (Article 290 TFEU)

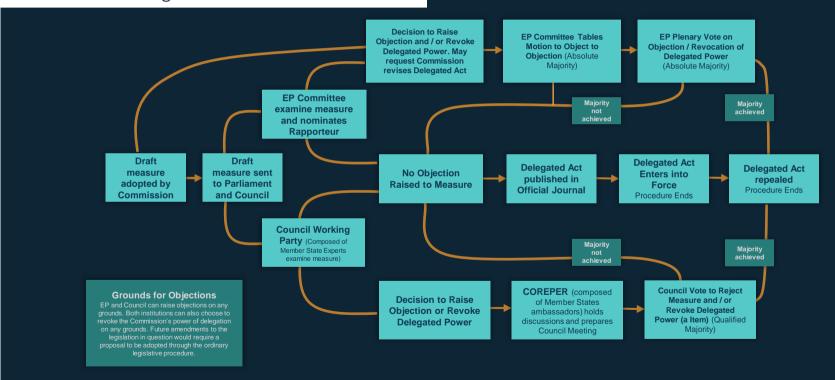


Table 4: Number of (Un-) Successful Vetoes of DA by the European Parliament (2006-14)

Result	Number of cases	Details of cases (in chronological order)	
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 derivates (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)

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

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.





EXAMINATION PROCEDURE

DEPENDING ON BASIC ACT:

Examination or Advisory (only consultative)

EXAMINATION GENERALLY USED FOR:

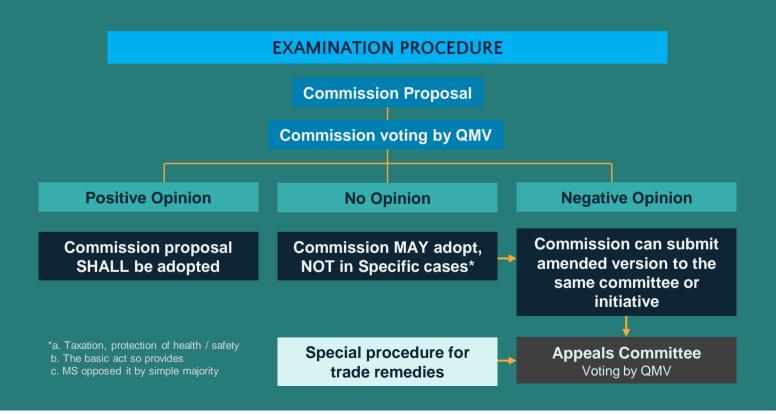
CAP / CFP

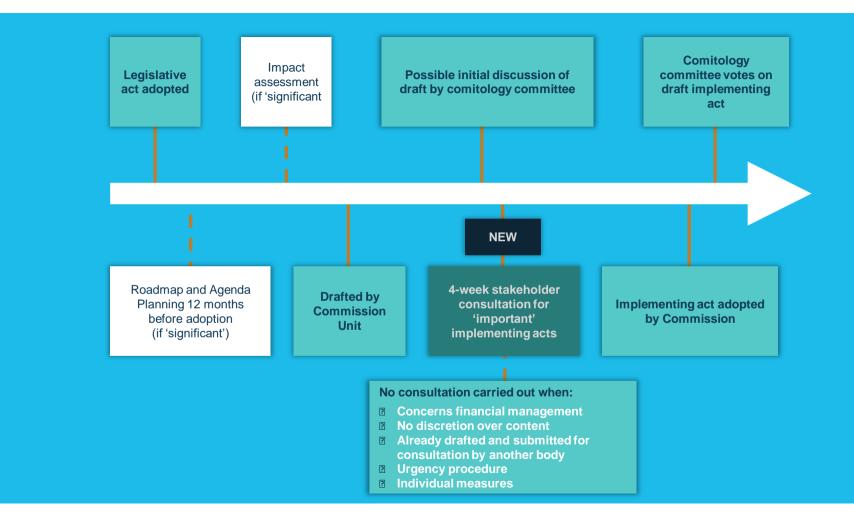
Environment, protection of health / safety / animals / plants

