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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the working of committees during 2020

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In accordance with Article 10(2) of 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 powers¹ (the 'Comitology Regulation'), the Commission hereby presents its annual report on the working of committees for 2020.

The report gives an overview of developments in the comitology system in 2020 and a summary of the committees' activities. It is accompanied by a staff working document containing detailed statistics on the work of the individual committees.

1. OVERVIEW OF DEVELOPMENTS IN THE COMITOLGY SYSTEM IN 2020

In 2020, the committees operated in accordance with the procedures set out in the Comitology Regulation, i.e. the advisory (Article 4) and the examination (Article 5), as well as the regulatory procedure with scrutiny set out in Article 5a of the Comitology Decision².

The outbreak of COVID-19 and the measures taken to contain it severely limited the possibility of holding physical committee meetings. Most committee meetings were therefore held remotely. Remote meetings were treated as a committee meeting for the purposes of the Comitology Register. As a rule, remote committee meetings were used for discussing draft implementing acts and the vote was carried out by written procedure.

A new Comitology Register³ was launched on 28 October 2020. It continues to comply with the requirements set out in Article 10 of the Comitology Regulation, and it now offers improved search criteria and committee pages, thereby making it easier to find information. The Register of Delegated and Implementing Acts⁴ was also launched on 28 October 2020, thereby documenting in a single place the work of the Commission on the basis of empowerments received from the legislator.

As regards the regulatory procedure with scrutiny, the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁵ recalls in its point 27 the need to align acts still referring to this procedure to the new legal framework introduced by the Lisbon Treaty.

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

³ <https://ec.europa.eu/transparency/comitology-register/screen/home>

⁴ <https://webgate.ec.europa.eu/regdel/#/home>

⁵ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

In 2019, it was agreed to align 64 basic acts providing for the regulatory procedure with scrutiny to delegated and in a few cases implementing acts⁶. After this partial agreement on the Commission's proposal, interinstitutional negotiations are continuing on the alignment of the remaining basic acts included in the general Commission proposal⁷ and in its proposal concerning the area of justice⁸. During 2020, negotiations did not progress due to the limitations related to COVID-19.

Negotiations are still ongoing on the Commission proposal from 14 February 2017 on a Regulation of the European Parliament and of the Council amending the Comitology Regulation (EU) No 182/2011⁹. This proposal put forward a number of targeted changes to the functioning of the appeal committee to address no opinion situations in sensitive areas. The European Parliament adopted its negotiation mandate¹⁰ on the proposal on 17 December 2020.

As announced in the Better Regulation Communication¹¹, the Commission continues to publish draft texts for delegated and important implementing acts for a four weeks feedback period, allowing stakeholders to submit comments. In 2020, 66 such draft acts were published for public feedback on the Commission's 'Have your say' website¹².

2. OVERVIEW OF ACTIVITIES

2.1. Number of committees

This report focuses exclusively on comitology committees set up by the legislator to assist the Commission in the exercise of the implementing powers conferred upon it by basic legal acts. Other entities, in particular expert groups set up by the Commission itself, are not covered in this report.

In 2020, 322 comitology committees were active (see Table I). This number includes all the committee configurations¹³. The figures for the previous year (on 31 December 2019) are also given for the purposes of comparison. There was only a very slight increase in the number of committees compared to 2019 (318).

⁶ Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (OJ L 198, 25.7.2019, p. 241).

⁷ Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union, COM(2016) 799 final,

⁸ Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts in the area of Justice providing for the use of the regulatory procedure with scrutiny to Article 290 of the Treaty on the Functioning of the European Union (COM(2016)798).

⁹ Proposal for a Regulation of the European Parliament and of the Council amending 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 (COM(2017)085 final).

¹⁰ https://www.europarl.europa.eu/doceo/document/TA-9-2020-0364_EN.html.

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Better regulation for better results - An EU agenda, COM(2015)0215, section 2.1.

¹² https://ec.europa.eu/info/law/better-regulation/have-your-say_en

¹³ In a few basic acts the legislator has provided for specific configurations of the committee in question.

