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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the working of committees during 2019

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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 powers[1] (the 'Comitology Regulation'), the Commission hereby presents the annual report on the working of committees for 2019.

This report gives an overview of developments in the comitology system in 2019 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 COMITOLOGY SYSTEM IN 2019

1.1. General developments

All comitology procedures provided for in the 'old' Comitology Decision[2], with the exception of the regulatory procedure with scrutiny, were automatically adapted by the Comitology Regulation to the procedures provided for in that Regulation.

In 2019, the comitology committees were therefore operating under the procedures set out in the Comitology Regulation, i.e. advisory (Article 4) and examination (Article 5) as well as under the regulatory procedure with scrutiny set out in Article 5a of the Comitology Decision.

As regards the regulatory procedure with scrutiny, the Interinstitutional Agreement on Better Law-Making of 13 April 2016[3] recalls, in its point 27, the need to align acts still refering to this procedure to the new legal framework introduced by the Lisbon Treaty.

In 2019, the alignment of 64 basic acts providing for the regulatory procedure with scrutiny to delegated and in a few cases to implementing acts was agreed[4]. After this partial agreement on the Commission's proposal, interinstitutional negotiations continue on the alignment of the

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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), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11) (Consolidated version in OJ C 255, 21.10.2006, p. 4).

3 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).

4 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).

remaining basic acts included in the general Commission proposal[5] and in the Commission proposal concerning the area of justice[6].

Furthermore, negotiations between the three institutions were successfully concluded in 2019 on non-binding criteria for the application of Articles 290 and 291 of the Treaty on the Functioning of the European Union, so the delineation between delegated and implementing acts. The final text of the delineation criteria was published in the Official Journal on 3 July 2019[7].

Negotiations are still ongoing on a Commission proposal from 14 February 2017 on a Regulation of the European Parliament and of the Council amending the Comitology Regulation (EU) No 182/2011[8]. This proposal puts forward a number of targeted changes to the functioning of the appeal committee to address no opinion situations in sensitive areas.

In its Communication 'Better regulation for better results' of May 2015, the Commission made the commitment that draft texts for delegated acts and drafts for important implementing acts will be made public for a four weeks feedback period, allowing stakeholders to submit comments. In 2019, 93 such draft acts were published for public feedback on the Commission's 'Have your say' website[9].

2. OVERVIEW OF ACTIVITIES

2.1. Number of committees and meetings

It is important to distinguish 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[10] in preparing and implementing policy as well as delegated acts, 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 active comitology committees in the period 1 January to 31 December 2019 was calculated by sector of activity (see Table I). The figures for the previous year (on 31 December 2018) are also given for purposes of comparison. Sections and configurations are not counted separately as these belong to a parent committee.

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5 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.

6 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).

7 Interinstitutional Agreement on the Non-Binding Criteria for the application of Articles 290 and 291 of the Treaty on the Functioning of the European Union (OJ C 223, 3.7.2019, p. 1).

8 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).

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

10 For more details see: http://ec.europa.eu/transparency/regexpert/index.cfm.

TABLE I — TOTAL NUMBER OF COMMITTEES

Policy sector	2018	2019
AGRI (Agriculture and Rural Development	11	11
BUDG (Budget)	2	2
CLIMA (Climate Action)	5	5
CNECT (Communications Networks, Content and Technology)	7	9
DEFIS (Defence Industry and Space)	0	6
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)	13	14
ENV (Environment)	30	27
ESTAT (Eurostat)	4	2
FISMA (Financial Stability, Financial Services and Capital markets Union)	8	9
FPI (Service for Foreign Policy Instruments)	4	4
GROW (Internal Market, Industry, Entrepreneurship and SMEs)	44	36
HOME (Migration and Home Affairs)	13	18
JUST (Justice and Consumers)	25	24
MARE (Maritime Affairs and Fisheries)	3	3
MOVE (Mobility and Transport)	31	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)	7	17
SANTE (Health and Food Safety)	17	34
SG (Secretariat-General)	3*	4*
TAXUD (Taxation and Customs Union)	13	26
TRADE (Trade)	14	14
TOTAL:	**275**	**318**

** Including the appeal committee (for the needs 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).*

In 2019, 318 comitology committees were active. This number includes all the committee configurations[11]. While in previous years committee configurations were listed in the accompanying staff working document, they are now also systematically included in the overall figures.

