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REPORT FROM THE COMMISSION

on the working of Committees during 2014

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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 2014.

This report gives an overview of developments in the comitology system in 2014 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 2014

1.1 General development

As described in the 2013 report[2], all comitology procedures provided for in the 'old' Comitology Decision[3], with the exception of the regulatory procedure with scrutiny (RPS), were automatically adapted to the new comitology procedures provided for in the Comitology Regulation.

In 2014, 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 RPS set out in Article 5a of the Comitology Decision.

In accordance with the statement[4] made at the time of adoption of the Comitology Regulation that all the RPS provisions in existing basic acts would be adapted to the criteria laid down in the Treaty, the Commission adopted in 2013, following a preliminary screening exercise in 2012, three proposals[5] to align a total of 200 basic acts to Articles 290 and 291 TFEU. In November 2014, the Commission at the beginning of its new mandate and in the context of a review of pending legislative proposals, decided to withdraw these proposals[6] pending the outcome of future discussions between the institutions in the context of the Inter-institutional Agreement on Better Regulation.

1.2 Development of case law

With its judgment in Case C-427/12, Commission v Parliament and Council (the 'Biocides case'), on 18 March 2014 the Court of Justice pronounced for the first time on a case of delineation between delegated and implementing acts. With its application in the Biocides case, the European Commission sought the annulment of a provision providing for the adoption of measures setting the fees payable to the European Chemicals Agency by

1 OJ L 55, 28.2.2011, p. 13.
2 Report from the Commission on the working of committees during 2013, COM(2014)572 final.
3 Council Decision 1999/468/EC of 28 June 1999 (OJ L 184, 17.7.1999, p. 23), as amended by Council Decision 2006/512/EC (OJ C 255, 21.10.2006, p. 4).
4 This statement was published in the Official Journal together with Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 19).
5 COM(2013)451, 452 and 751.
6 OJ C 80, 7.3.2015, p. 17.

implementing acts. The Commission considered that these should be set by delegated acts. The Court of Justice dismissed the action by the Commission as unfounded. While the Court did not appear to question that Articles 290 and 291 TFEU each have their own scope, it recognised that the legislator has a margin of discretion when it decides to confer a delegated power on the Commission pursuant to Article 290(1) TFEU or an implementing power pursuant to Article 291(2) TFEU. As a consequence, the Court found that judicial review is limited to manifest errors.

In its judgment of 15 October 2014 in case C-65/13, European Parliament v European Commission (EURES case), the Court dismissed the action of the Parliament, seeking the annulment of Implementing Decision 2012/733/EU, considering that the Commission had not exceeded its implementing powers.

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[7] 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 2014 to 1 January 2015 was calculated by sector of activity (see Table I). The figures for the previous year (on 31 December 2013) are also given for purposes of comparison. Sections and configurations are not counted separately as these belong to a parent committee.

TABLE I — TOTAL NUMBER OF COMMITTEES (2014/15)

Policy sector	2014/15	2013
Agriculture and Rural Development (AGRI)	18	20
Budget (BUDG)	2	2
Climate Action (CLIMA)	5	4
Communications Networks, Content and Technology (CNECT)	6	6
Economic and Financial Affairs (ECFIN)	1	2
Education and Culture (EAC)	5	8
Employment, Social Affairs and Inclusion (EMPL)	4	4
Energy (ENER)	15	18
Environment (ENV)	31	33
European Anti-Fraud Office (OLAF)	1	1
Eurostat (ESTAT)	7	7
Financial Stability, Financial Services and Capital markets Union (FISMA)	9	15
Health and Food Safety (SANTE)	21	26
Humanitarian Aid and Civil Protection (ECHO)	2	3
Informatics (DIGIT)	1	1
Internal Market, Industry, Entrepreneurship and SMEs (GROW)	44	33
International Cooperation and Development (DEVCO)	5	6
Justice and Consumers (JUST)	20	17
Maritime Affairs and Fisheries (MARE)	4	4
Migration and Home Affairs (HOME)	14	13
Mobility and Transport (MOVE)	30	32
Neighbourhood and Enlargement Negotiations (NEAR)	3	4
Regional and Urban Policy (REGIO)	1	2
Research and Innovation (RTD)	5	8
Secretariat-General (SG)	3*	2*
Service for Foreign Policy Instruments (FPI)	4	4
Taxation and Customs Union (TAXUD)	11	13
Trade (TRADE)	15	13
TOTAL:	**287**	**301**

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

[7] For more details see: http://ec.europa.eu/transparency/regexpert/index.cfm

In 2014, the comitology committees could generally be broken down according to the type of procedure under which they operated (advisory procedure, examination procedure, regulatory procedure with scrutiny — see Table II). Certain committees which applied multiple procedures have been separated from committees operating under a single procedure.

