

## Delegated & Implementing Acts The New Comitology



EIPA Essential Guide

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Learning & Development ★ Consultancy ★ Research

**EIPA Comitology Team and the Authors of this Guide**



**Dr Alan Hardacre**  
Tel.: +31 43 32 96 282  
E-mail: [a.hardacre@eipa.eu](mailto:a.hardacre@eipa.eu)



**Dr Michael Kaeding**  
Tel.: +31 43 32 96 382  
E-mail: [m.kaeding@eipa.eu](mailto:m.kaeding@eipa.eu)

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## Introduction

The Treaty of Lisbon<sup>1</sup> significantly changes the theory and practice of the delegation of executive powers to the European Commission. Whilst the Treaty of Lisbon represents the latest change in a long line of adaptations to the system of committees that control the Commission in the execution of delegated powers, it is without doubt the most significant reform there has been in terms of procedure, legal basis and institutional balance. It alters fundamentally the way comitology works, and in turn the way everyone works with comitology.

To start with, the old comitology world, created by Article 202 TEC and implemented by Comitology Decision 1999/468/EC of 28 June 1999, amended by Council Decision 2006/512/EC of 18 July 2006, has been split in two (making the use of the word comitology itself partially redundant). With the entry into force of Articles 290 and 291 TFEU to replace the old Article 202 TEC, we have two new legal bases in the Treaty, which now regulate the new worlds of Delegated and Implementing Acts. This means we now have two possible avenues for delegating powers to the Commission. Article 290 did not need secondary legislation to come into force, but a Common Understanding has been drafted to facilitate its application. Article 291, on the other hand, had to be implemented through negotiations and secondary legislation (a Regulation). These processes have now been completed allowing us to explain, and evaluate, the changes that have been introduced. This practical guide aims to detail the procedural and political changes that these two articles have brought, and to highlight the challenges that arise as a consequence for anyone engaging with Delegated and Implementing Acts in the future.

The guide starts with a short recap on why powers are delegated to the European Commission in the first place, and why it is increasingly important in European affairs – for all stakeholders interested in European policy-making. Then, we take a quick look at the ‘old’ comitology system to situate Articles 290 and 291 TFEU, and to understand the scale of the changes that have taken place. After that the guide directly addresses the two new legal bases and how they have been implemented. It starts with Article 290 on Delegated Acts, explaining what they are and how the new procedure will work in practise. After that it turns to Article 291, and the new Implementing Acts Regulation i.e. the new comitology procedures. To conclude, the guide outlines the major challenges and opportunities that stakeholders need to be aware of for the future. It is hoped that this practical guide will help anyone with an interest in Delegated and Implementing Acts to quickly appraise the changes and evaluate the impact this has for them – in an area which is considered by many as a new key battlefield in EU policy-making.

<sup>1</sup> Please note that this Essential Guide refers to the Treaty of Lisbon and its two major components, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). The Treaty of Lisbon modifies the Treaty on the European Union and the Treaty establishing the European Community (TEC). It came into force on 1st December 2009.

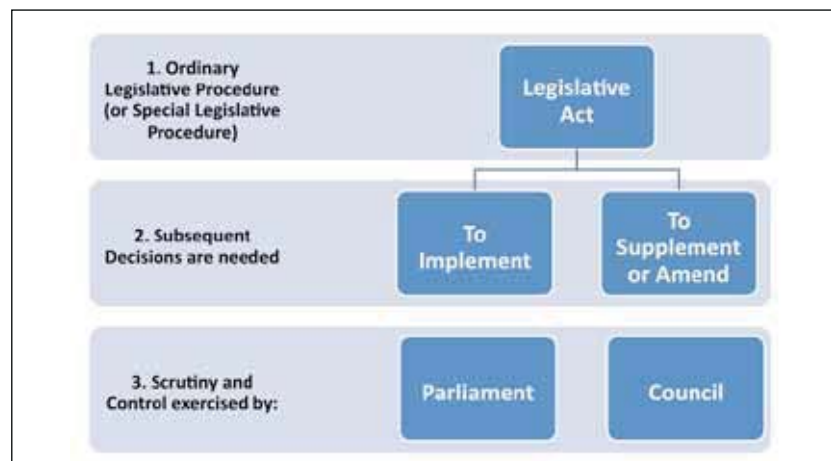
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### Why do we delegate executive powers to the European Commission?

