

EU Decision-Making: Comitology



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Housekeeping

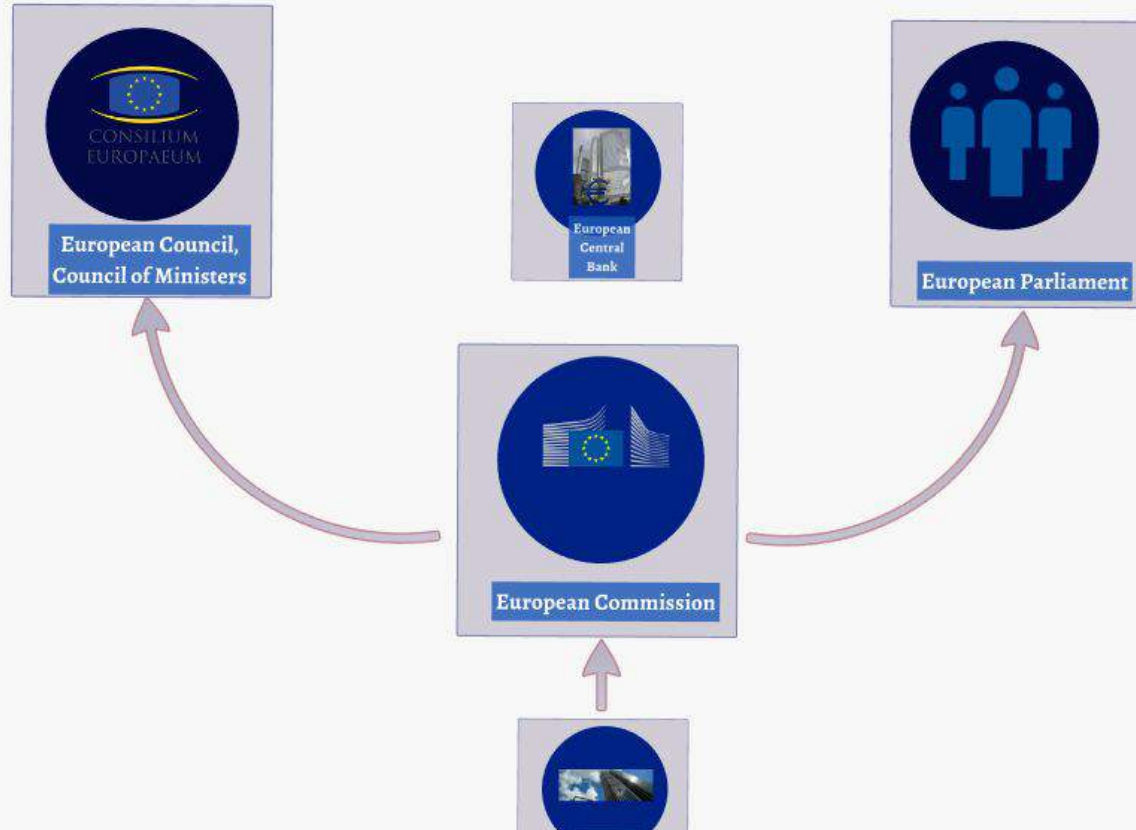
A top-down view of a wooden desk. On the left is a white cup of coffee on a saucer with a spoon. In the center is a silver laptop with a dark screen. To the right of the laptop is a tablet with a dark screen.

- Webinar is recorded
- PPT and resources made available afterwards
- Ask questions any time in the Q&A box
- Unanswered questions will be follow up in a memo
- Your name/questions will be visible to all other participants
- Keep the discussions, comments & questions collegial
- Most audio/video problems are resolved if you restart your app/browser :-)