TABLE I — TOTAL NUMBER OF COMMITTEES

Commission department	2019	2020
AGRI (Agriculture and Rural Development)	11	11
BUDG (Budget)	2	2
CLIMA (Climate Action)	5	5
CNECT (Communications Networks, Content and Technology)	9	9
DEFIS (Defence Industry and Space)	6	5
INTPA (International Partnerships)/DEVCO (International Cooperation and Development)	5	5
DIGIT (Informatics)	1	1
EAC (Education and Culture)	2	2
ECFIN (Economic and Financial Affairs)	1	1
ECHO (Humanitarian Aid and Civil Protection)	2	2
EMPL (Employment, Social Affairs and Inclusion)	5	5
ENER (Energy)	14	14
ENV (Environment)	27	27
ESTAT (Eurostat)	2	2
FISMA (Financial Stability, Financial Services and Capital markets Union)	9	11
FPI (Service for Foreign Policy Instruments)	4	2
GROW (Internal Market, Industry, Entrepreneurship and SMEs)	36	38
HOME (Migration and Home Affairs)	18	19
JUST (Justice and Consumers)	24	26
MARE (Maritime Affairs and Fisheries)	3	3
MOVE (Mobility and Transport)	32	32
NEAR (Neighbourhood and Enlargement Negotiations)	3	3
OLAF (European Anti-Fraud Office)	1	1
REGIO (Regional and Urban Policy)	1	1
RTD (Research and Innovation)	17	17
SANTE (Health and Food Safety)	34	34
SG (Secretariat-General)	4*	4
TAXUD (Taxation and Customs Union)	26	26
TRADE (Trade)	14	14
TOTAL:	318	322

* Including the appeal committee (for the purposes of the comitology register, the appeal committee is registered as a committee under the responsibility of the Secretariat-General; in practice, it is managed by all services concerned).

Comitology committees can generally be classified according to the type of procedure under which they operate. Table II shows the committees active in 2020 per procedure (advisory procedure, examination procedure, regulatory procedure with scrutiny). The committees that applied multiple procedures have been separated from committees operating under a single procedure.

TABLE II — NUMBER OF COMMITTEES BY PROCEDURE

Commission department	Type of procedure				TOTAL:
	Advisory	Examination	Regulatory with scrutiny	Operates under several procedures	
AGRI	0	5	0	6	11
BUDG	0	1	0	1	2
CLIMA	0	1	0	4	5
CNECT	0	4	0	5	9
DEFIS	0	3	0	2	5

INTPA/ DEVCO	0	2	0	3	5
DIGIT	0	1	0	0	1
EAC	0	1	0	1	2
ECFIN	0	0	0	1	1
ECHO	0	1	0	1	2
EMPL	0	0	2	3	5
ENER	2	6	1	5	14
ENV	0	7	4	16	27
ESTAT	0	0	0	1	1
FISMA	0	4	2	5	11
FPI	0	1	0	1	2
GROW	3	9	2	24	38
HOME	1	15	0	3	19
JUST	8	9	4	5	26
MARE	0	2	0	1	3
MOVE	4	8	2	18	32
NEAR	1	1	0	1	3
OLAF	0	1	0	0	1
REGIO	0	0	0	1	1
RTD	0	15	0	2	17
SANTE	0	12	0	22	34
SG	0	3	0	1	4*
TAXUD	1	10	0	15	26
TRADE	3	5	0	6	14
TOTAL:	23	128	17	154	322

* Including the appeal committee.

2.2. Number of meetings

The number of meetings is one of the indicators of activity at comitology level. Combined with the number of written procedures¹⁴, it reflects the intensity of work in general, both at sector level and in individual committees (Table III).