The delegation of executive powers to the European Commission was not foreseen in the original Treaty of Rome in 1957. But, it was only four years until the first comitology committee started work in Brussels in 1961 – such was the pressing need to have a system whereby powers were delegated to the Commission to implement legislation at the European level. Back then prices of agricultural products required fast and coordinated updating. This is when national ministers created a European equivalent of the process that existed in all EU Member States whereby the executive is granted powers to implement legislation. In the European case this meant that the legislator granted implementing powers to the European Commission.

Whilst it is the Member States who implement EU legislation for the most part, there is a simultaneous need to delegate powers to the Commission to initiate European implementing measures - using various procedures to guarantee Member States, and Parliament, control over the Commission. The comitology system was based on committees composed of representatives of each Member State, scrutinising the Commission's proposals and adopting a formal opinion before the Commission proceeded. The process of delegating powers to the Commission can be summarised according to three phases as follows:

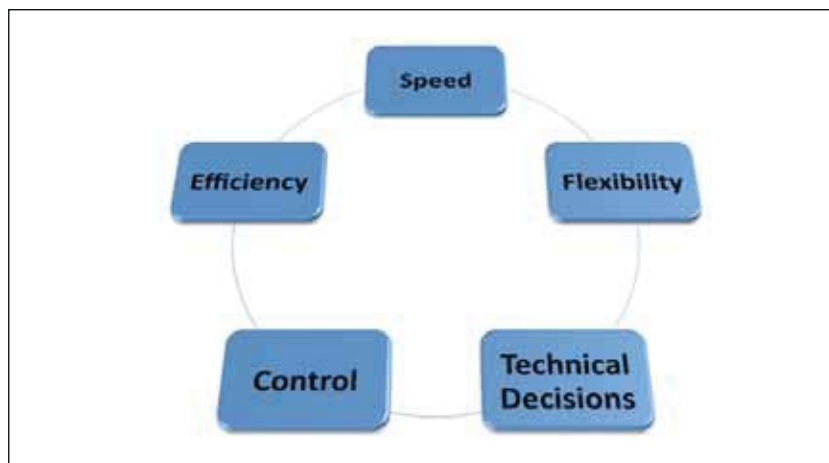
**Figure 1: Three Phases of Delegation**



Source: EIPA

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- **Codecision:** The Commission makes a legislative proposal to the Council and Parliament within which it will provide for delegating tasks back to itself. The Parliament and Council will agree on what to delegate and the levels of control they want over what they delegate. The legislators decide to delegate and how to control.
  - **Commission:** The second phase is when the Commission has to draft a Delegated and Implementing Act – because it drafts them all. Here the Commission has its own services and the recourse to a comitology committee, an expert group or an agency (amongst others) to assist it in drafting. Ultimately the Commission has to take responsibility for the draft measure and submit it to the committee for a vote, or directly to the legislators to ensure there is no objection.
  - **Legislator:** The final phase concerns the legislator's control over the tasks they have delegated to the Commission. In some cases the legislators will have control over individual measures; in other cases they will scrutinise the work of the Commission periodically when reviewing the secondary legislation. The legislators keep a close watch on the powers they have delegated to the Commission. The reasons behind this delegation of power, and of the system that has emerged over the years, are manifold, but can be summarised as belonging to five main categories:

Figure 2: Five Key Reasons behind Comitology



Source: EIPA

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- **Speed:** Making adjustments to, or implementing, legislation through comitology can take a few months (only a few days in exceptional cases) – much faster than the legislative procedures. In this way legislation can be updated quickly and in keeping with events, science or markets.
  - **Flexibility:** The comitology system is more flexible than the legislative procedures in terms of time-lines, obligations etc. This makes it easier to deal with technical legislation.
  - **Technical Decisions:** Comitology concerns technical aspects of legislation, and as such represents a more appropriate level at which these decisions can be taken. The Commission will draft the measures but will be assisted by Member States and other sources of expertise (expert groups, EU agencies).
  - **Control:** The comitology system is also about control over the Commission. The Commission is delegated the power to initiate technical Delegated and Implementing Acts but all measures are subject to opposition by the Council and Parliament. The more sensitive the measures are deemed to be the more control the legislators will have.
  - **Efficiency:** Comitology allows the legislators to concentrate on their core legislative work and moves technical work to the level of technical experts – which is a more efficient allocation of tasks and work.

Comitology has, over the years, progressed from a system that was developed to take technical decisions quickly and efficiently to a system that takes increasingly more important/sensitive decisions, thus needs to be more extensively controlled. The procedures of comitology are always about the balance between how sensitive a measure is and how much control the legislators require over it.

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## Comitology – The situation before Lisbon

Before the entry into force of the Treaty of Lisbon on 1 December 2009, we were operating under the 2006 amendment of Council Decision 1999/468/EC that defined the comitology procedures. By then comitology had spread very quickly over time and across policy areas such that there is virtually no area of EU activity that does not have some comitology.