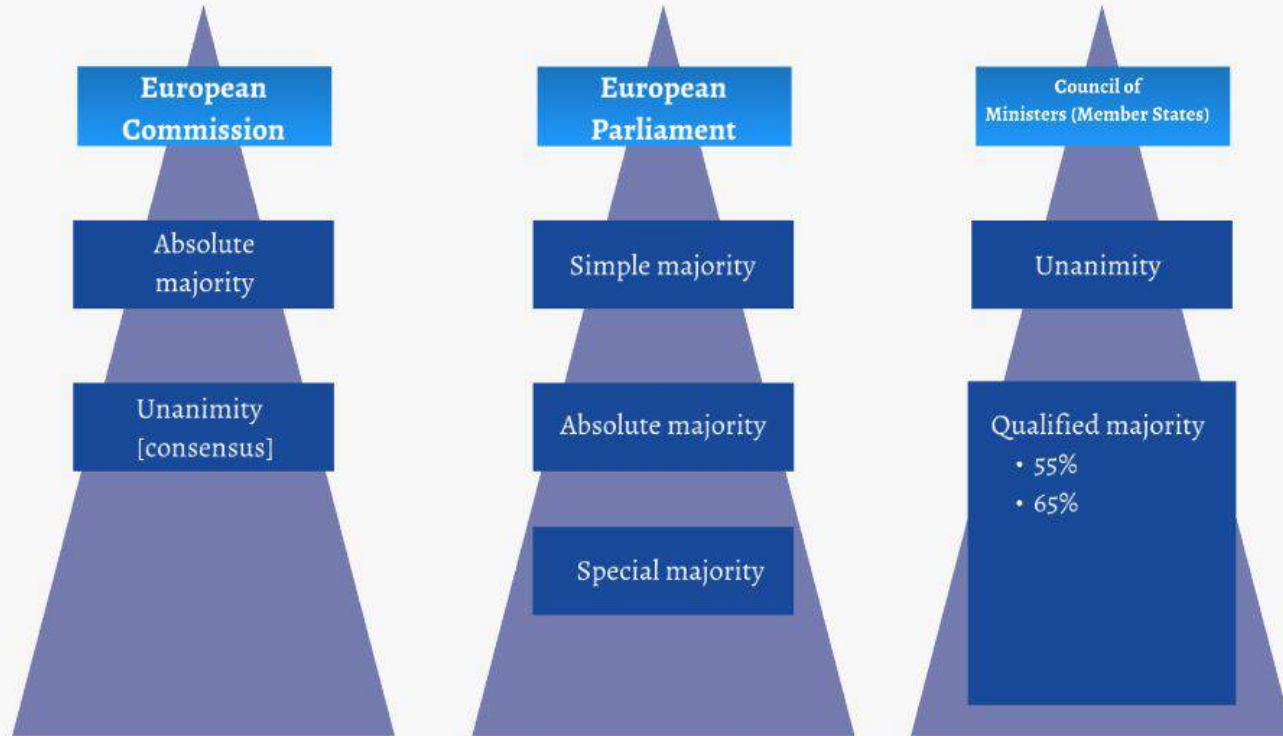
“Comitology” [secondary legislation]