TABLE III — NUMBER OF MEETINGS AND WRITTEN PROCEDURES

Commission department	Number of committees	Meetings		Written procedures	
		2019	2020	2019	2020
AGRI	11	90	79	18	69
BUDG	2	4	1	1	5
CLIMA	5	5	7	1	8
CNECT	9	11	12	15	17
DEFIS	5	20	14	9	6
INTPA/ DEVCO	5	13	9	14	51
DIGIT	1	2	2	0	0
EAC	2	5	2	0	1
ECFIN	1	0	5	0	0
ECHO	2	7	8	3	6
EMPL	5	7	3	1	1
ENER	14	16	12	6	3
ENV	27	25	20	12	9
ESTAT	2	3	3	9	11
FISMA	11	6	14	18	14
FPI	2	5	4	2	3
GROW	38	34	35	14	48
HOME	19	45	47	16	38
JUST	26	13	9	2	3
MARE	3	1	0	9	15
MOVE	32	46	44	31	41
NEAR	3	9	7	8	66
OLAF	1	0	0	0	0
REGIO	1	0	1	1	0
RTD	17	45	32	228	275
SANTE	34	107	93	476	678
SG	4*	9	6	0	2
TAXUD	26	37	32	18	26
TRADE	14	25	13	32	73
TOTAL:	322	590	514	944	1469

* meetings/written procedure of the appeal committee

There were 514 meetings in 2020, less than in 2019 (590). However, there were 1469 written procedures, an increase of approximately 50% compared to 2019. This very sharp increase in written procedures in 2020 is explained by the fact that from March 2020 onwards, it became impossible to hold meetings physically due to the outbreak of the pandemic COVID-19 and subsequent restrictions. As a result, meetings were held virtually to discuss the draft

¹⁴ Voting can take place at a regular committee meeting or, in duly justified cases, by written procedure, in accordance with Article 3(5) of the Comitology Regulation.

implementing acts, then followed by a written procedure for the vote of the committee. This way of working was followed because the written procedure provides the most stable and certain framework for the casting and counting of votes, and therefore it has been used in the majority of cases and votes have only taken place in a meeting in a small number of cases due to the urgency.

2.3. Number of opinions and implementing acts/measures

As always, this report provides overall figures on the formal *opinions* delivered by the committees and the subsequent *implementing acts* adopted by the Commission¹⁵, quantifying the tangible ‘output’ of the committees (Table IV).

TABLE IV — NUMBER OF OPINIONS AND IMPLEMENTING ACTS ADOPTED

Commission department	Opinions ¹⁶		Implementing Acts adopted		EP resolutions (art. 11)
	2019	2020	2019	2020	2020
AGRI	111	102	111	100	0
BUDG	4	3	3	3	0
CLIMA	7	10	7	6	0
CNECT	21	28	23	23	0
DEFIS	9	8	4	7	0
INTPA/ DEVCO	61	58	59	58	0
DIGIT	1	1	1	1	0
EAC	8	3	6	3	0
ECFIN	0	10	0	10	0
ECHO	10	8	8	7	0
EMPL	7	3	3	2	0
ENER	12	5	4	1	0
ENV	26	19	21	11	0
ESTAT	10	12	6	12	0
FISMA	28	11	17	12	0
FPI	2	3	1	1	0
GROW	69	61	38	44	0
HOME	66	69	21	11	0
JUST	7	3	2	2	0
MARE	10	15	6	16	0
MOVE	62	59	62	59	0
NEAR	58	66	58	65	0
OLAF	0	0	0	0	0
REGIO	1	0	5	0	0
RTD	228	275	158	191	0
SANTE	762	749	733	748	9
SG*	20	1	18	1	0
TAXUD	61	56	58	54	0
TRADE	68	80	68	81	0
TOTAL:	1729	1718	1501	1529	9

* Including opinions delivered by the appeal committee. However, adopted acts are counted only for the service responsible for drafting them.

¹⁵ There can be discrepancies between the number of opinions and the number of implementing acts/measures in any given year. The reasons for these are explained in the introduction to the accompanying staff working document.

¹⁶ A vote resulting in ‘no opinion’ is counted towards the total number of opinions.

