



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 January 2012

5861/12

INST 72

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 December 2011

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: COM(2011) 879 final

Subject: Report from the Commission on the working of Committees during 2010

Delegations will find attached Commission document COM(2011) 879 final.

Encl.: COM(2011) 879 final



EUROPEAN COMMISSION

Brussels, 12.12.2011
COM(2011) 879 final

REPORT FROM THE COMMISSION
ON THE WORKING OF COMMITTEES DURING 2010

{SEC(2011) 1553 final}

REPORT FROM THE COMMISSION

ON THE WORKING OF COMMITTEES DURING 2010

In accordance with Article 7(4) of Council Decision 1999/468/EC of 28 June 1999¹ (hereinafter referred to as the "Comitology Decision"), the Commission hereby presents the annual report on the working of committees for 2010. This is the last report under the Comitology Decision.

This report contains an overview of developments in the comitology system in 2010 and a summary of committees' activities. It is accompanied by a staff working document with detailed statistics on the work of the individual committees.

1. OVERVIEW OF DEVELOPMENTS IN THE COMITOLGY SYSTEM IN 2010

In accordance with Article 291 TFEU, the Commission adopted a proposal for a "Comitology Regulation" (COM(2010)83) on 9 March 2010. The Comitology Regulation, i.e. the Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers was adopted by the European Parliament and the Council on 16 February 2011 and entered into force on 1 March 2011.² It repealed the Comitology Decision and replaced the procedures set out in that Decision by just 2 procedures (advisory and examination). However, the entry into force of the new Comitology Regulation did not affect the regulatory procedure with scrutiny (Article 5a of the Comitology Decision) that will continue to apply in all basic acts which make reference to it until those acts are formally amended.

In 2010, the comitology committees operated under the procedures set out in the Comitology Decision: advisory, management, regulatory, safeguard and regulatory procedure with scrutiny.

2. OVERVIEW OF ACTIVITIES

2.1 Number of committees and meetings

It is important to draw a distinction between the comitology committees, on the one hand, and other entities, in particular "expert groups" created by the Commission itself, on the other. The latter provide expertise to the Commission in preparing and implementing policy, whereas comitology committees assist the Commission in the exercise of the implementing powers that have been conferred upon it by basic legal acts. This report focuses exclusively on comitology committees. The number of comitology committees on 31 December 2010 was calculated by sector of activity (see Table I). The figures for the previous year (on 31 December 2009) are also given for comparison.

¹ OJ L 184, 17.7.1999, p. 23; as amended by Council Decision 2006/512/EC (OJ C 255, 21.10.2006, p. 4)

² OJ L 55, 28.2.2011, p. 13.

TABLE I – TOTAL NUMBER OF COMMITTEES

Policy sector	2009	2010
Agriculture and Rural Development (AGRI)	15	14
Anti-Fraud Office (OLAF)	1	1
Budget (BUDG)	2	2
Climate Action (CLIMA)	(see DG ENV)	4
Communication (COMM)	-	1
Economic and Financial Affairs (ECFIN)	-	1
Education and Culture (EAC)	6	7
Employment, Social Affairs and Inclusion (EMPL)	5	4
Energy (ENER)	(ex DG TREN - 39)	14
Enlargement (ELARG)	3	4
Enterprise and Industry (ENTR)	39	30
Environment (ENV)	36	32
EuropeAid (AIDCO)*	7	6
External Relations (RELEX)**	4	4
Health and Consumers (SANCO)	16	22
Home Affairs (HOME)	(ex DG JLS - 24)	10
Humanitarian Aid and Civil Protection (ECHO)	1	2
Informatics (DIGIT)	2	1
Information Society and Media (INFSO)	8	6
Internal Market (MARKT)	14	13
Justice (JUST)	(ex DG JLS - 24)	13
Maritime Affairs and Fisheries (MARE)	4	4
Mobility and Transport (MOVE)	(ex DG TREN - 39)	29
Regional Policy (REGIO)	1	1
Research (RTD)	7	6
Statistics (ESTAT)	10	8
Taxation and Customs Union (TAXUD)	12	10
Trade (TRADE)	10	10
TOTAL:	266***	259

* In 2011 DG AIDCO (and DG DEV) became DG DEVCO

** In 2011 DG RELEX became Service for Foreign Policy Instruments (FPI)

*** See Annual report 2009

In 2010, the comitology committees could generally be classified according to the type of procedure under which they operated (advisory procedure, management procedure, regulatory procedure, regulatory procedure with scrutiny and safeguard procedure - see Table II). Since certain committees applied multiple procedures (ranging from the advisory procedure to the regulatory procedure, plus the safeguard procedure), they have been singled out from committees operating under a single procedure.

