

# EU DECISION-MAKING: PROCEDURE AND INFLUENCE

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# EU INSTITUTIONS AND AGENCIES



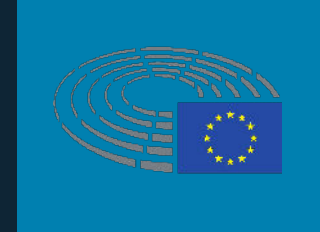
European  
Central Bank



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

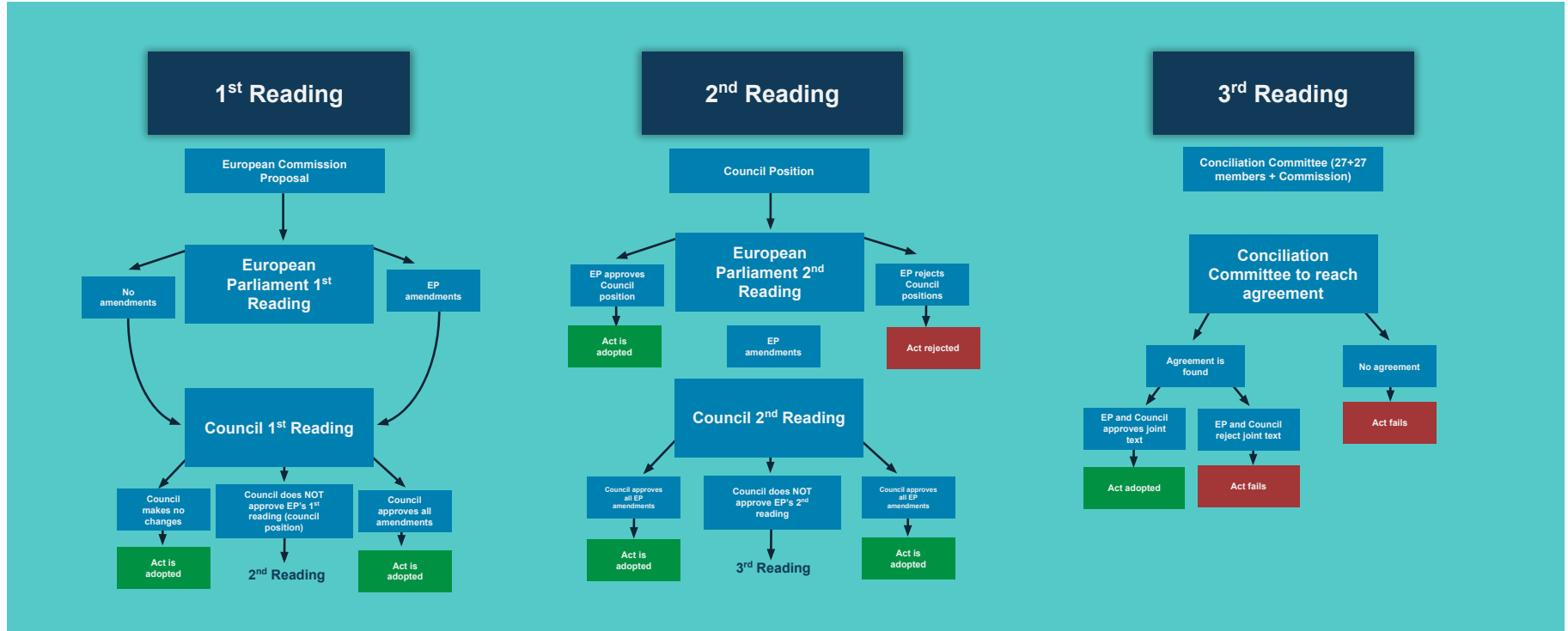
## EUROPEAN MINISTERS (MEMBER STATES)