The committees delivered 1718 opinions in 2020, slightly less than in 2019 (1729). At 1529, the number of implementing acts adopted following a committee procedure was slightly higher than in 2019 (1501).

The European Parliament and the Council have a right of scrutiny under Article 11 of the Comitology Regulation. In 2020, the European Parliament adopted 9 resolutions on the basis of Article 11 of the Comitology Regulation, while the Council did not adopt any. All 9 resolutions of the European Parliament referred to acts coming from DG SANTE.

2.4. Meetings of the appeal committee

The appeal committee met 5 times during 2020, and discussed 11 draft implementing acts the Commission referred to it. The appeal committee delivered no opinion in 10 cases and a positive opinion in 1 of them¹⁷. The Commission decided to adopt 5 implementing acts following no opinion in 2020.

TABLE V — ACTIVITY OF THE APPEAL COMMITTEE

Commission department	Number of meetings of the appeal committee	Number of opinions of the appeal committee	Number of acts adopted following an opinion of the appeal committee
	2020	2020	2020
MOVE	1	1	1
SANTE	3 ¹⁸	9	3 ¹⁹
TRADE	1	1	1
TOTAL:	5	11	5

2.5. Use of the regulatory procedure with scrutiny

The Comitology Regulation maintained the effects of the regulatory procedure with scrutiny because existing basic acts refer to it²⁰. This procedure can no longer be used in new legislation, but it still appears in many existing basic acts and will continue to apply under those acts until the respective empowerments are aligned to empowerments for delegated or implementing acts. In 2020, 29 measures were adopted according to the regulatory procedure with scrutiny (see Table V), significantly lower than in 2019 when that number stood at 88. The right to oppose was used 4 times in 2020 by the European Parliament and was not used by the Council. In 2019, the European Parliament had opposed once to a measure adopted according to the regulatory procedure with scrutiny, and the Council had not used this right.

¹⁷ Further details are available in the accompanying staff working document.

¹⁸ In addition to these meetings, the appeal committee was consulted twice in a written procedure by DG SANTE in 2020.

¹⁹ In 2020, the Commission adopted two acts on which the appeal committee was consulted in 2019, and nine of the draft implementing acts submitted to the appeal committee in 2020 in an area of competence of DG SANTE were adopted in January 2021, as described in the accompanying staff working document.

²⁰ Article 12, second paragraph of the Comitology Regulation.

TABLE V — NUMBER OF MEASURES ADOPTED ACCORDING TO THE REGULATORY PROCEDURE WITH SCRUTINY

Commission department	Regulatory procedure with scrutiny - measures adopted	European Parliament opposed adoption of draft measures	Council opposed adoption of draft measures
AGRI	0	0	0
BUDG	0	0	0
CLIMA	0	0	0
CNECT	0	0	0
DEFIS	0	0	0
INTPA/ DEVCO	0	0	0
DIGIT	0	0	0
EAC	0	0	0
ECFIN	0	0	0
ECHO	0	0	0
EMPL	1	0	0
ENER	0	0	0
ENV	5	0	0
ESTAT	0	0	0
FISMA	4	0	0
FPI	0	0	0
GROW	15	1	0
HOME	0	0	0
JUST	0	0	0
MARE	0	0	0
MOVE	1	0	0
NEAR	0	0	0
OLAF	0	0	0
REGIO	0	0	0
RTD	0	0	0
SANTE	29	3	0
SG	0	0	0
TAXUD	0	0	0
TRADE	0	0	0
TOTAL:	55	4	0

3. DETAILED INFORMATION ON THE ACTIVITIES OF THE COMMITTEES

The staff working document accompanying this report provides detailed information about the work of the individual committees in 2020.

4. CONCLUSION

The 2020 activity of the committees continued at levels comparable to previous years, with a notable increase in the number of written procedures in the context of the COVID-19 pandemic: there were 322 active committees, who held 514 meetings, carried out 1469 written procedures and delivered 1718 opinions.

The European Parliament and the Council are invited to take note of this report.