TABLE II – NUMBER OF COMMITTEES BY PROCEDURE (2010)

	Type of procedure				Operates under several procedures	TOTAL
	Advisory	Management	Regulatory	Regulatory w/srutiny		
AGRI	0	4	4	0	6	14
AIDCO	0	5	0	0	1	6
BUDG	1	0	1	0	0	2
CLIMA	0	0	0	0	4	4
COMM	0	0	0	0	1	1
DIGIT	0	1	0	0	0	1
EAC	1	1	0	0	5	7
ECFIN	1	0	0	0	0	1
ECHO	0	0	0	0	2	2
ELARG	1	3	0	0	0	4
EMPL	1	0	0	2	1	4
ENER	1	2	4	1	6	14
ENTR	6	1	3	5	15	30
ENV	0	0	5	4	23	32
ESTAT	0	1	1	0	6	8
HOME	0	0	3	0	7	10
INFSO	0	1	0	0	5	6
JUST	2	1	0	4	6	13
MARE	0	1	0	0	3	4
MARKT	0	0	1	4	8	13
MOVE	3	1	4	2	19	29
OLAF	0	0	1	0	0	1
REGIO	0	0	0	0	1	1
RELEX	0	2	1	0	1	4
RTD	0	3	0	0	3	6
SANCO	1	0	6	1	14	22
TAXUD	1	3	5	0	1	10
TRADE	2	2	3	0	3	10
TOTAL:	21	32	42	23	141	259

The figures indicate that about 16% of the committees (42 out of 259) worked exclusively under the regulatory procedure, followed by a smaller number of committees working exclusively under the management procedure (32). However, most committees (54%) operated under several procedures (141 out of 259). The breakdown by policy sector shows that use of the different types of procedures varies from one policy sector to another.

The number of committees is not the only indicator of activity at comitology level. The *number of meetings* held in 2010 reflects the intensity of work in general, at sector level and in individual committees (Table III).

TABLE III – NUMBER OF MEETINGS

	2009	2010		2009	2010
AGRI	165	148	ESTAT	19	16
AIDCO	40	28	HOME	-	23
BUDG	5	4	INFSO	24	24
CLIMA	-	15	JUST	-	6
COMM	-	2	MARE	15	11
DIGIT	3	1	MARKT	32	34
EAC	13	17	MOVE	-	60
ECFIN	-	1	OLAF	3	2
ECHO	4	5	REGIO	10	9
ELARG	5	5	RELEX	3	5
EMPL	5	4	RTD	62	60
ENER	-	19	SANCO	124	131
ENTR	48	56	TAXUD	107	107
ENV	67	48	TRADE	17	18
			TOTAL:	771*	859

* See Annual Report 2009

As was the case in 2009, *Agriculture* (AGRI) leads the field with 148 meetings. These figures witness the intensity of managing the different agricultural markets. *Agriculture* (AGRI) is followed by *Health and Consumers* (SANCO) with 131 meetings and *Taxation and Customs Union* (TAXUD) with 107 meetings.

2.2 Number of opinions and implementing measures

As in previous reports, this report gives global figures on formal *opinions* delivered by the committees and the subsequent *implementing measures* (i.e. legal acts or administrative and financing decisions) adopted by the Commission³. These figures quantify the tangible “output” of the committees (see Table IV). The total number of *opinions* delivered by the committees in 2010 was 1 904 (compared with 2 091 in 2009); the number of implementing measures adopted by the Commission was 1 812 (compared with 1 808 in 2009).

³ It is to be noted that there can be discrepancies between the number of opinions and the number of implementing measures in any given year. The reasons for these are explained in the introduction to the accompanying staff working document.