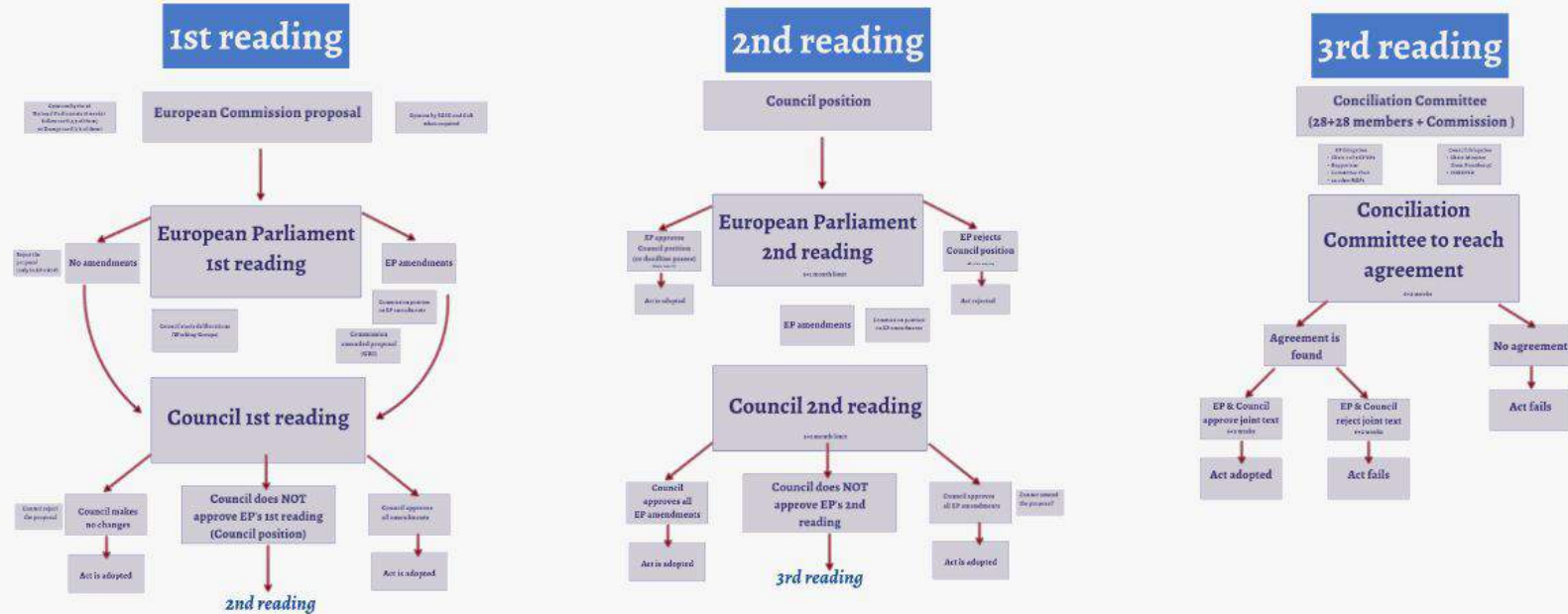
EU Institutions & Agencies



Decision Making Inside EU Institutions



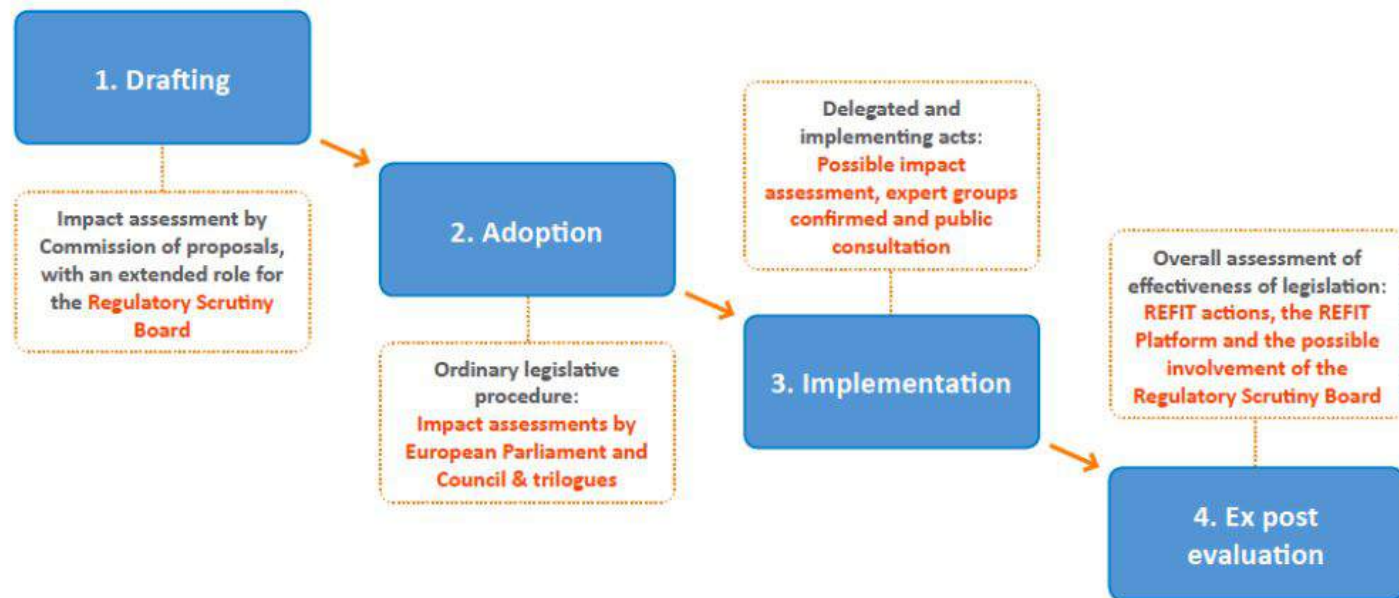
1. The Ordinary Legislative Procedure



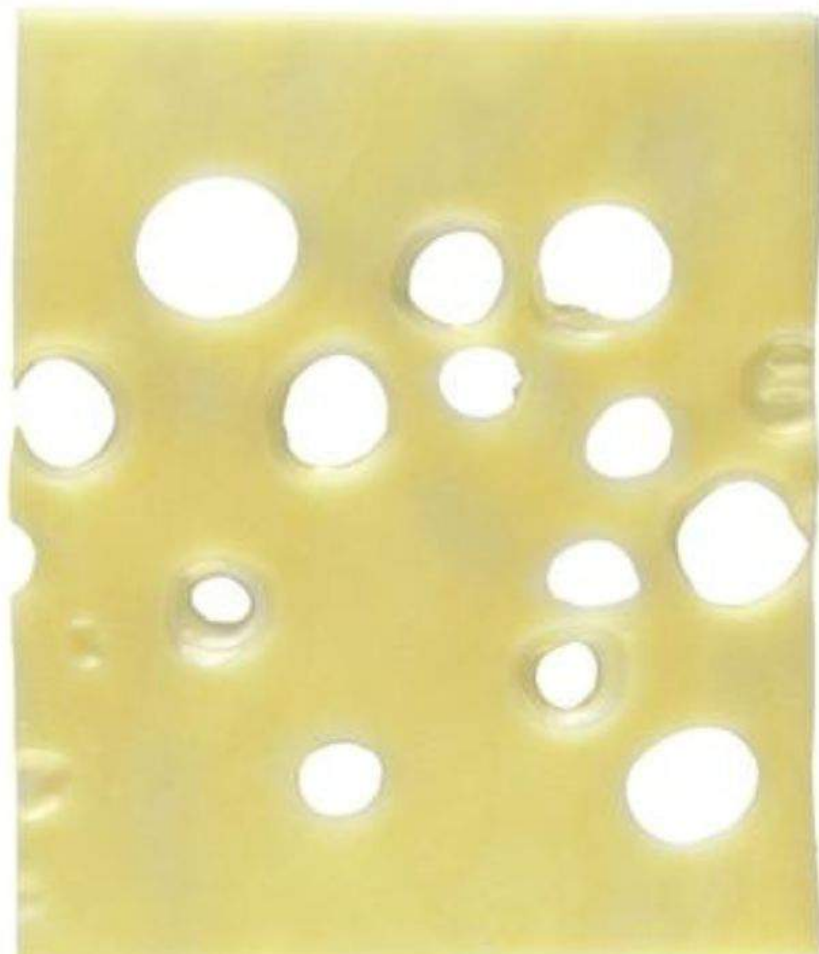
2. Comitology [implementing measures]



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.