Unanimity

Qualified majority

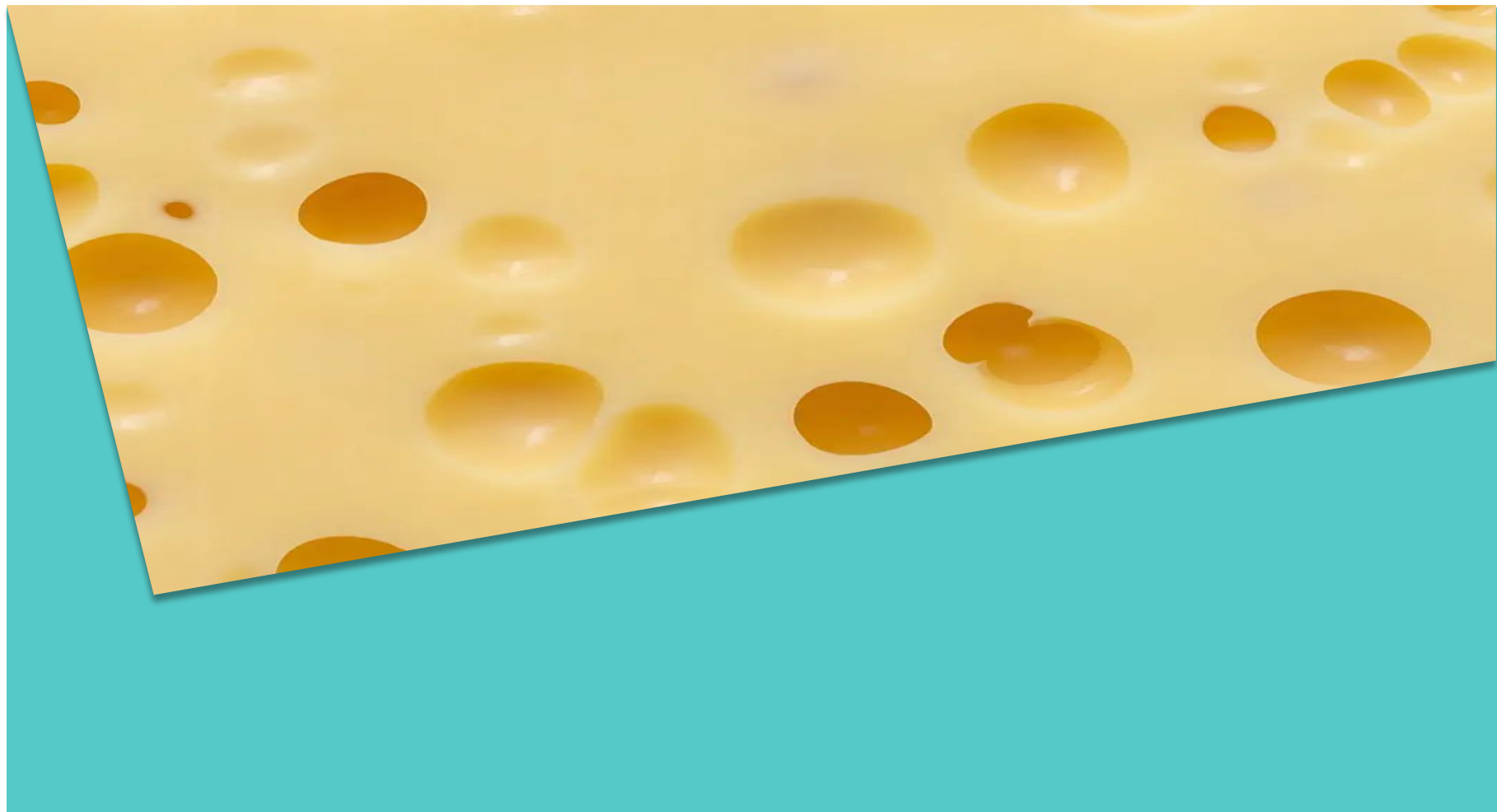
- 55%
- 65%

# 1. THE ORDINARY LEGISLATIVE PROCEDURE



## 2. COMITOLGY [IMPLEMENTING & DELEGATED ACTS]





# DIFFERENT PROCEDURES

(CONDITIONS / CONTROLS)

DELEGATED ACTS

VS

IMPLEMENTING ACTS

(and RPS)

The image features a row of European Union flags on tall poles, set against a backdrop of a modern building with a grid-like facade. The entire scene is overlaid with a semi-transparent teal filter. A solid blue triangular shape is positioned in the bottom right corner, containing the text 'DELEGATED ACTS' in white, bold, sans-serif capital letters.