TABLE IV – NUMBER OF OPINIONS AND IMPLEMENTING MEASURES ADOPTED (2010)

	Opinions	Measures adopted based on acts other than co-decision acts	Measures adopted based on co-decision acts		Opinions	Measures adopted based on acts other than co-decision acts	Measures adopted based on co-decision acts
AGRI	345	342	3	ESTAT	30	0	35
AIDCO	181	0	175	HOME	21	13	9
BUDG	0	0	0	INFSO	35	0	10
CLIMA	22	1	16	JUST	18	8	13
COMM	4	0	4	MARE	23	23	0
DIGIT	1	0	1	MARKT	20	0	20
EAC	101	32	64	MOVE	65	0	69
ECFIN	1	0	1	OLAF	0	0	0
ECHO	39	2	47	REGIO	5	1	0
ELARG	58	58	0	RELEX	3	3	0
EMPL	8	0	9	RTD	185	169	0
ENER	18	4	12	SANCO	562	132	415
ENTR	67	6	31	TAXUD	37	37	6
ENV	48	0	40	TRADE	7	1	0
				TOTAL:	1 904	832	980

The large number of *implementing measures* adopted in certain policy sectors – *Health and Consumers* (547), *Agriculture* (345), *Europe Aid* (175), *Research* (169), – again reflects the intensity of work delegated to the Commission in these areas⁴.

2.3 Use of the Regulatory Procedure with Scrutiny (RPS)

The figures provided in Table IV on the number of implementing measures adopted include the number of measures that are adopted according to RPS. This figure stands at 164 for 2010, *Health and Consumers* being the sector that uses the procedure most (46 measures), followed by *Environment* (30) (see [Table V](#)).

In 2010 the European Parliament made use of its right of veto on draft measures in one case and the Council in two cases. This means that in total the two legislators used their right of veto in 1,8 % of the cases:

⁴ Note that the sheer number of measures adopted as such gives no indication of the political, economic or financial importance of the decisions taken.

- In May 2010 the European Parliament opposed a draft Commission Directive amending the Annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners and repealing Decision 2004/374/EC. The draft measure was consequently not adopted. A revised measure was adopted by the Commission on 22 October (OJ L 279, 23.10.2010, p. 22).
- In May 2010 the Council opposed a draft Commission Directive amending annexes I and II to Directive 98/70/EC (the Fuel Quality Directive) for the purpose of their adaptation to technical progress. The draft measure was consequently not adopted. A revised measure was adopted by the Commission on 1 June 2011 (OJ L 147, 2.6.2011, p. 15).
- In May 2010 the Council opposed the adoption of a draft Commission Directive related to the use of organic solvents in certain paints and varnishes and vehicle refinishing products. The draft measure was consequently not adopted. A revised measure was adopted by the Commission on 19 November 2010 (OJ L 304, 20.11.2010 p. 18).

For comparison, in 2009 the veto right was used in 1 case.

TABLE V – NUMBER OF IMPLEMENTING MEASURES ADOPTED ACCORDING TO THE REGULATORY PROCEDURE WITH SCRUTINY (RPS) (2010)

	Measures adopted according to RPS	EP opposed adoption of draft measures under RPS	Council opposed adoption of draft measures under RPS
AGRI	0	0	0
AIDCO	0	0	0
BUDG	0	0	0
CLIMA	9	0	1
COMM	0	0	0
DIGIT	0	0	0
EAC	0	0	0
ECFIN	0	0	0
ECHO	0	0	0
ELARG	0	0	0
EMPL	0	0	0
ENER	6	0	0
ENTR	18	0	0
ENV	30	0	1
ESTAT	25	0	0
HOME	0	0	0
INFSO	0	0	0
JUST	0	0	0
MARE	0	0	0
MARKT	12	0	0
MOVE	18	0	0
OLAF	0	0	0
REGIO	0	0	0
RELEX	0	0	0
RTD	0	0	0
SANCO	46	1	0
TAXUD	0	0	0
TRADE	0	0	0
Total:	164	1	2

3. DETAILED INFORMATION ON THE ACTIVITIES OF THE COMMITTEES

The accompanying document to this report provides detailed information on the work of the individual committees in 2010, classified on the basis of the different Commission departments concerned. It also provides information on changes in the number of committees as well as on specific situations relating to particular draft measures, such as unfavourable opinions, referrals to the Council or oppositions of the Council or the Parliament under RPS.

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