

EU Decision-Making: Comitology



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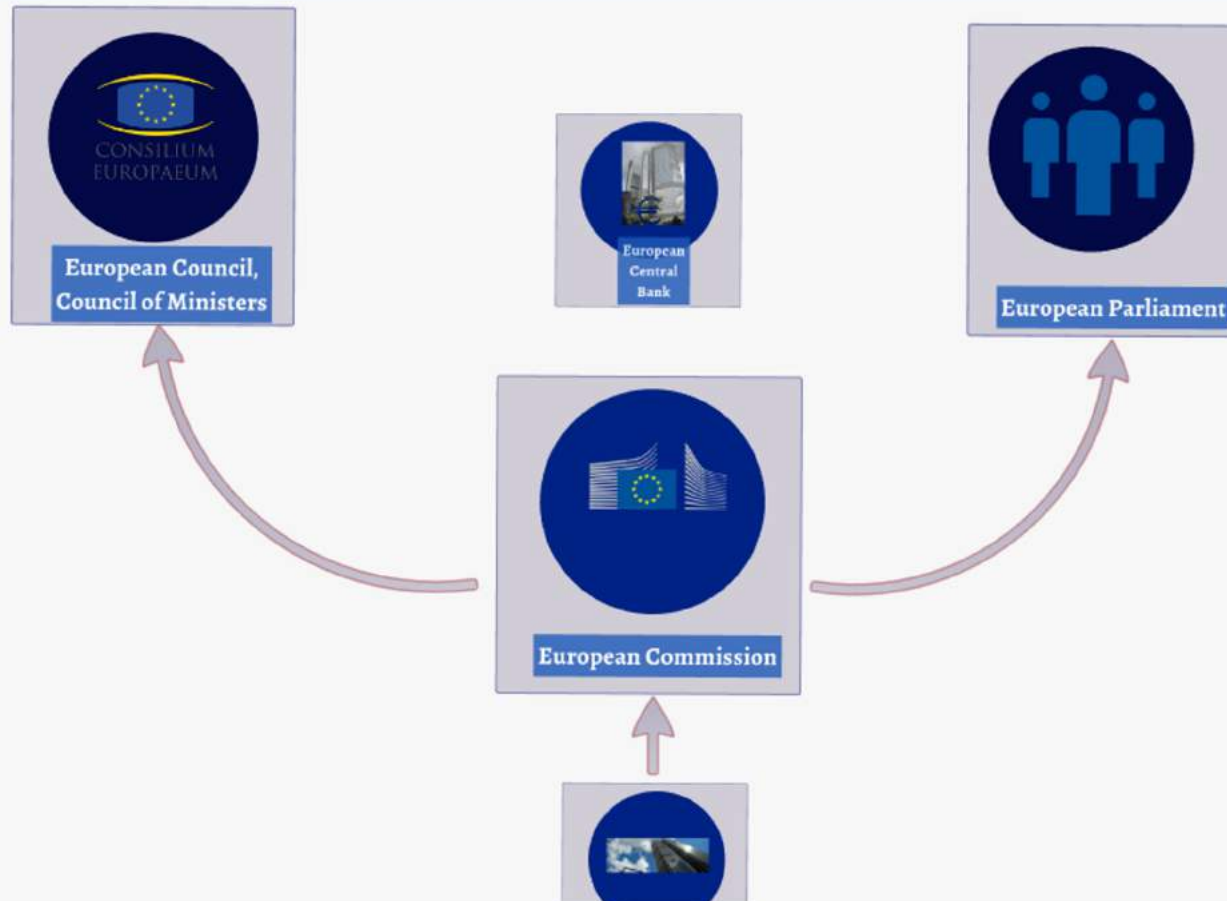
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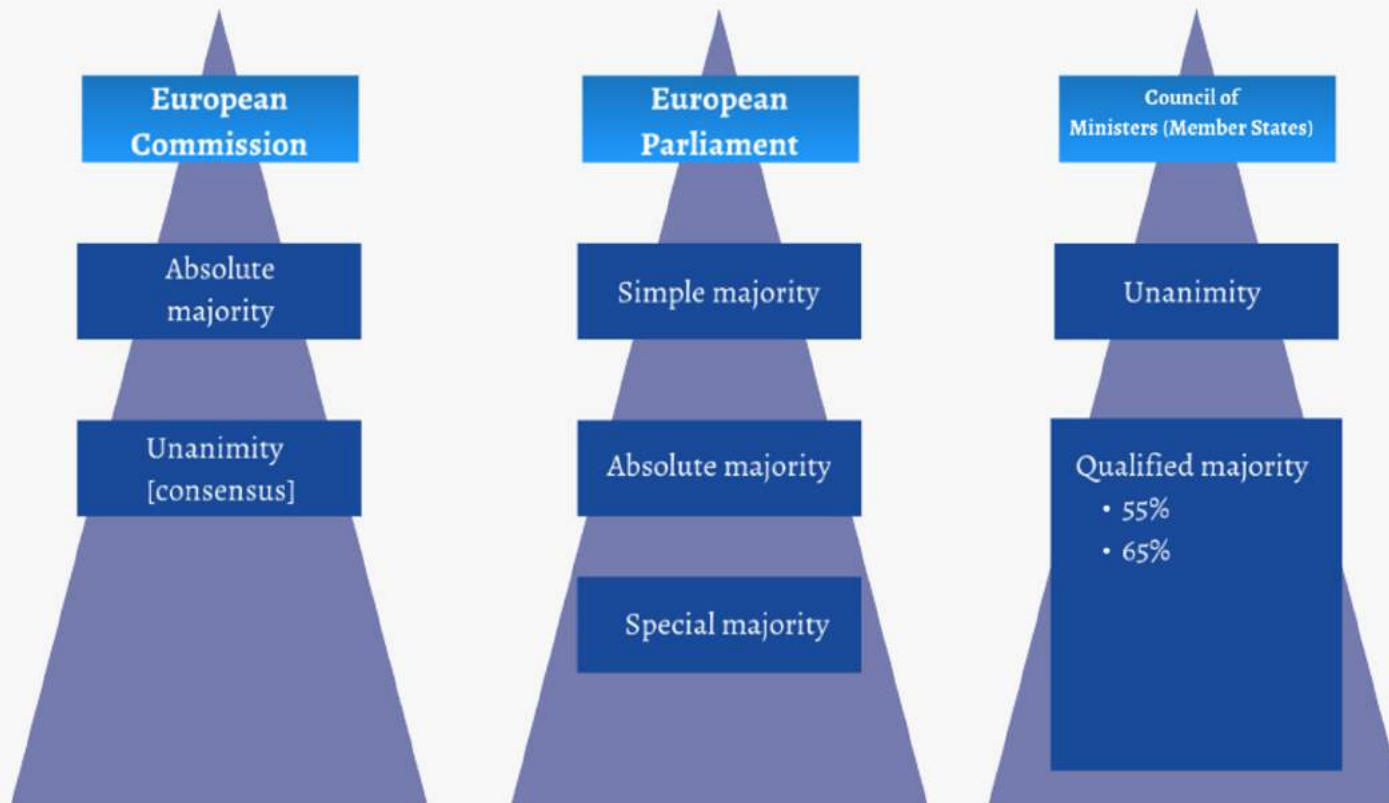
“Comitology” [secondary legislation]