**DELEGATED ACTS**

# NEW PROCEDURES

## 1. DELEGATION

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

**Objectives**

**Content**

**Duration**

**Scope**

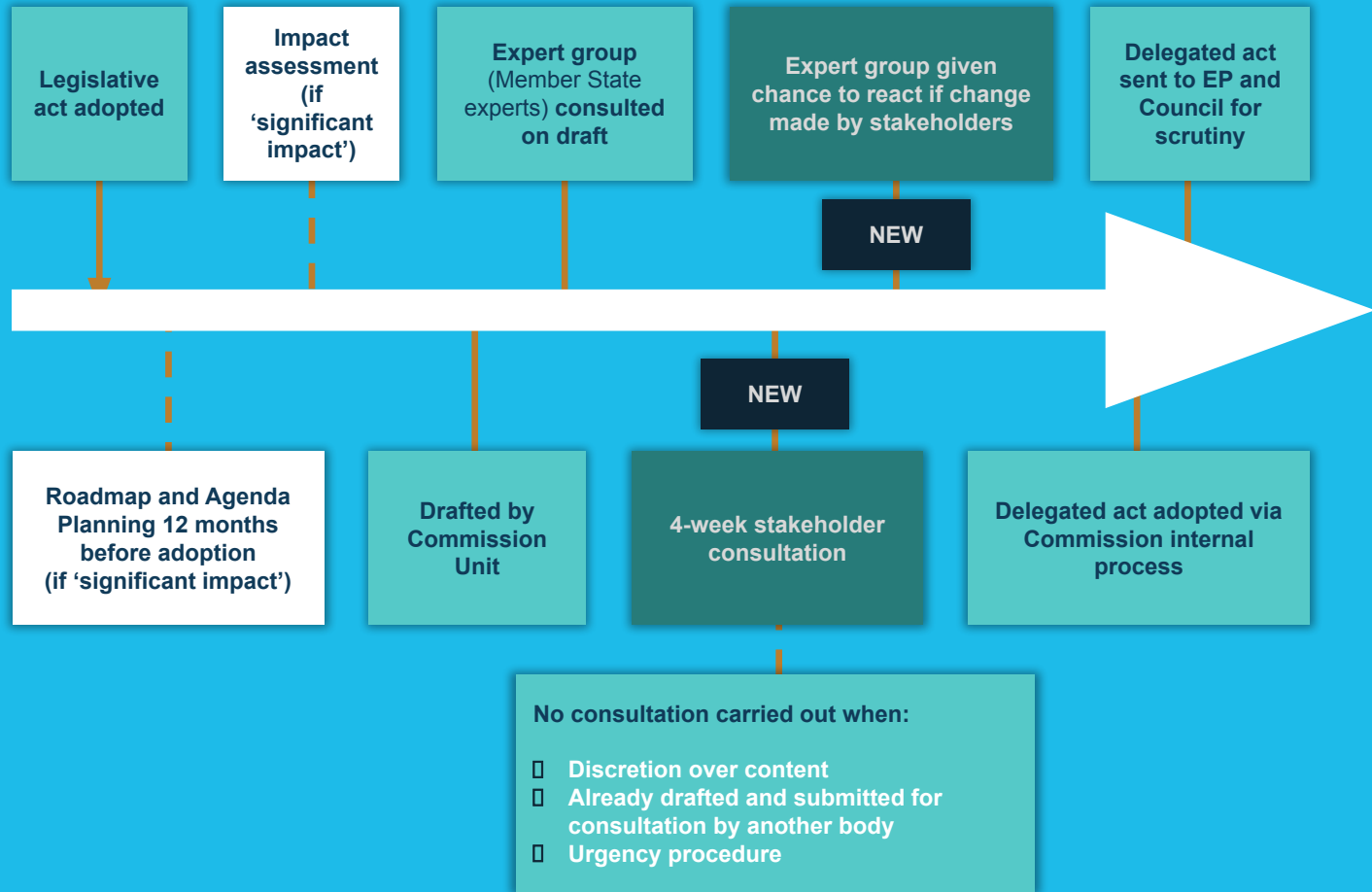


# NEW PROCEDURES

## 2. ADOPTION

Delegated acts adopted  
by the Commission *alone* (w/ some experts):