**REGULATION (EU) 2016/1628 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 14 September 2016**

**on requirements relating to gaseous and particulate pollutant emission limits and type-approval for
internal combustion engines for non-road mobile machinery, amending Regulations (EU)
No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,





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D045959/01 (Draft implementing measure/act) in dossier [CMTD\(2016\)0744](#)

DG Internal Market, Industry, Entrepreneurship and SMEs

Title: Commission Implementing Decision authorising Germany to grant EU type-approval of L3e category vehicle types fitted with an emergency stop signal

Date: 17 Jun 2016 - 28 Jun 2016

Committee: Technical Committee - Motor Vehicles

Basic legal act: [Regulation \(EU\) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles](#)

Codecision: Yes

Procedure: Examination Procedure (art. 5, 6 and 7)

Opinion: Favourable

Voting sheet: [V046231/01](#)

Status: Adoption

19 Jul 2016

[View history](#)

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English (en)



Request

HIERARCHY OF NORMS

LEGISLATIVE ACTS

NON LEGISLATIVE ACTS

DELEGATED ACTS

**IMPLEMENTING
MEASURES**

**Regulatory Technical
Standards (RTS)**

**Implementing Technical
Standards (ITS)**

DIFFERENT PROCEDURES

(CONDITIONS/CONTROLS)



DELEGATED ACTS

VS

IMPLEMENTING ACTS

(and RPS)

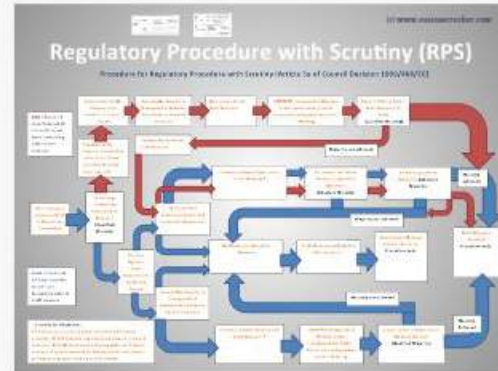
DELEGATED ACTS

(more power, more scrutiny)



IMPLEMENTING ACTS

(less power, less scrutiny)



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):