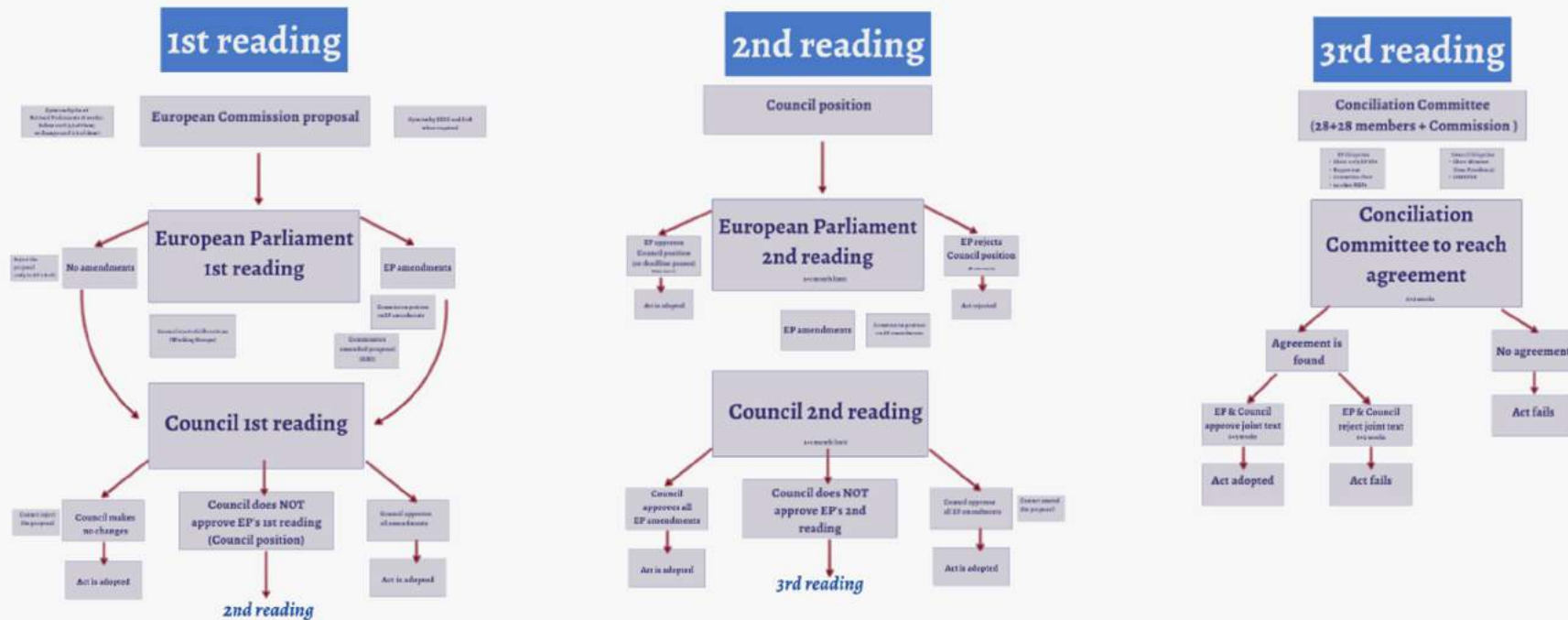
EU Institutions & Agencies



Decision Making Inside EU Institutions



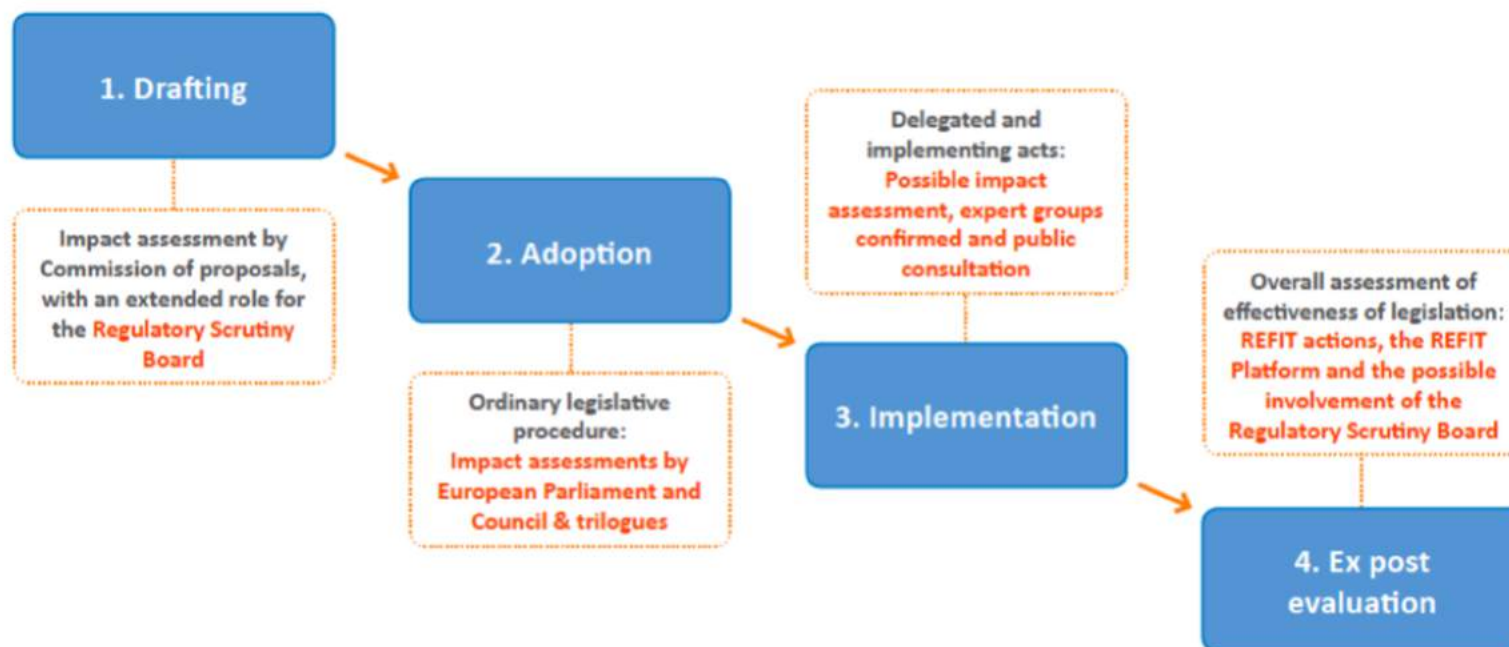
1. The Ordinary Legislative Procedure