Comitology committees can generally be broken down according to the type of procedure under which they operate (advisory procedure, examination procedure, regulatory procedure with scrutiny — see Table II). In the table below, that looks at the committees active in 2019 per procedure, certain committees which applied multiple procedures have been separated from committees operating under a single procedure.

[11] In a few basic acts the legislator has provided for specific configurations of the committee.

TABLE II — NUMBER OF COMMITTEES BY PROCEDURE

	Type of procedure				
	Advisory	**Examination**	**Regulatory with scrutiny**	**Operates under several procedures**	**TOTAL:**
AGRI	0	6	0	5	11
BUDG	0	1	0	1	2
CLIMA	0	1	0	4	5
CNECT	0	4	0	5	9
DEFIS	0	3	1	2	6
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	2	2
FISMA	0	2	2	5	9
FPI	0	4	0	0	4
GROW	3	7	2	24	36
HOME	1	14	0	3	18
JUST	8	8	4	4	24
MARE	0	2	0	1	3
MOVE	4	10	4	14	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	4	0	7	14
TOTAL:	**23**	**126**	**20**	**149**	**318**

** Including the appeal committee.*

The number of committees is not the only indicator of activity at comitology level. The *number of meetings* held, as well as the *number of written procedures*[12] used in 2019, also reflects the intensity of work in general, both at sector level and in individual committees (Table III).

[12] The committee voting can take place in a regular committee meeting or, in duly justified cases, by written procedure, in accordance with Article 3(5) of the Comitology Regulation.

TABLE III — NUMBER OF MEETINGS AND WRITTEN PROCEDURES

	Number of committees	Meetings		Written procedures	
		2018	2019	2018	2019
AGRI	11	95	90	16	18
BUDG	2	4	4	1	1
CLIMA	5	5	5	6	1
CNECT	9	15	11	12	15
DEFIS	6	0	20	0	9
DEVCO	5	18	13	16	14
DIGIT	1	2	2	0	0
EAC	2	6	5	1	0
ECFIN	1	2	0	0	0
ECHO	2	4	7	4	3
EMPL	5	4	7	1	1
ENER	14	11	16	6	6
ENV	27	30	25	12	12
ESTAT	2	5	3	3	9
FISMA	9	3	6	16	18
FPI	4	6	5	3	2
GROW	36	64	34	16	14
HOME	18	39	45	22	16
JUST	24	10	13	7	2
MARE	3	4	1	11	9
MOVE	32	53	46	31	31
NEAR	3	9	9	7	8
OLAF	1	0	0	0	0
REGIO	1	2	0	0	1
RTD	17	53	45	218	228
SANTE	34	100	107	430	476
SG	4	6*	9	0	0
TAXUD	26	36	37	21	18
TRADE	14	29	25	24	32
TOTAL:	**318**	**620**	**590**	**880**	**944**

** meetings/written procedure of the appeal committee*

There were 590 meetings in 2019, slightly less than in 2018, and 944 written procedures, slightly more than in 2018.

2.2. 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*/*measures* adopted by the Commission[13]. These figures quantify the tangible 'output' of the committees (see Table IV).

The European Parliament and the Council have a right of scrutiny under Article 11 of the Comitology Regulation. In 2019, the European Parliament adopted 25 resolutions on the basis of Article 11 of the Comitology Regulation, while the Council did not adopt any such resolution.

[13] It is to be noted that 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.