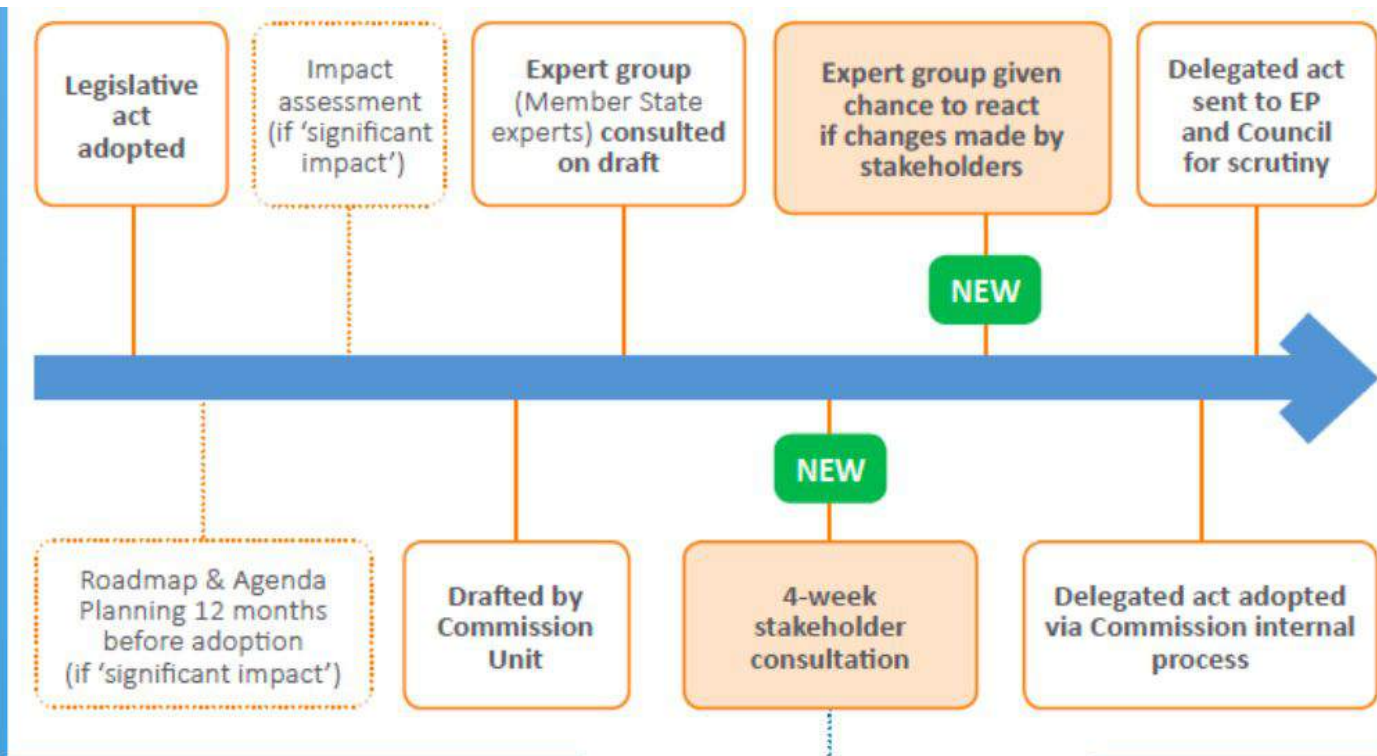
Drafting Phase

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



Delegated Acts

Procedure for Delegated Acts (Article 290 TFEU)

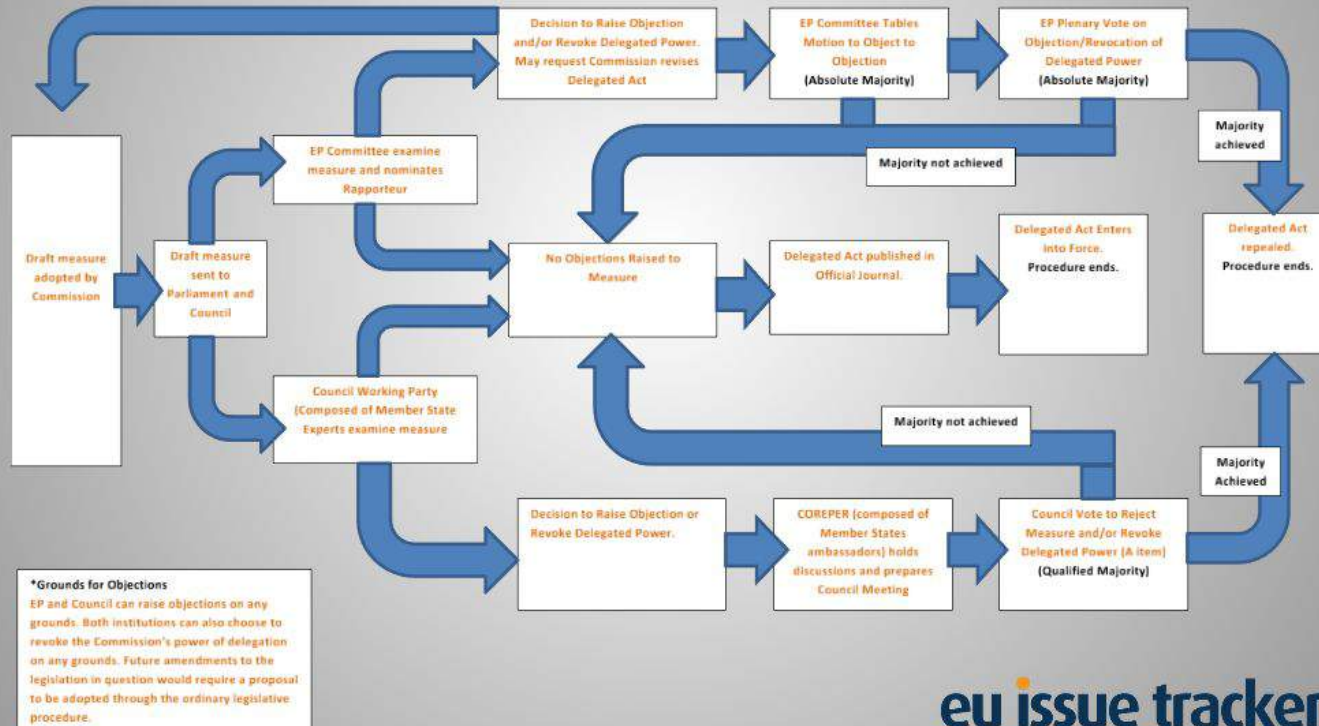


Table 4: Number of (Un-) Successful Vetoes of DA by the European Parliament (2006–14)

<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)

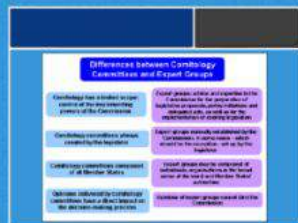
<i>Result</i>	<i>Number of cases</i>	<i>Details of cases (in chronological order)</i>
Successful veto (qualified majority)	1	Galileo (MOVE)
<i>Total</i>	1 (out of 166)	