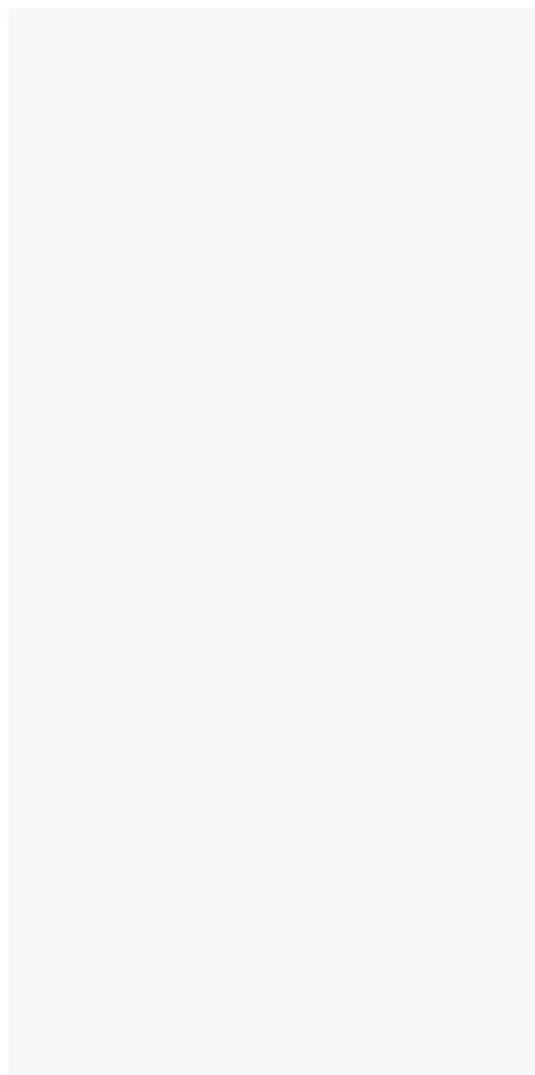
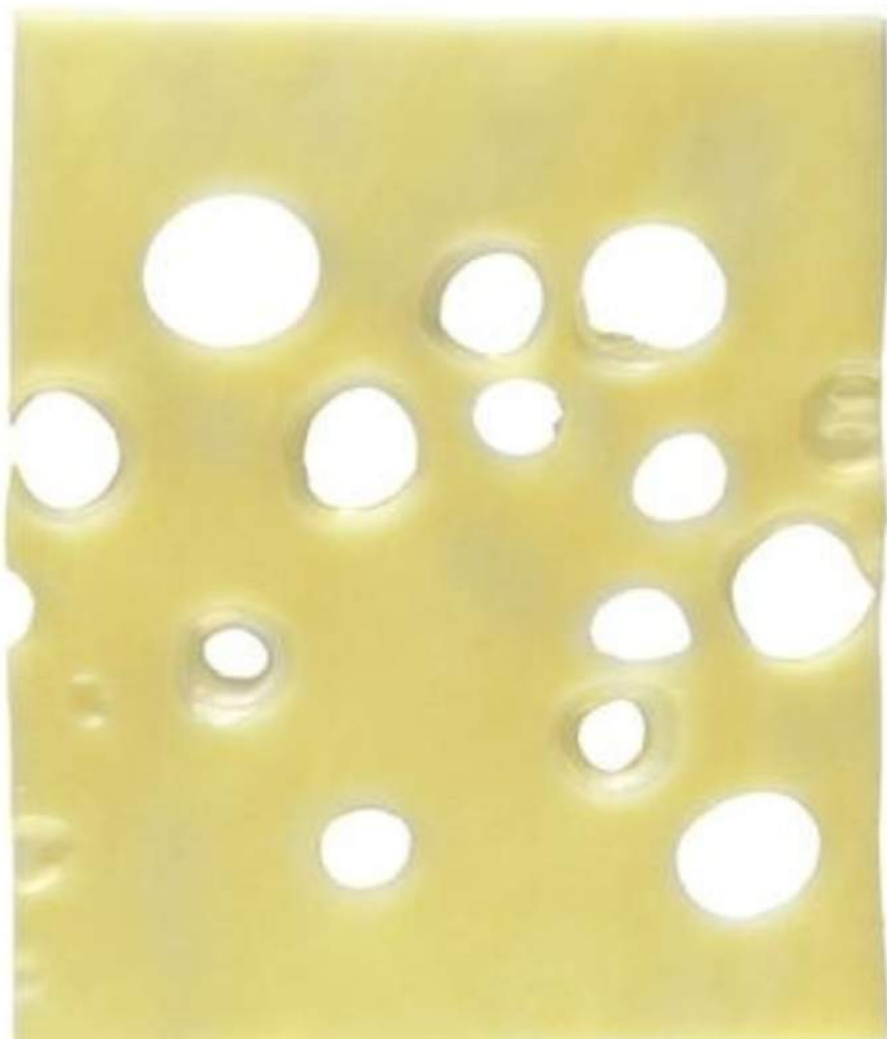
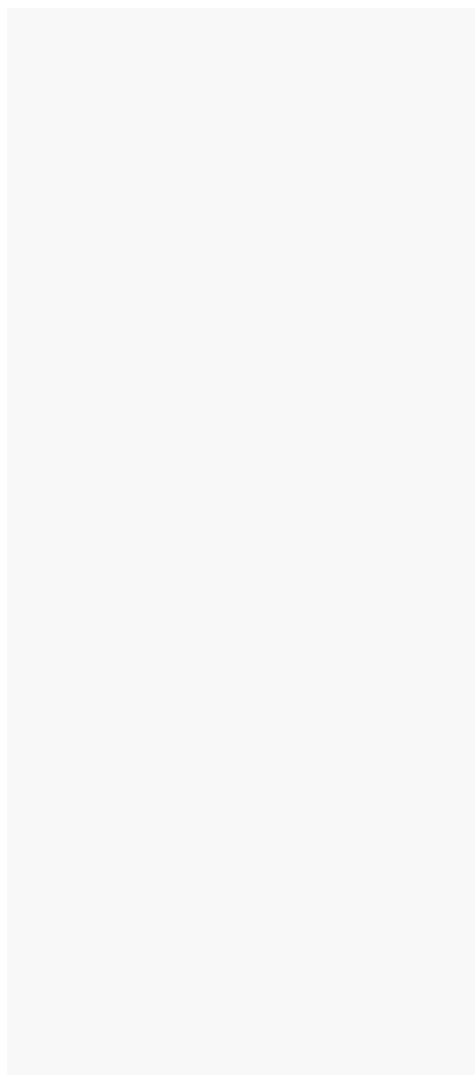
2. Comitology [implementing measures]