# NEW PROCEDURES

## CONTROLLING THE ENACTMENT OF DELEGATED ACTS

THE COUNCIL

OR

THE PARLIAMENT

Object

i.e. delegated act  
does not enter into  
force

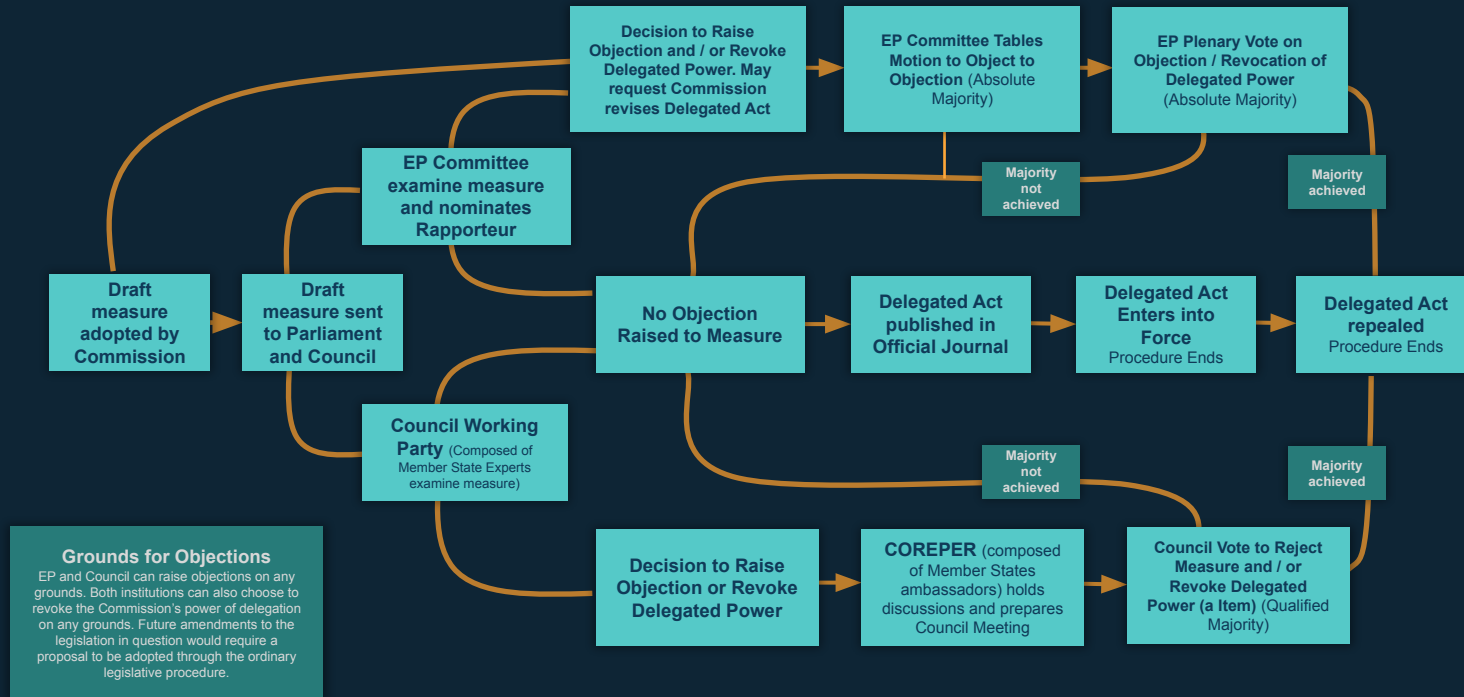
Revoke

i.e. the delegation  
authority is  
revoked



# DELEGATED ACTS

## Procedure for Delegated Acts (Article 290 TFEU)





**IMPLEMENTING ACTS**

# NEW PROCEDURES

## EXAMINATION PROCEDURE

### DEPENDING ON BASIC ACT:

Examination or Advisory (only consultative)