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

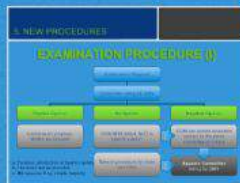
(more power, more scrutiny)





IMPLEMENTING ACTS

(less power, less scrutiny)



5. NEW PROCEDURES

EXAMINATION PROCEDURE

DEPENDING ON BASIC ACT:

Examination or Advisory (only consultative)

EXAMINATION GENERALLY USED FOR:

CAP/CFP

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

CCP

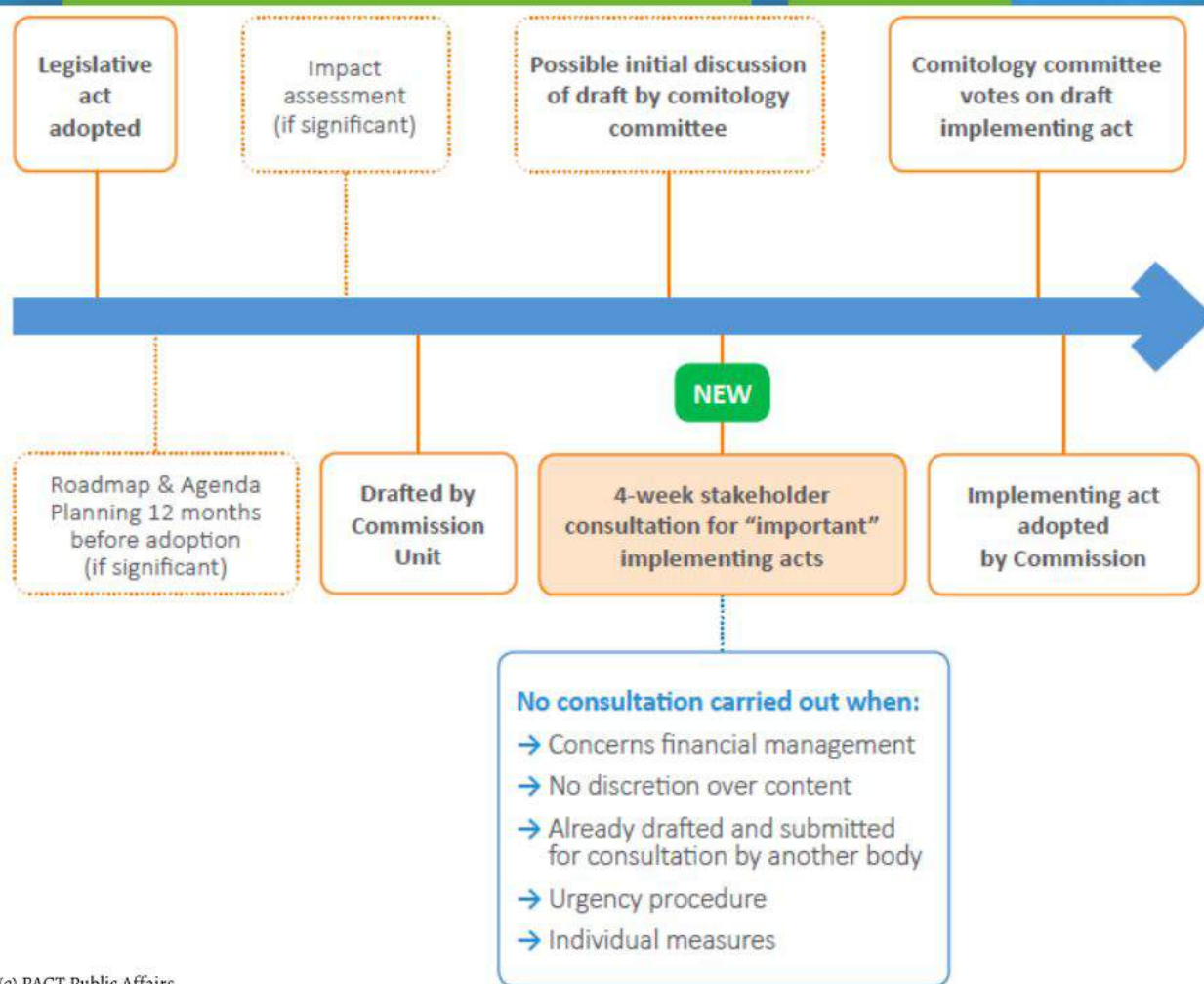
Taxation, financial services

Programmes with substantial financial implications

5. NEW PROCEDURES

EXAMINATION PROCEDURE (I)





5. NEW PROCEDURES

EXAMINATION PROCEDURE (I)