CHANGES AT FOUR STAGES IN THE EU DECISION-MAKING PROCESS



The impact of the package on each of these four phases is illustrated in the following pages.



DIFFERENT PROCEDURES

(CONDITIONS/CONTROLS)



DELEGATED ACTS

VS

IMPLEMENTING ACTS

(and RPS)

DELEGATED ACTS

(more power, more scrutiny)



5. NEW PROCEDURES

1. DELEGATION

THE BASIC LEGISLATIVE ACT DETERMINES THE
MANDATE OF THE DELEGATION TO THE
COMMISSION:

Objectives

Content

Duration

Scope

5. NEW PROCEDURES

2. ADOPTION

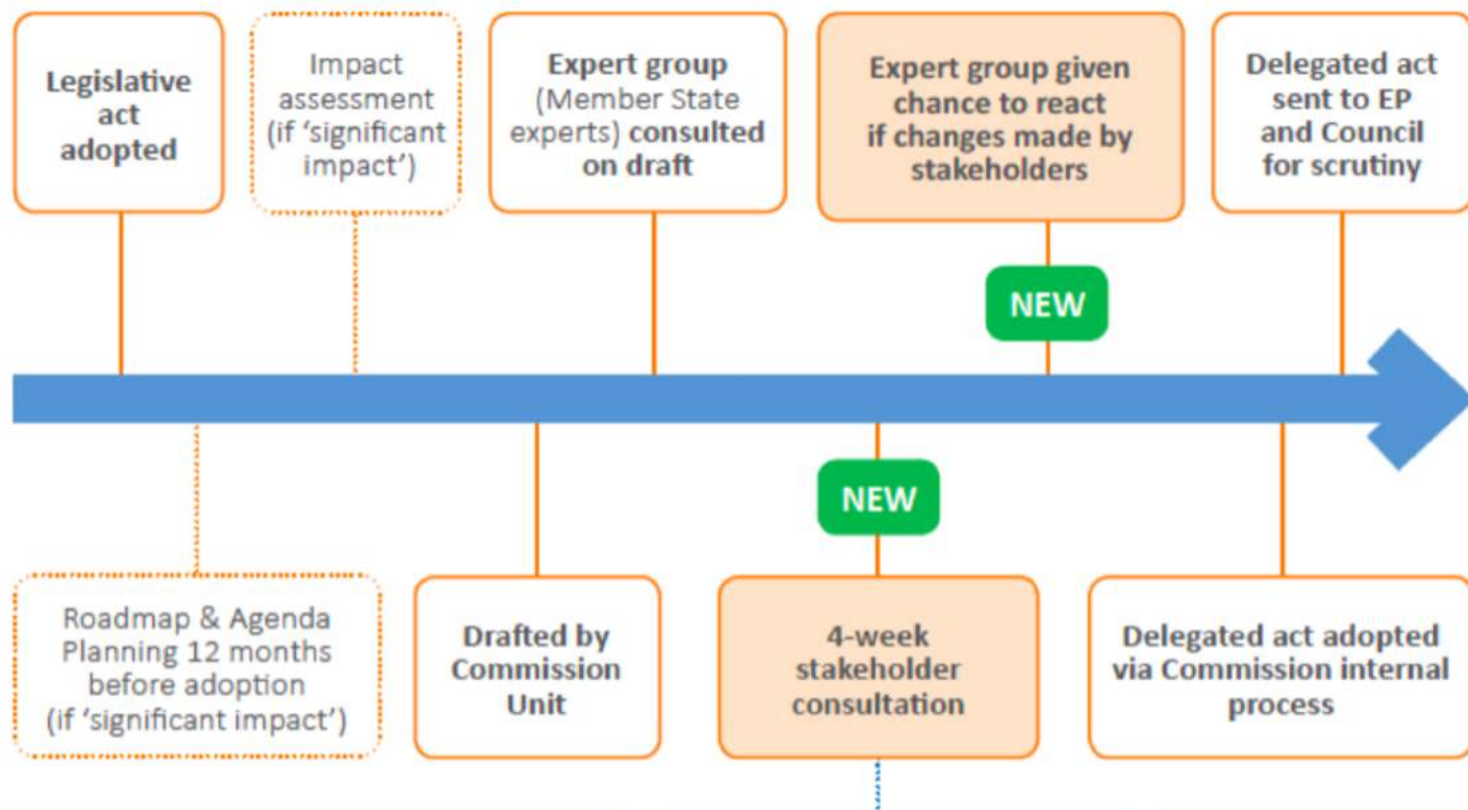
OF THE DELEGATED ACTS
BY THE COMMISSION ALONE (EXPERTS):

Drafting Phase

Adoption Phase

Advocacy opportunities:

Then the act will be adopted but
not into force yet



No consultation carried out when:

- No discretion over content
- Already drafted and submitted for consultation by another body
- Urgency procedure

5. NEW PROCEDURES

CONTROLLING THE ENACTMENT OF DELEGATED ACTS



THE COUNCIL or THE PARLIAMENT

OBJECT

i.e. delegated act
does not enter
into force

REJECT

i.e. the delegation
authority is revoked

Delegated Acts

Procedure for Delegated Acts (Article 290 TFEU)