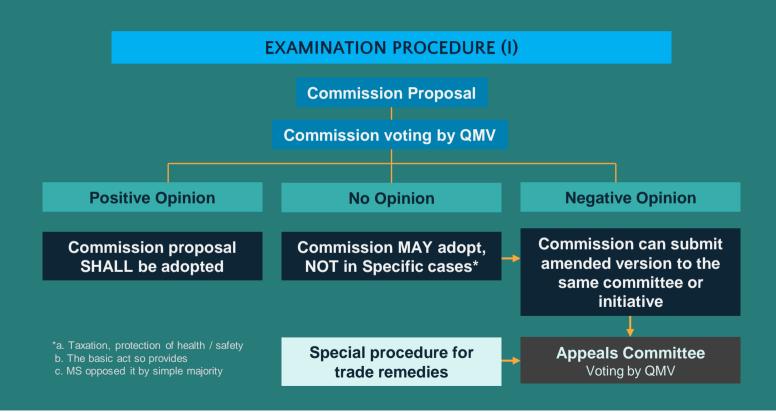
CCP

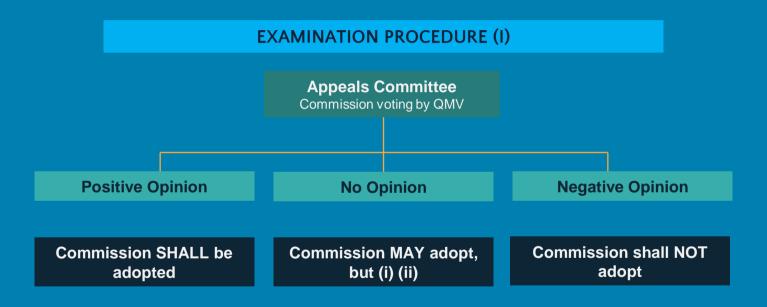
Taxation, financial services

Programmes with substantial financial implications





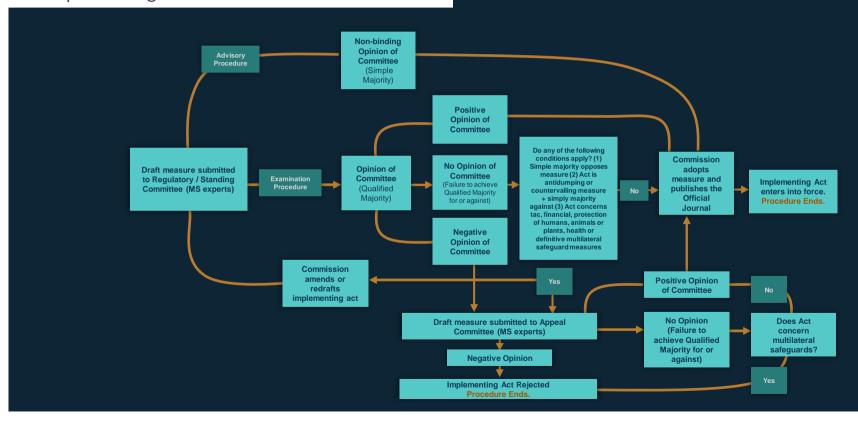




Derogations: (i) definitive multilateral safeguard measures requires + (ii) definitive draft anti-dumping countervailing measures may be adopted by simple majority until 01.09.2012

IMPLEMENTING ACTS Procedure

for Implementing Acts (Article 291 TFEU)



DIFFERENCES BETWEEN COMITOLOGY 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

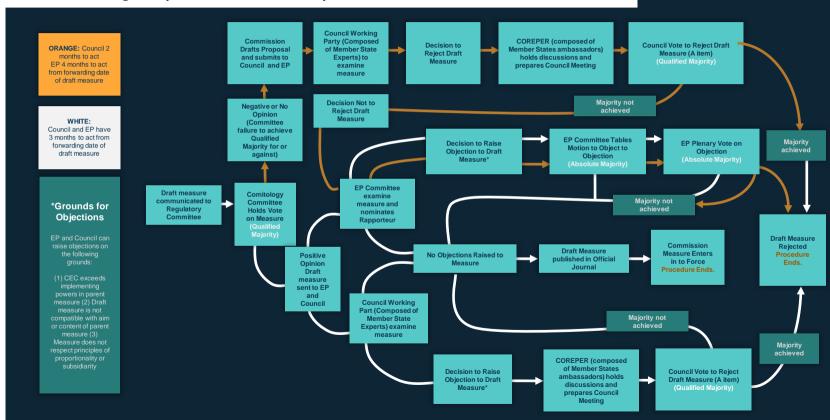
Expert groups normally established by the Commission. In some cases – which should be the exception – set up by the legislator

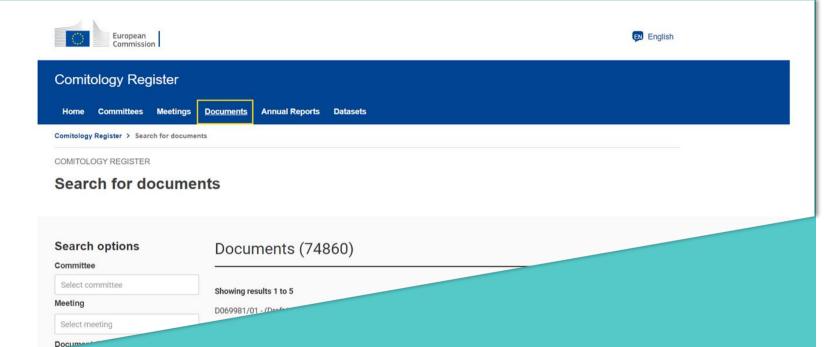
Expert groups may be composed of individuals, organisation in the broad sense of the word and Member State's authorities

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)





COMITOLOGY REGISTER

Search options

Committee

Select committee

Meeting

Select meeting

Document Code

Select Code - D000001

Document Type

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Procedure

Select Procedure

Document Title

Document

From

To

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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 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