5. NEW PROCEDURES

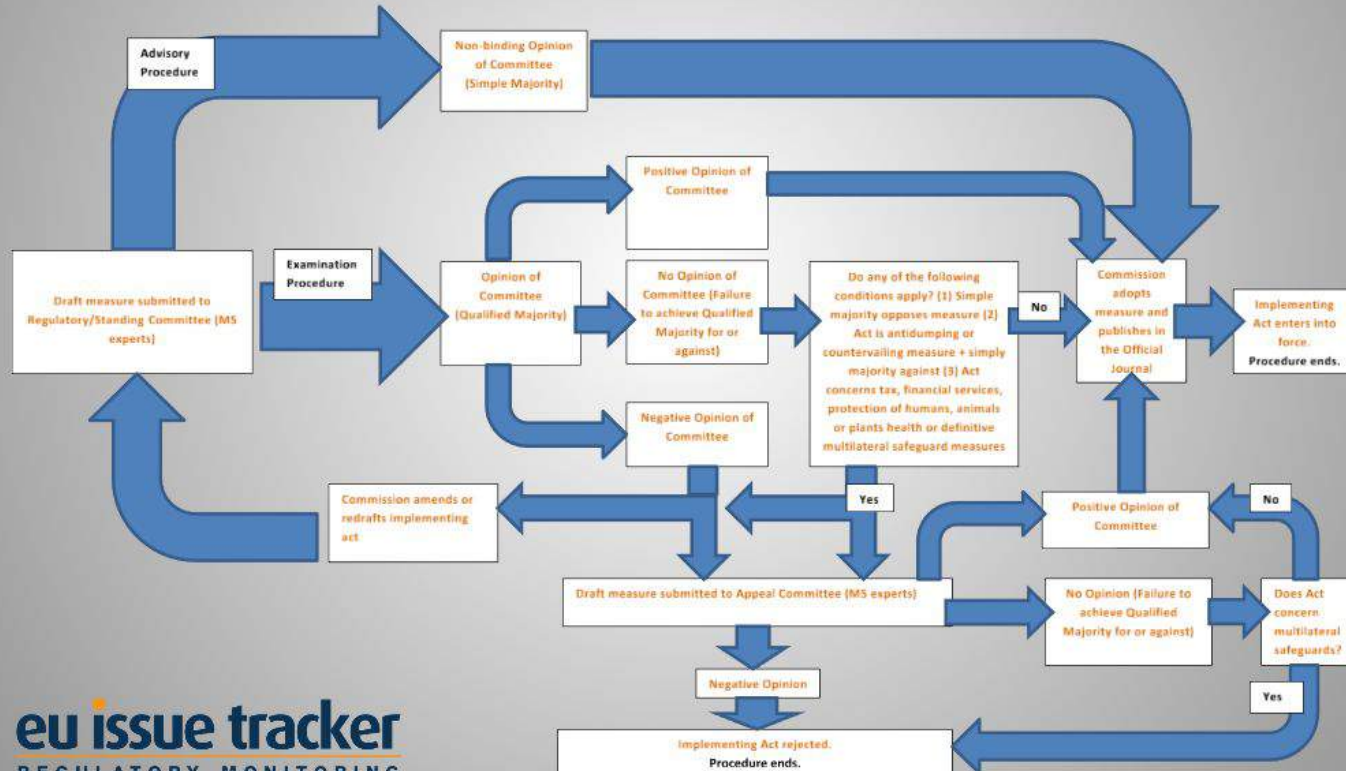
EXAMINATION PROCEDURE (II)



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

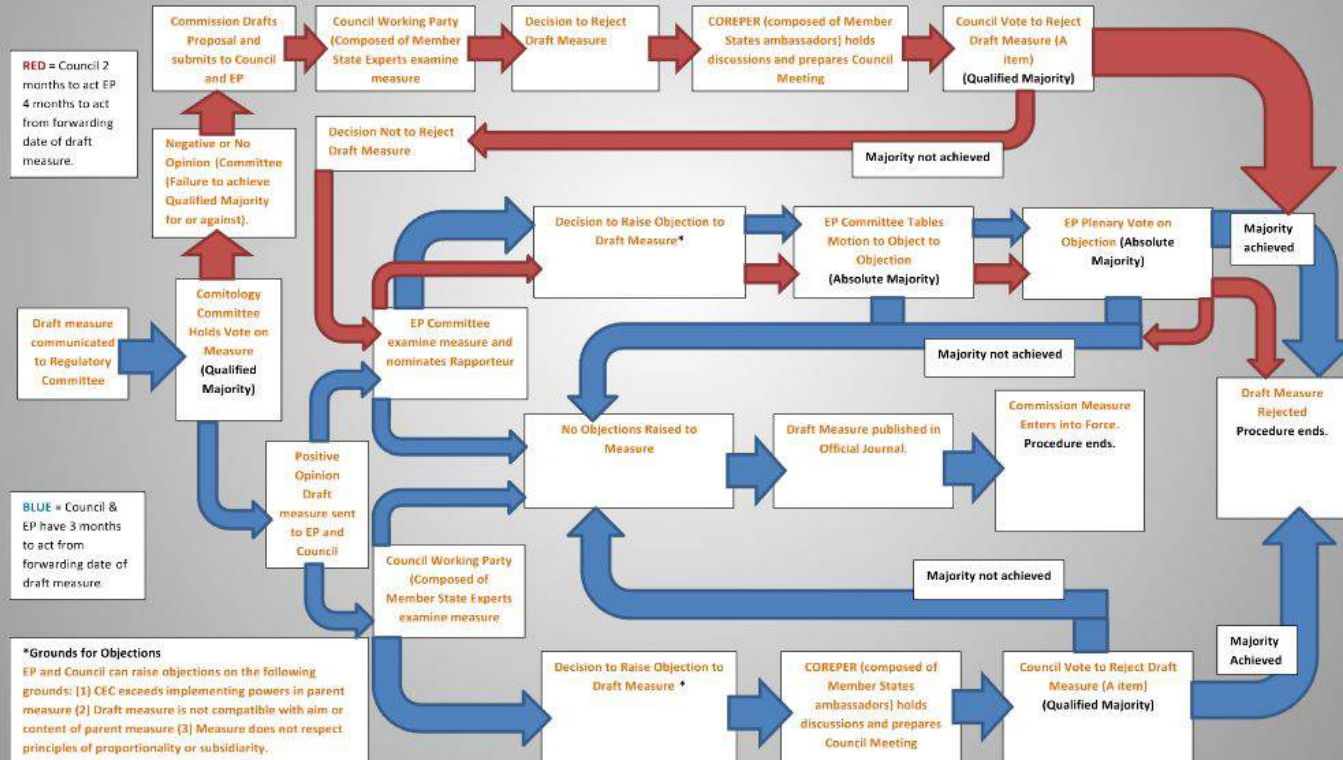
Expert groups may be composed of individuals, organisations in the broad sense of the word and Member States' authorities