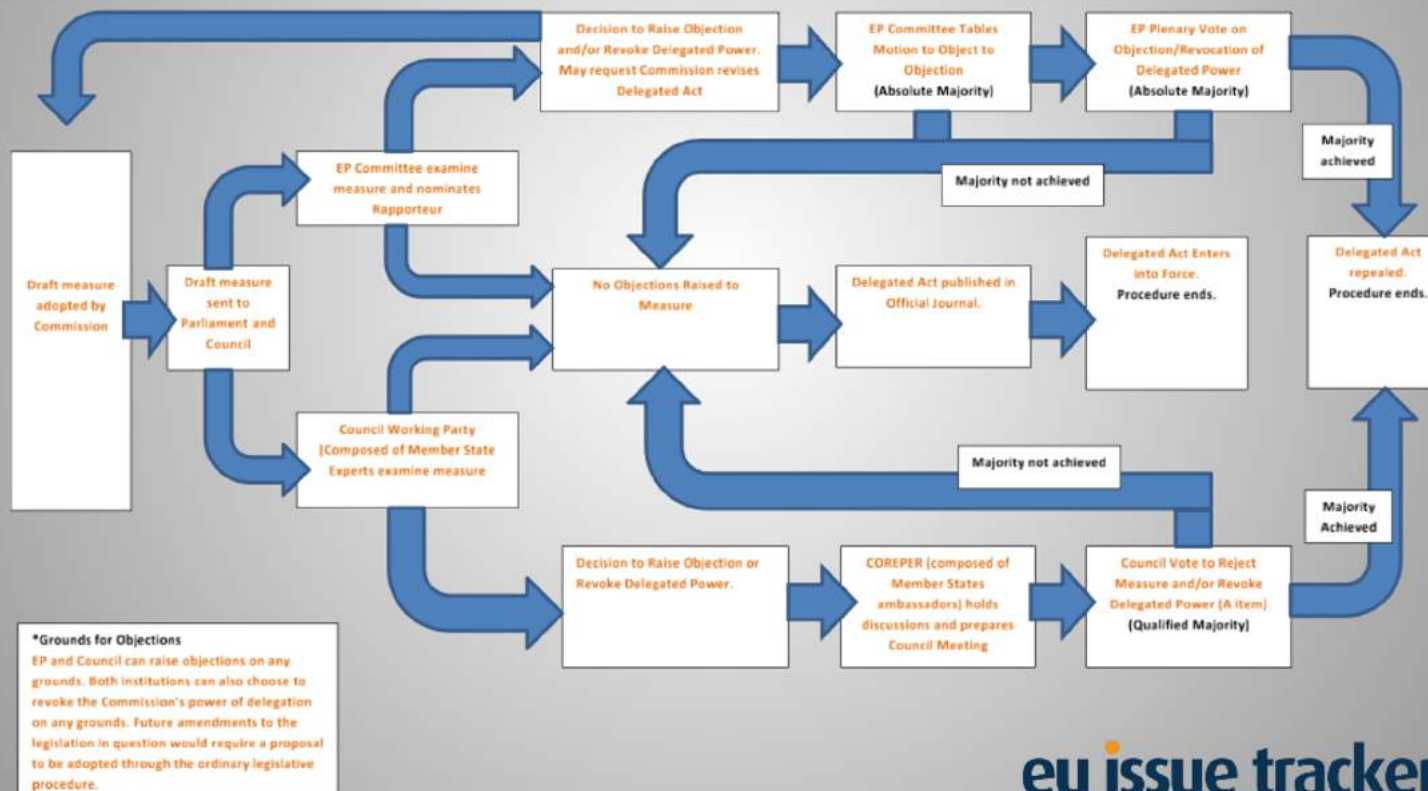


Table 4: Number of (Un-) Successful Vetoes of DA by the European Parliament (2006–14)

<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

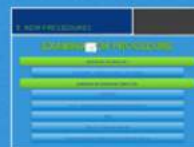
(more power, more scrutiny)





IMPLEMENTING ACTS

(less power, less scrutiny)



5. NEW PROCEDURES

EXAMINATION PROCEDURE

DEPENDENT ON BASIC ACT:

Examination or Advisory (only consultative)

EXAMINATION GENERALLY USED FOR:

