

The Legislative Observatory

Comitology

Under the Treaty establishing the European Community, it is for the Commission to implement legislation at Community level (Article 202 of the EC Treaty). In practice, each legislative instrument specifies the scope of the implementing powers granted to the Commission and how the Commission is to use them. Frequently, the instrument will also make provision for the Commission to be assisted by a committee in accordance with a procedure known as "comitology".

The **Council decision from the 28 june 1999** (OJ L 184 , 17.07.1999) ensures that Parliament can keep a eye on the implementation of legislative instruments adopted under the codesision procedure. In cases where legislation comes under this procedure, Parliament can express its disapproval of measures proposed by the Commission or, where appropriate, by the Council, which, in Parliament's opinion, go beyond the implementing powers provided for in the legislation.

The committees which are forums for discussion, consist of representatives from Member States and are chaired by the Commission. They enable the Commission to establish a dialogue with national administrations before adopting implementing measures. Committees base their opinions on the draft implementing measures prepared by the Commission. The committees can be divided into the following categories:

- **advisory committees:** they give their opinions to the Commission which must take the utmost account of them. This straightforward procedure is generally used when the matters under discussion are not very sensitive politically.
- **management committees:** where the measures adopted by the Commission are not consistent with the committee's opinion (delivered by qualified majority), the Commission must communicate them to the Council which, acting by a qualified majority, can take a different decision. This procedure is used in particular for measures relating to the management of the common agricultural policy, fisheries, and the main Community programmes.
- **regulatory committees:** the Commission can only adopt implementing measures if it obtains the approval by qualified majority of the Member States meeting within the committee. In the absence of such support, the proposed measure is referred back to the Council which takes a decision by qualified majority. However, if the Council does not take a decision, the Commission finally adopts the implementing measure provided that the Council does not object by a qualified majority. This procedure is used for measures relating to protection of the health or safety of persons, animals and plants and measures amending non-essential provisions of the basic legislative instruments.

Several innovations in the new "comitology" Decision enhance the transparency of the committee system to the benefit of Parliament and the general public: committee documents will be more readily accessible to the citizen (the arrangements are the same as those applying to Commission documents). Committee documents will also be registered in a public register which will be available from 2001 onwards. The ultimate aim is, with the computerisation of decision-making procedures, to publish the full texts of non-confidential documents transmitted to Parliament on the Internet. From 2000 onwards, the Commission will publish an annual report giving a summary of committee activities during the previous year.

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<http://europa.eu.int/scadplus/leg/en/cig/g4000c.htm> updated on 16/11/1999