TABLE IV — NUMBER OF OPINIONS AND IMPLEMENTING ACTS/MEASURES ADOPTED

	Opinions[14]		Implementing Acts adopted		Regulatory procedure with scrutiny - measures adopted	
	2018	**2019**	**2018**	**2019**	**2018**	**2019**
AGRI	146	111	145	111	5	2
BUDG	4	4	6	3	0	0
CLIMA	14	7	14	7	1	0
CNECT	19	21	15	23	0	0
DEFIS	0	9	0	4	/	1
DEVCO	67	61	66	59	0	0
DIGIT	1	1	1	1	0	0
EAC	6	8	6	6	0	0
ECFIN	2	0	2	0	0	0
ECHO	6	10	7	8	0	0
EMPL	4	7	5	3	0	4
ENER	7	12	4	4	0	10
ENV	31	26	14	21	11	6
ESTAT	9	10	8	6	3	4
FISMA	18	28	5	17	6	0
FPI	5	2	5	1	0	0
GROW	77	69	53	38	15	19
HOME	74	66	61	21	0	0
JUST	10	7	8	2	0	0
MARE	17	10	15	6	0	0
MOVE	61	62	57	62	11	1
NEAR	86	58	86	58	0	0
OLAF	0	0	0	0	0	0
REGIO	4	1	2	5	0	0
RTD	225	228	159	158	0	0
SANTE	629	762	603	733	38	41
SG*	12	20	11	18	0	0
TAXUD	56	61	57	58	0	0
TRADE	59	68	52	68	0	0
TOTAL:	**1633**	**1729**	**1456**	**1501**	**90**	**88**

* *Including opinions delivered by the appeal committee and adopted acts.*

The committees delivered 1729 opinions in 2019, slightly more than in the year before. The number of implementing acts adopted following a committee procedure was with 1501 slightly higher than in 2018. The number of measures adopted under the regulatory procedure with scrutiny remained stable.

2.3. Meetings of the appeal committee

The appeal committee met 6 times during 2019, and discussed 12 draft implementing acts (in the areas of health and consumer policy) which were referred by the Commission. The appeal committee delivered no opinion in all 12 cases. The Commission decided to adopt 11 implementing acts following such no opinion in 2019.

2.4. Use of the regulatory procedure with scrutiny

As mentioned under Section 1, the regulatory procedure with scrutiny has not been affected by the comitology reform of 2011. This procedure can no longer be used in new legislation,

[14] A vote resulting in 'no opinion' is counted towards the total number of opinions.

but it still appears in many existing basic acts and will continue to apply under those acts until they are aligned. In 2019, 88 measures were adopted according to the regulatory procedure with scrutiny (see Table V), about the same number as in 2018. The right to oppose was used once by the European Parliament in 2019.

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

	Regulatory procedure with scrutiny - measures adopted	European Parliament opposed adoption of draft measures	Council opposed adoption of draft measures
AGRI	2	0	0
BUDG	0	0	0
CLIMA	0	0	0
CNECT	0	0	0
DEFIS	1	0	0
DEVCO	0	0	0
DIGIT	0	0	0
EAC	0	0	0
ECFIN	0	0	0
ECHO	0	0	0
EMPL	4	0	0
ENER	10	0	0
ENV	6	0	0
ESTAT	4	0	0
FISMA	0	0	0
FPI	0	0	0
GROW	19	0	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	41	1	0
SG	0	0	0
TAXUD	0	0	0
TRADE	0	0	0
TOTAL:	**88**	**1**	**0**

3. DETAILED INFORMATION ON THE ACTIVITIES OF THE COMMITTEES

The working document accompanying this report provides detailed information about the work of the individual committees in 2019, broken down on the basis of the different Commission departments concerned.

4. CONCLUSION

In 2019, the activity of the committees continued at levels comparable to the previous years: there were 318 active committees, which held 590 meetings and 944 written procedures and delivered 1729 opinions.

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