CAP/CFP

Env't, protection of health/safety/animal/plants

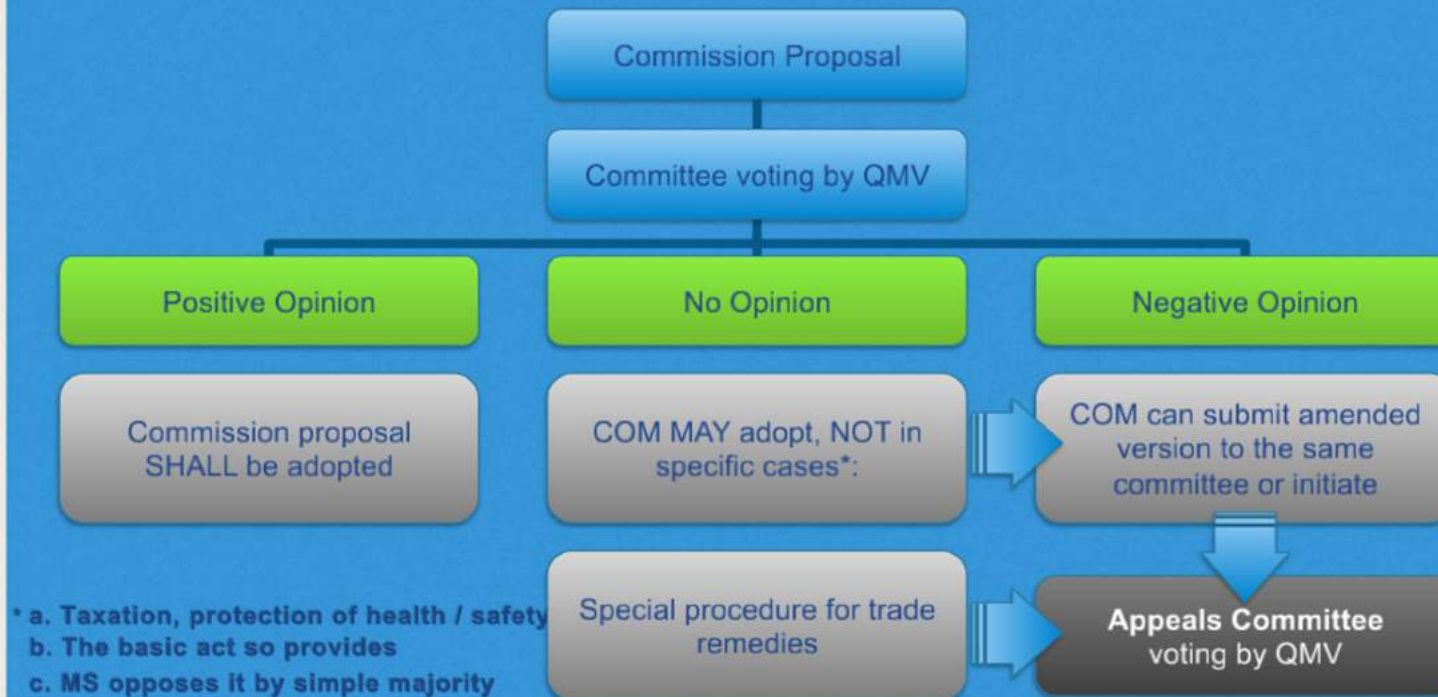
CCP

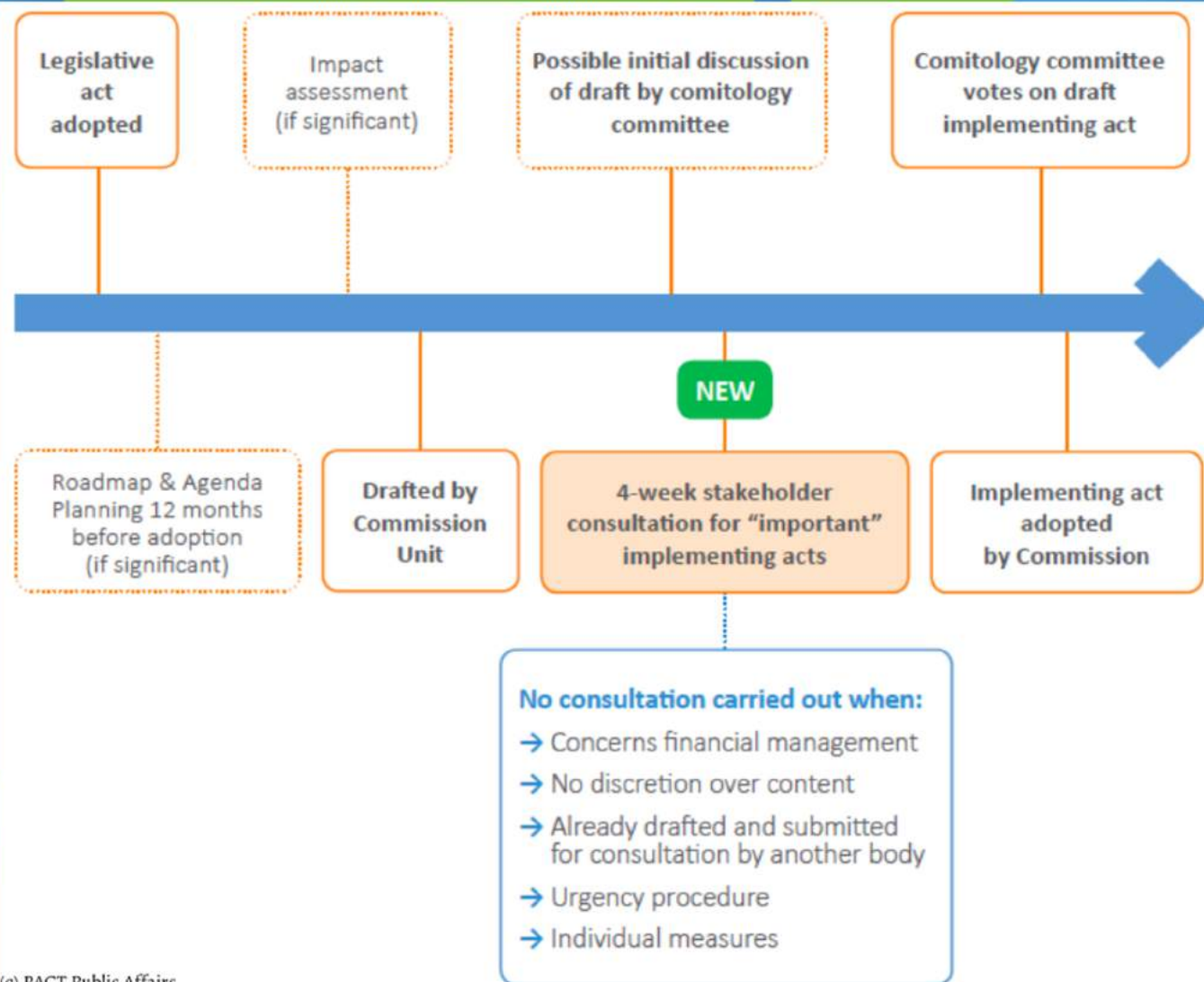
Taxation, financial services

Programmes with substantial financial implications

5. NEW PROCEDURES

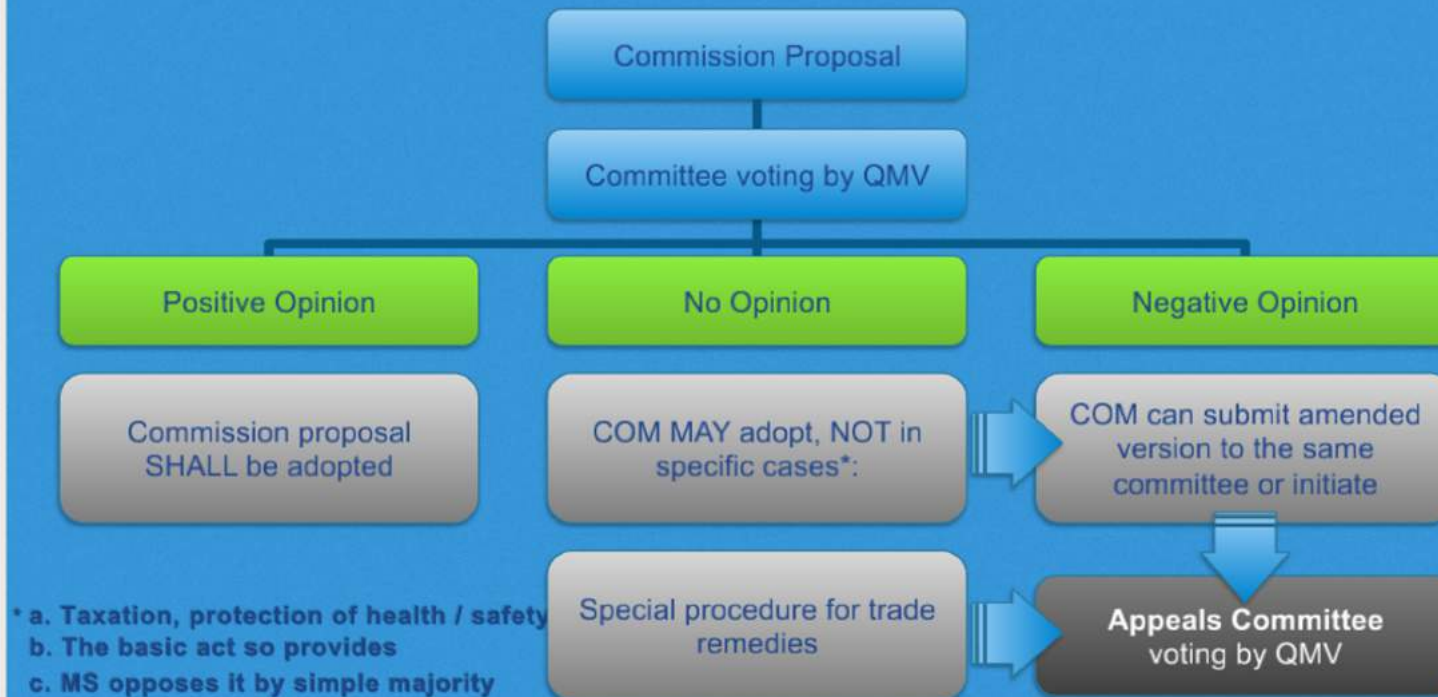
EXAMINATION PROCEDURE (I)