### EXAMINATION GENERALLY USED FOR:

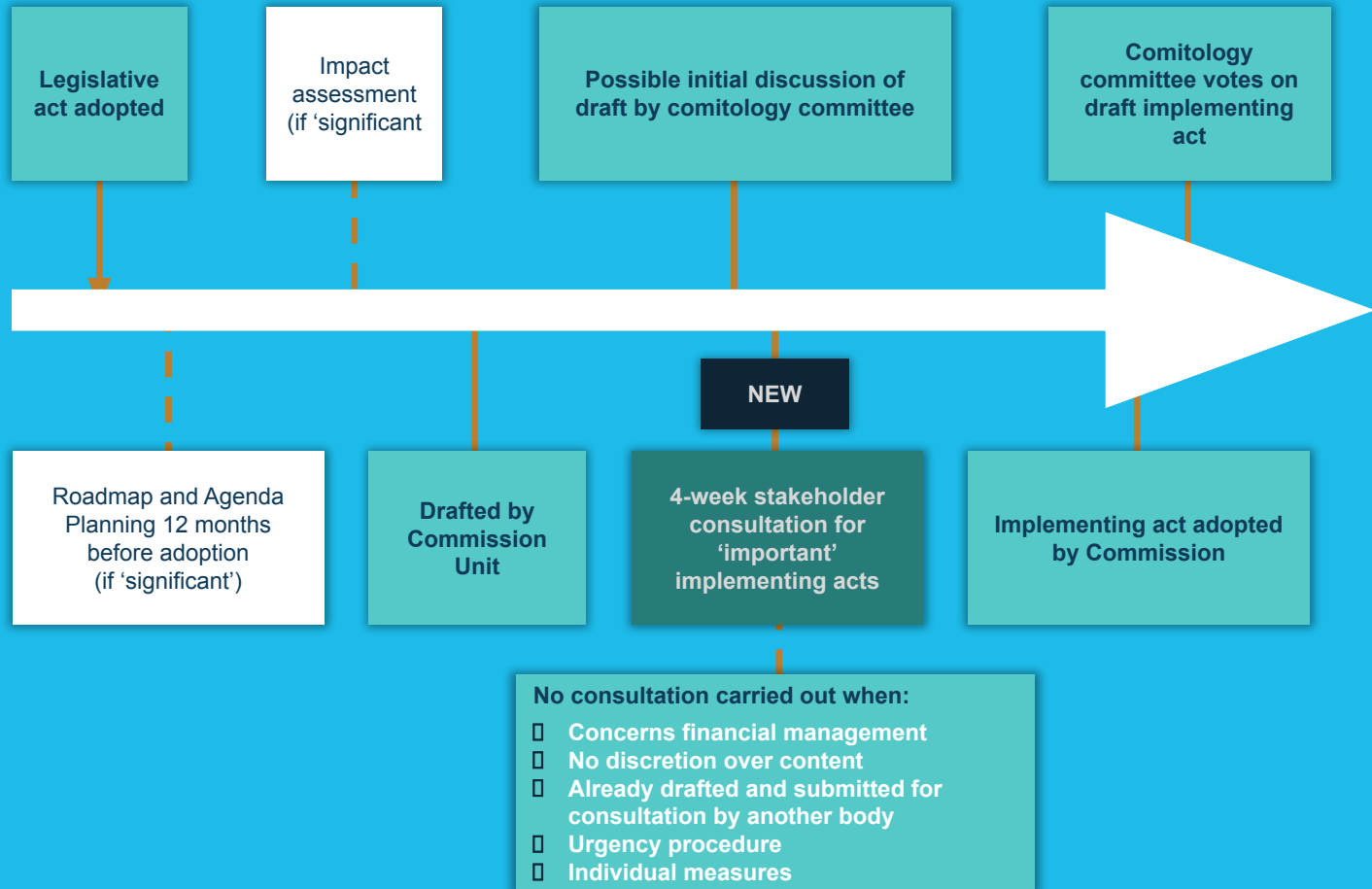
CAP / CFP

Environment, protection of health / safety / animals / plants

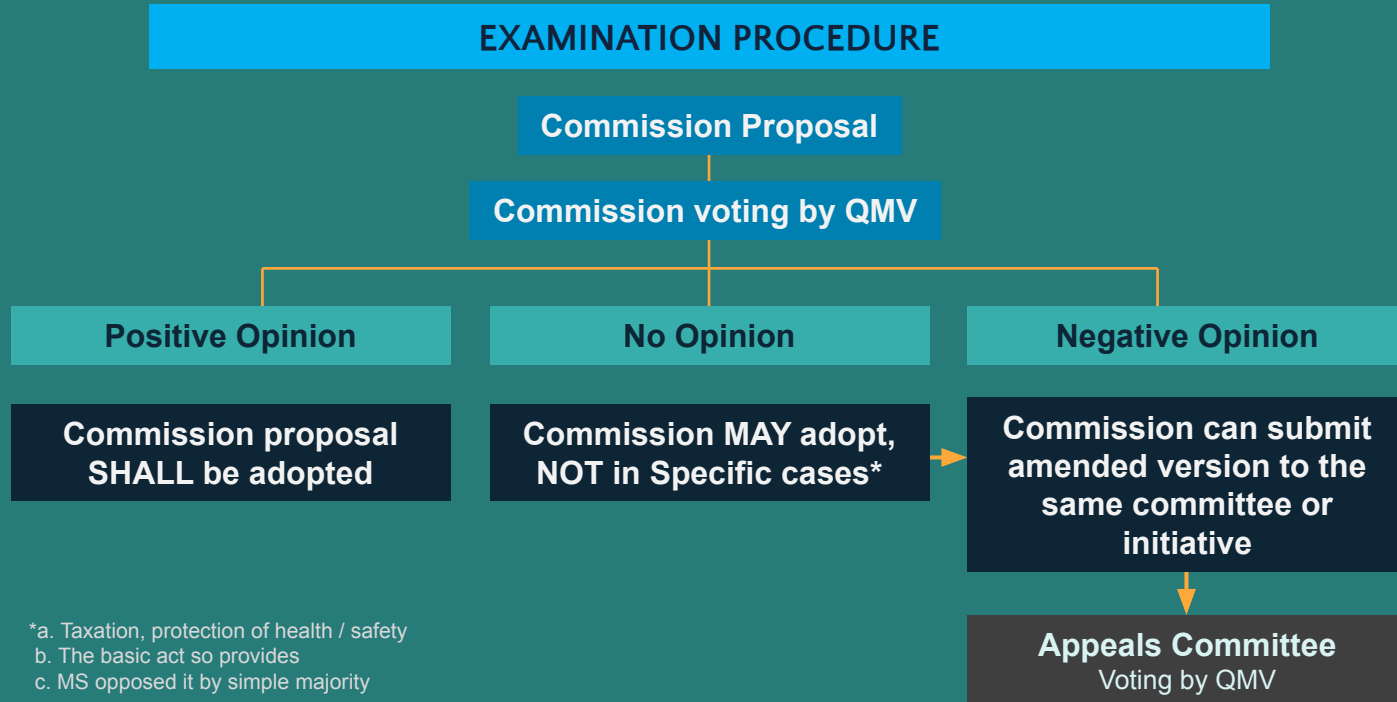
CCP

Taxation, financial services

Programmes with substantial financial implications



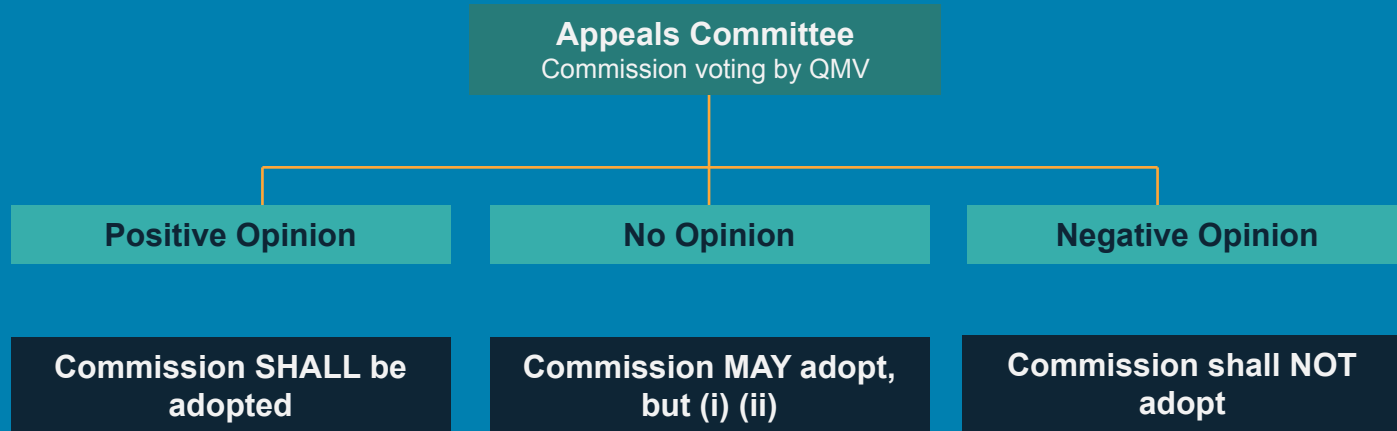
# PROCEDURES





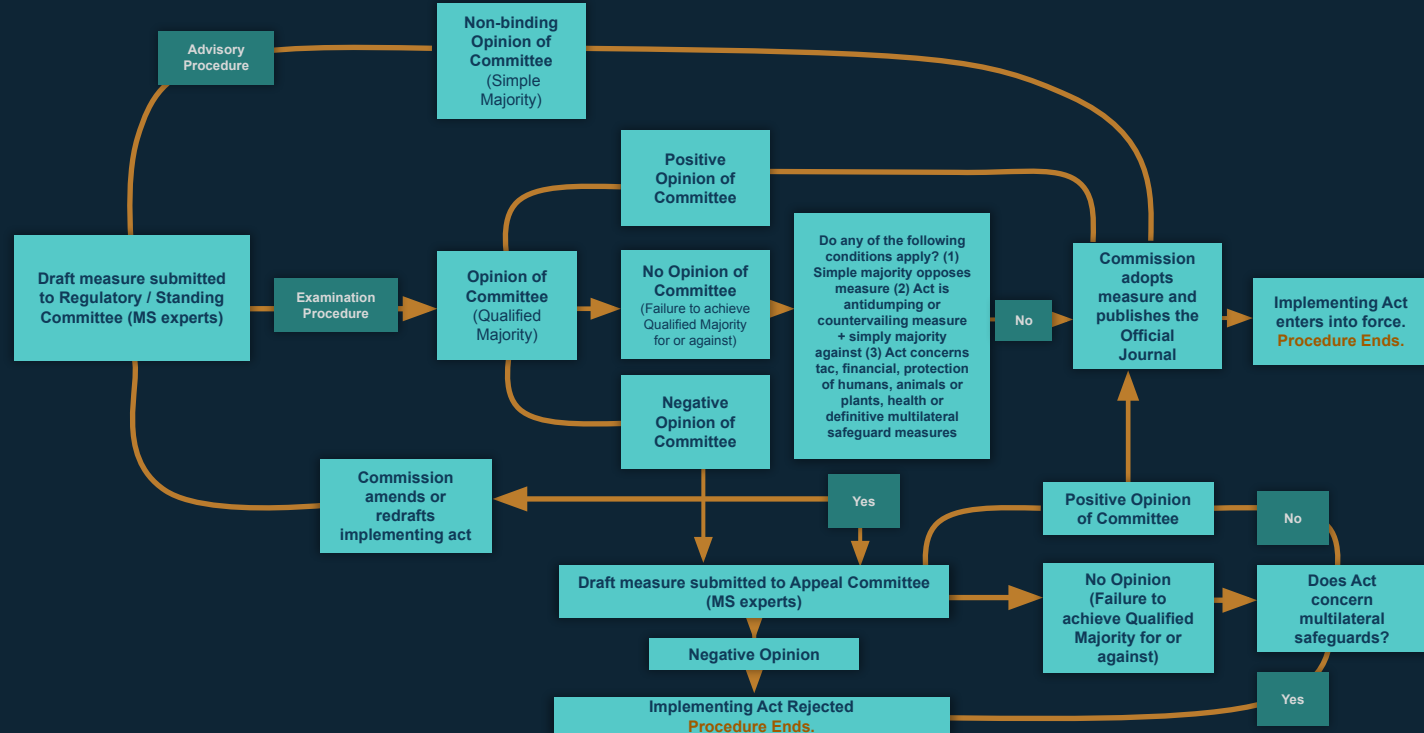
# PROCEDURES

## EXAMINATION PROCEDURE



# IMPLEMENTING ACTS

Procedure for  
Implementing Acts (Article 291 TFEU)



## Delegated acts

- \* measures of **general** scope that **add, insert, delete or modify non-essential elements** of the legislative act
- \* mostly the **Annex**

- \* there are **no "formal" committees** involved
- \* **basic act** may require "**opinion-giving**" committees to be consulted by the Commission

- \* **scope, duration** of the **delegation, veto deadlines** are provided for in **each** legislative act
- \* non-binding **Memorandum of Understanding** between the EP, the Council, and Commission

- \* **supplement** or **amend** certain **non-essential elements** of a **legislative act**.

- \* Council **or** EP may **object** to a **delegated act**
- \* only **after** it has been **adopted by the Commission**
- \* **neither can amend** it at any point

## Implementing acts

- \* when **uniform conditions** for **implementation** are required
- \* e.g.: taxation, agriculture, the internal market, health and food safety, energy, environment

- \* "**classic**" traditional **comitology**
- \* **committees** of **Member State** representatives
- \* usually **subject matter experts**
- \* vote **on behalf of their government**

- \* **horizontal procedural rules: "comitology" regulation** since 2011
- \* basic acts refer to it in an article on "**Committee procedure**"

- \* **cannot add, insert, delete or modify** any provision in the basic act
- \* they are **separate acts**