TABLE II — NUMBER OF COMMITTEES BY PROCEDURE (2014)

	Type of procedure				
	Advisory	**Examination**	**Regulatory with scrutiny**	**Operates under several procedures**	**TOTAL:**
AGRI	0	12	0	6	18
BUDG	1	1	0	0	2
CLIMA	0	1	0	4	5
CNECT	0	2	0	4	6
DEVCO	0	2	0	3	5
DIGIT	0	1	0	0	1
EAC	0	1	0	4	5
ECFIN	0	0	0	1	1
ECHO	0	1	0	1	2
EMPL	0	0	0	4	4
ENER	3	5	1	6	15
ENV	0	6	5	20	31
ESTAT	0	2	0	5	7
FISMA	0	2	2	5	9
FPI	0	3	0	1	4
GROW	7	9	5	23	44
HOME	2	6	0	6	14
JUST	5	6	5	4	20
MARE	0	3	0	1	4
MOVE	3	7	3	17	30
NEAR	1	1	0	1	3
OLAF	0	0	1	0	1
REGIO	0	0	0	1	1
RTD	0	4	0	1	5
SANTE	0	10	0	11	21
SG	0	3*	0	0	3*
TAXUD	1	9	0	1	11
TRADE	2	6	0	7	15
TOTAL:	**25**	**103**	**22**	**137**	**287**

** 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*[8] used in 2014, also reflects the intensity of work in general, both at sector level and in individual committees (Table III).

[8] 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 (2014)

	Number of committees	Meetings		Written procedures	
		2014	2013	2014	2013
AGRI	18	140	132	8	3
BUDG	2	4	6	2	1
CLIMA	5	12	13	1	3
CNECT	6	11	16	10	12
DEVCO	5	16	20	12	48
DIGIT	1	2	2	0	0
EAC	5	6	9	6	59
ECFIN	1	5	0	0	0
ECHO	2	9	5	3	5
EMPL	4	4	2	7	15
ENER	15	20	33	7	2
ENV	31	38	42	12	18
ESTAT	7	8	12	6	4
FISMA	9	7	9	7	6
FPI	4	5	4	2	7
GROW	44	60	56	24	29
HOME	14	28	21	40	15
JUST	20	10	4	12	11
MARE	4	9	8	2	15
MOVE	30	64	52	23	16
NEAR	3	12	4	20	10
OLAF	1	2	2	0	0
REGIO	1	10	7	4	3
RTD	5	52	23	131	240
SANTE	21	122	127	506	403
SG	3	6*	7	0	0
TAXUD	11	89	81	25	32
TRADE	15	22	19	23	9
TOTAL	**287**	**773**	**716**	**893**	**966**

** Including 6 meetings of the appeal committee.*

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[9]. These figures quantify the tangible 'output' of the committees (see Table IV).

[9] 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 (2014)

	Opinions	Implementing Acts adopted	RPS Measures adopted
AGRI	141	135	2
BUDG	15	14	0
CLIMA	19	14	5
CNECT	21	20	0
DEVCO	86	84	0
DIGIT	1	1	0
EAC	28	9	0
ECFIN	5	5	0
ECHO	9	7	0
EMPL	7	3	0
ENER	14	4	4
ENV	38	16	19
ESTAT	17	6	10
FISMA	17	3	1
FPI	4	2	0
GROW	54	19	24
HOME	45	42	0
JUST	19	11	1
MARE	22	22	0
MOVE	93	44	32
NEAR	112	110	0
OLAF	0	0	0
REGIO	12	8	0
RTD	152	150	0
SANTE	799	695	67
SG	13*	2*	0
TAXUD	79	74	0
TRADE	67	63	0
TOTAL	**1 889**	**1 563**	**165**

** Including 13 opinions delivered by the appeal committee and 2 adopted acts.*

2.3 Meetings of the appeal committee

The appeal committee met 6 times during 2014, and discussed 13 draft implementing acts (in the areas of health and consumer policy, mobility and transport) which were referred by the Commission. The appeal committee delivered no opinion in 11 cases and a positive opinion in 2 cases. The Commission decided to adopt all of these implementing acts.

2.4 Use of the regulatory procedure with scrutiny (RPS)

As mentioned under Section 1, the RPS has not been affected by the comitology reform of 2011. 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 they are aligned. In 2014 165 measures were adopted according to the RPS (see Table V). The right of veto was used in 1 case (DG SANTE). In 2013, by comparison, the right of veto was used once.

TABLE V — NUMBER OF MEASURES ADOPTED ACCORDING TO THE REGULATORY PROCEDURE WITH SCRUTINY (RPS) (2014)

	RPS Measures adopted	EP opposed adoption of draft measures under RPS	Council opposed adoption of draft measures under RPS
AGRI	2	0	0
BUDG	0	0	0
CLIMA	5	0	0
CNECT	0	0	0
DEVCO	0	0	0
DIGIT	0	0	0
EAC	0	0	0
ECFIN	0	0	0
ECHO	0	0	0
EMPL	0	0	0
ENER	4	0	0
ENV	19	0	0
ESTAT	10	0	0
FISMA	1	0	0
FPI	0	0	0
GROW	24	0	0
HOME	0	0	0
JUST	1	0	0
MARE	0	0	0
MOVE	32	0	0
NEAR	0	0	0
OLAF	0	0	0
REGIO	0	0	0
RTD	0	0	0
SANTE	67	0	1
SG	0	0	0
TAXUD	0	0	0
TRADE	0	0	0
TOTAL	**165**	**0**	**1**

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 2014, broken down on the basis of the different Commission departments concerned.