5. NEW PROCEDURES

EXAMINATION PROCEDURE (I)



5. NEW PROCEDURES

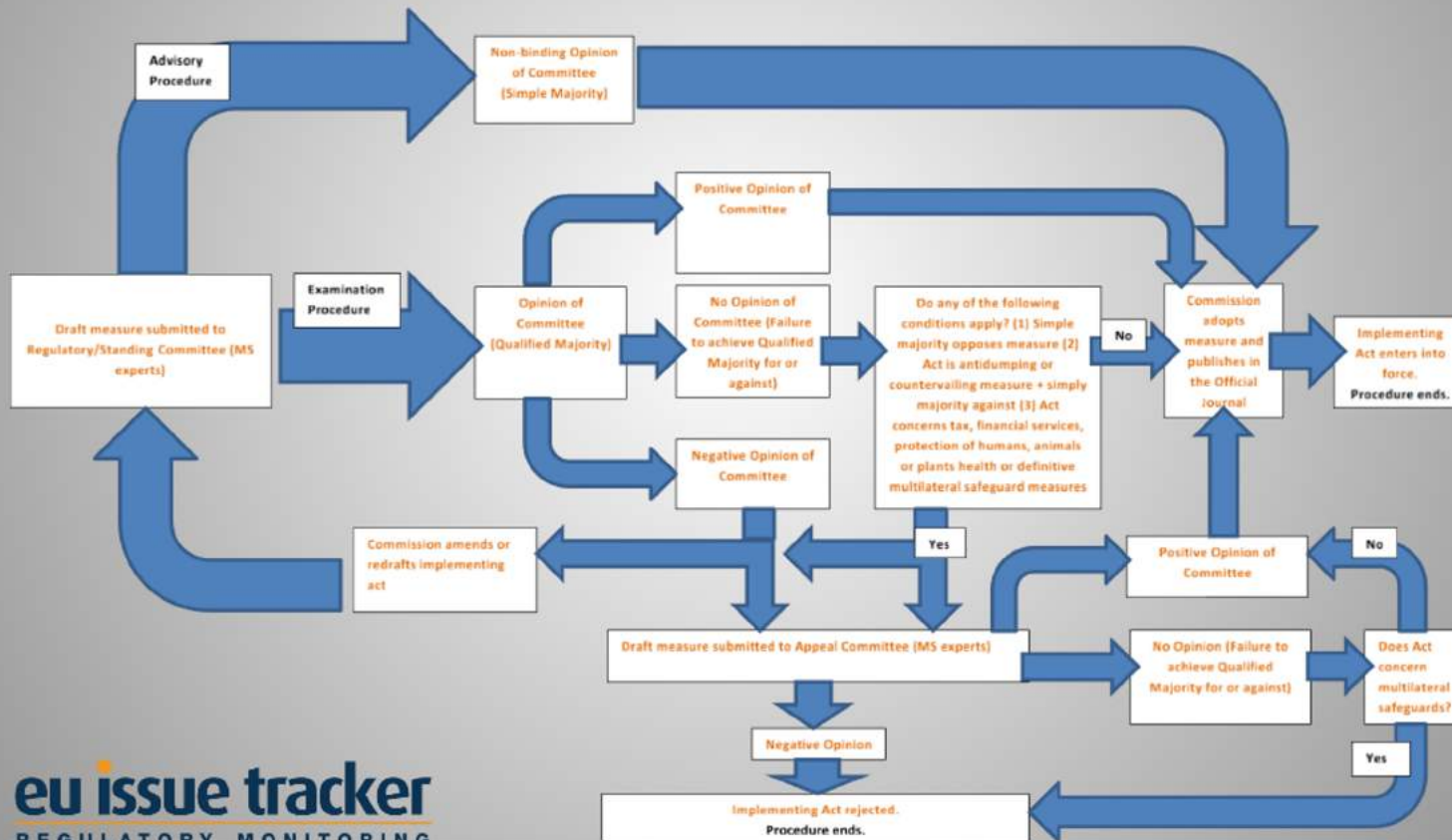
EXAMINATION PROCEDURE (II)



Derogations: (i) definitive multilateral safeguard measures requires + (ii) definitive draft anti-dumping countervailing measures may be adopted by simple majority until 1.09.2012