- \* EP has a **very limited role** in implementing acts
- \* **Council only involved if** it is the one adopting an implementing act (rare)
- \* **Member state representatives** in committees **aren't "Council"** (it's a Commission meeting)
- \* **qualified majority** needed against it
- \* sometimes in the **Appeal Committee** also, to veto it

## DIFFERENCES BETWEEN IMPLEMENTING ACT (“COMITOLOGY”) COMMITTEES AND EXPERT GROUPS

Implementing act committees have a limited scope: control of the implementing powers of the Commission

Implementing act committees are always created by the legislator

Implementing act committees are composed of all Member States

Opinions delivered by implementing act 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 States' authorities

Opinions of expert groups cannot bind the Commission

# REGULATORY PROCEDURE WITH SCRUTINY (RPS)

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

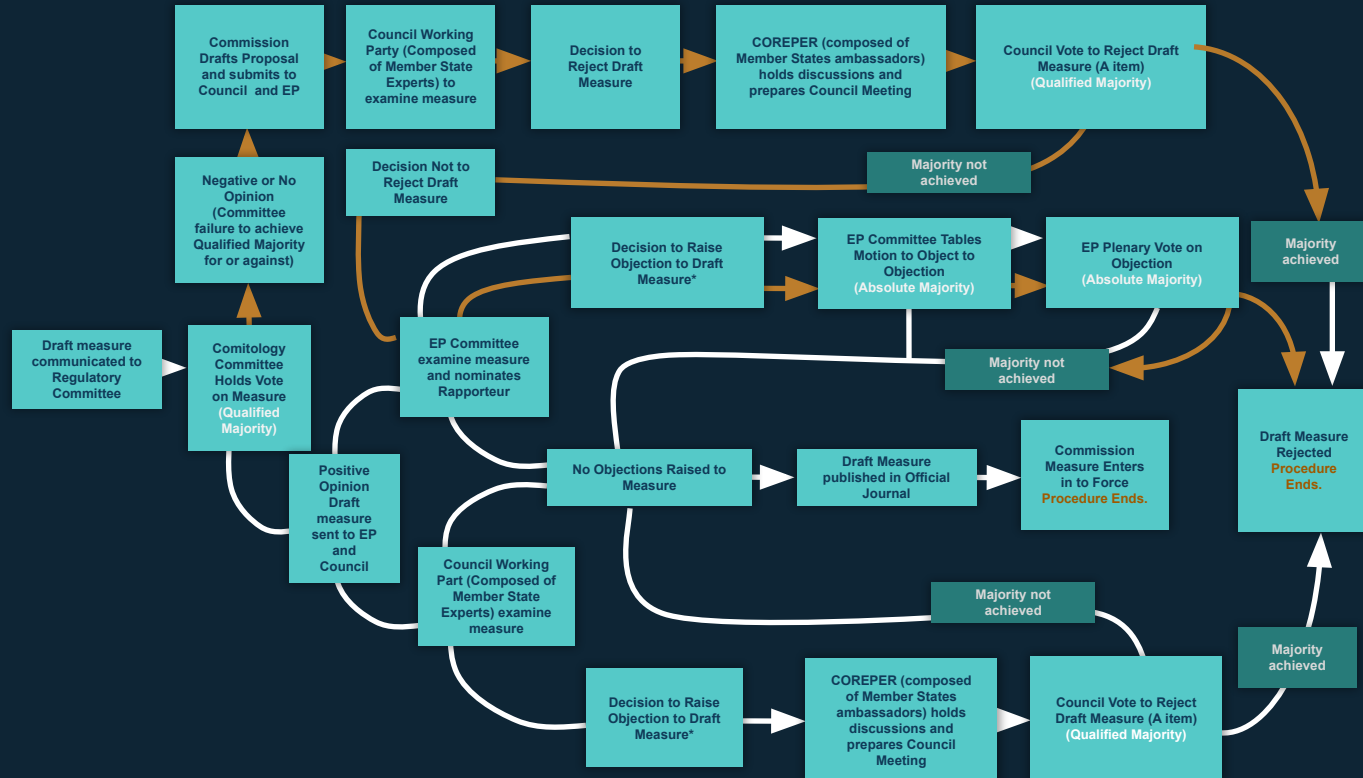
**ORANGE:** Council 2 months to act  
EP 4 months to act from forwarding date of draft measure

**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

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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



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## 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?

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