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

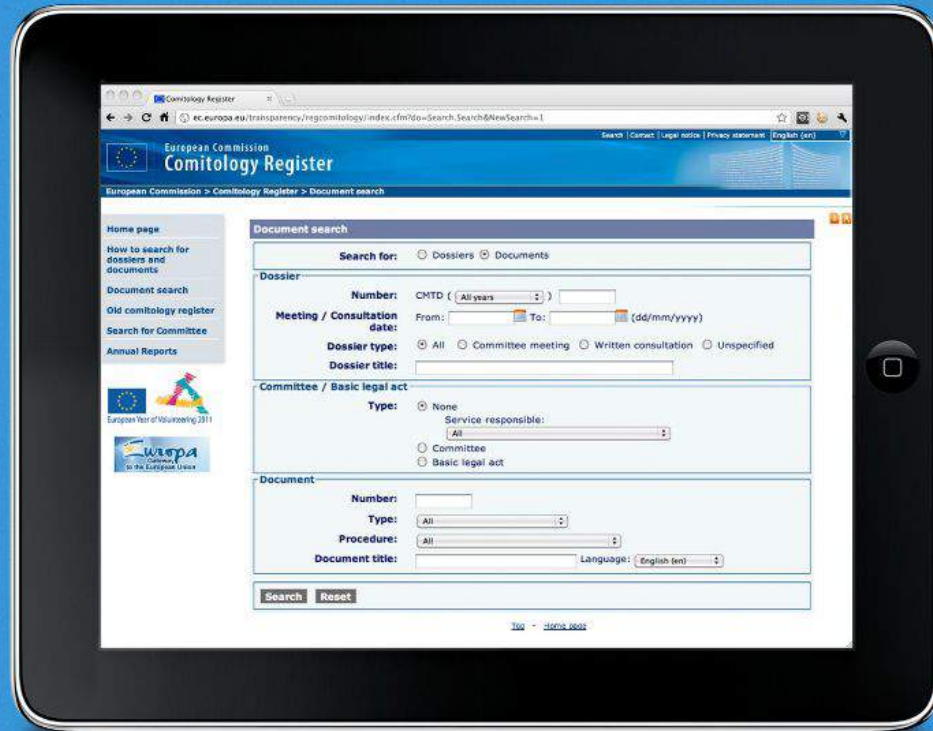
Opinions of expert groups cannot bind the Commission

Regulatory Procedure with Scrutiny (RPS)

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



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Meeting / Consultation date: From: To: (dd/mm/yyyy)

Dossier type: ☒ All
☐ Committee meeting
☐ Written consultation
☐ Unspecified

Dossier title:

Committee / Basic legal act

Type: ☒ None
Service responsible:
☐ Committee
☐ Basic legal act

Document

Number:

Type:



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Questions?

Comments?

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1. How do you know if delegated acts are used in the basic act?
2. What's the process or which 'keywords' do you need to identify whether implementing acts are used?
3. Is it 'examination' or 'advisory' procedure?

1. Do all Member States have to vote in an 'examination committee'?

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2. When can the European Parliament have any formal/legal role for implementing acts?

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4. Approx. how many basic acts still make use of RPS?

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2. When can the European Parliament have any formal/legal role for implementing acts?

3. Is the Commission legally obliged to convene a committee of experts for draft Delegated acts?

4. Approx. how many basic acts still make use of RPS?

5. What majority is required to block a delegated act from entering into force, by the EP or Council?