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

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

Comitology committees always created by the legislator

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

Comitology committees composed of all Member States

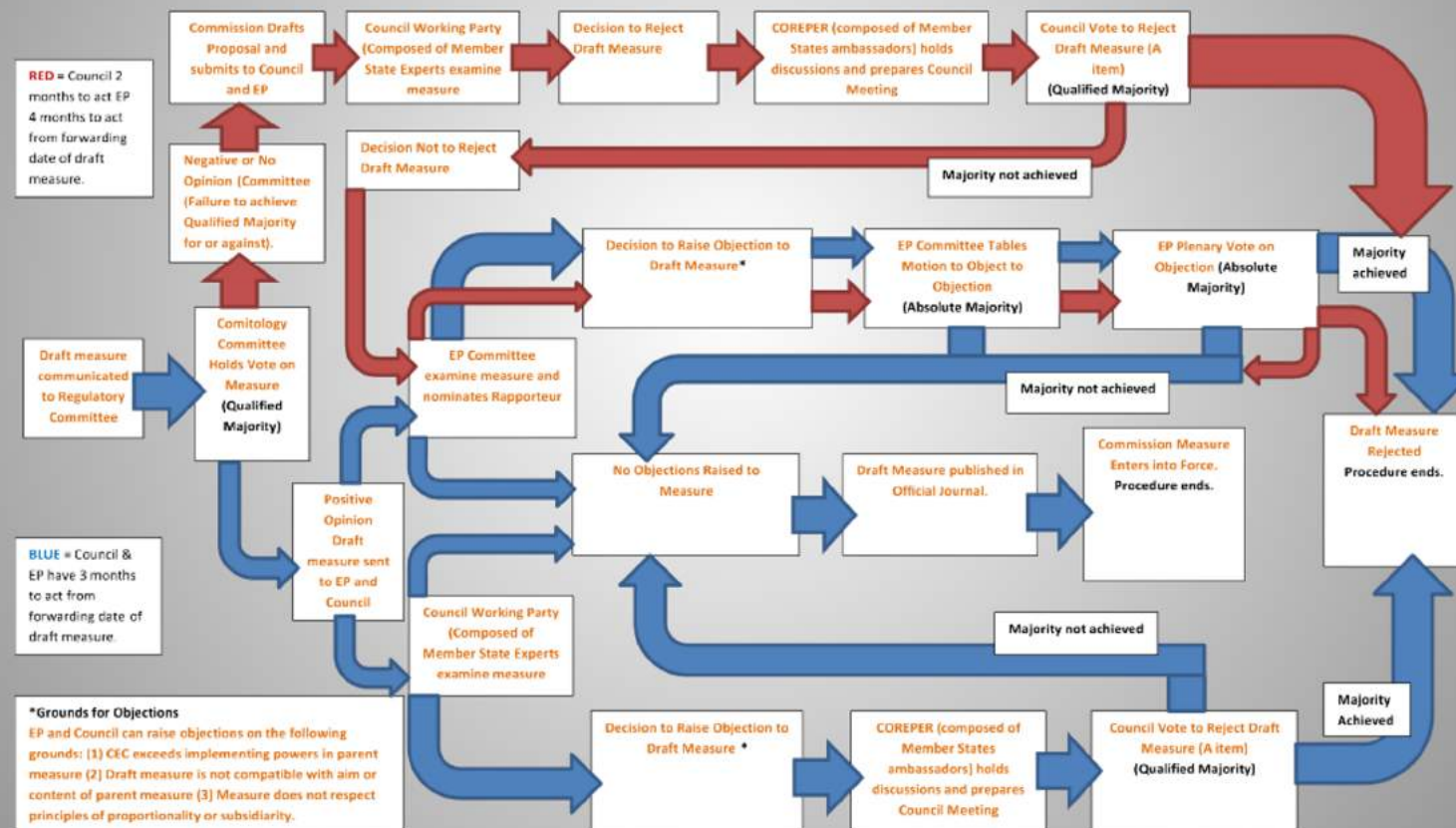
Expert groups may be composed of individuals, organisations in the broad sense of the word and Member States' authorities

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

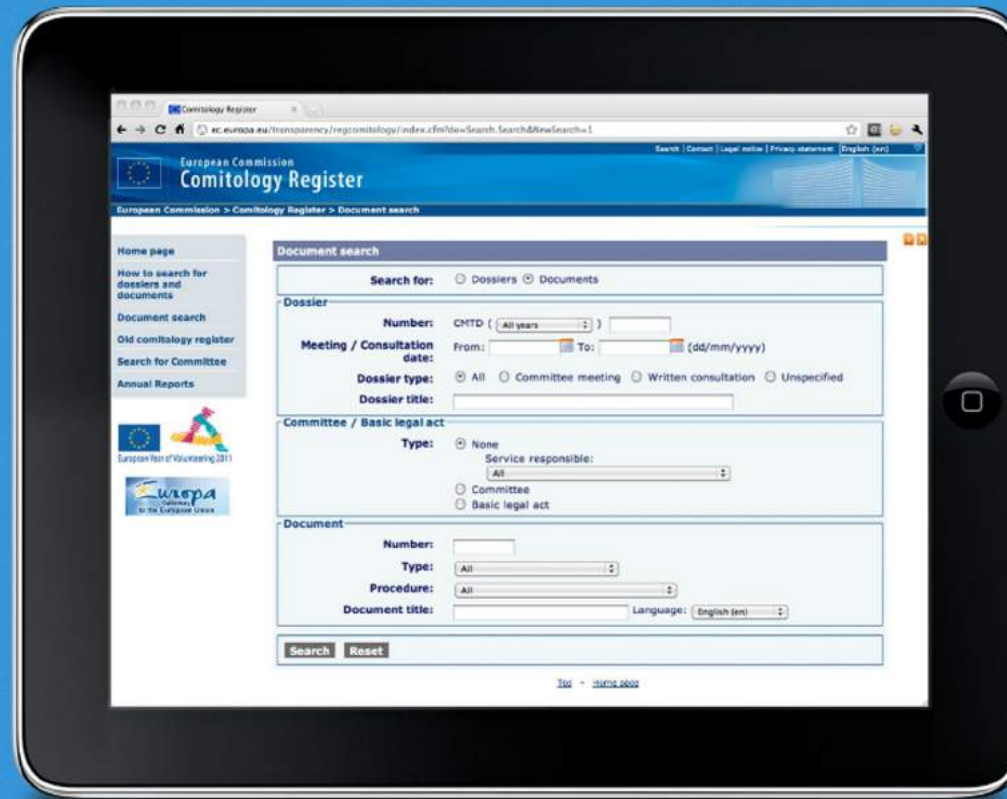
Opinions of expert groups cannot bind the Commission

Regulatory Procedure with Scrutiny (RPS)

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



COMITOLGY REGISTER



COMITOLOGY REGISTER



COMITOLOGY REGISTER

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Type: ☒ None
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Questions? Comments?

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