The situation in 2009 was as follows: **266 comitology committees**  
**894 comitology committee meetings**  
**1808 implementing measures**

Based on former Article 202 TEC, and the 2006 amendment of Council Decision 1999/468/EC, there were five different comitology procedures, all of which entailed the use of a comitology committee: advisory, management, regulatory, regulatory with scrutiny and the safeguard procedure.

### The Five 'old' Comitology Procedures at a glance:

#### **1. Advisory procedure (Article 3 of Comitology Decision):**

This procedure was used when the changes being made were not politically sensitive – hence it was the quickest to take decisions. The process was that the Commission presented a draft measure to the committee which then delivered its opinion “if necessary by taking a vote” (by simple majority). Each Member State had one vote in this procedure making them all equal. The Commission then had to take the “utmost account of the opinion delivered” and inform the committee of the manner in which its opinion had been taken into account. Legally, the Commission was not obliged to follow the committee’s opinion.

*Examples: Awarding of funds or grants (small amounts)*

#### **2. Management procedure (Article 4):**

This procedure was used for many measures relating to the management of the Common Agricultural Policy (CAP), fisheries and the main EU-funded programs. In essence the procedure was used wherever there was a number or figure that needed to be decided. The management procedure was more demanding for the Commission because the decision being taken was of greater importance than

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those being taken in the advisory procedure. The Commission transmitted a draft implementing measure to the committee for consideration. The committee had to vote, this time by Qualified Majority (QMV) using the Council voting weights. If the committee found a qualified majority (255 out of 345 votes) in favour of the Commission draft, or was unable to find a qualified majority for or against (no opinion), then the measure was adopted by the Commission. If there was disagreement that led to a qualified majority against the Commission then the matter was referred to the Council, which had three months to either confirm the Commission draft or, by qualified majority, decide otherwise. If the Council did not act within three months the Commission was free to adopt the initial draft measure. The Commission and the Member States might have disagreed on whether a price should be €10 or €15 but they could not simply decide that there would no longer be a price. In a nutshell the Commission had to avoid a negative opinion of the committee (91 votes) – which in practise it almost always did.

*Examples: Implementing CAP and Fisheries Policy, Annual Action Programmes for 3rd Countries*

### **3. Regulatory procedure (Article 5):**

This procedure was used for measures amending non-essential provisions of the basic legislative instruments. It was for measures that were more sensitive for both legislators because it started to touch on their legislative prerogatives. As under the management procedure the Commission presented a draft measure to the committee, but for the measure to be adopted the Commission now had to obtain a qualified majority in favour. If the committee was unable to find a qualified majority in support of the Commission draft, or if it voted, by qualified majority, against then the measure was referred back to the Council. In this case it had three months to accept (by qualified majority) or send the measure back to the Commission (by qualified majority) – and once again if it failed to act in the three months the Commission could adopt its original draft. Hence, the Commission could only adopt implementing measures if it obtained the approval of a qualified majority of Member States in the committee. The European Parliament had one right here – the right of scrutiny. This meant that, for measures based on basic acts adopted under codecision, the Parliament had one month to pass a non-binding resolution if they thought that the Commission, in the implementing measure, had gone beyond its powers. For obvious reasons (its non-binding nature and the one-month timeframe) the Parliament hardly ever used this right of scrutiny. *Examples: Market authorisations (for GMOs for example), Setting of limits and classifications*

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#### **4. Regulatory procedure with scrutiny (RPS) (Article 5a):**

This procedure was added in 2006 to allow the legislators more control over very sensitive modifications of basic acts that were already taking place in comitology. It was used when amending non-essential elements of secondary legislation, such as adding substances to an annex. It was applicable under two requirements: first the basic act needed to be adopted by codecision and; second the measure needed to be of general scope and considered as 'quasi-legislative'. Quasi-legislative was code language for politically sensitive issues that the legislators wanted to keep a closer eye on, notably in the environment, financial services, public health, and law enforcement cooperation areas. The main difference from the previous procedures was that the RPS concerned sensitive measures in which the Commission had been granted the power to amend basic acts (and not simply implement them). As a consequence it was the most constraining procedure for the Commission because there were two levels of control for them to go through. First there was the usual committee voting (as per the previous procedures) and then the European Parliament and the Council both had a veto right on the proposed measure. If the committee delivered a positive vote (by QMV) then the Parliament and Council each had three months to use one of three legal grounds to object to the measure. The three legal grounds were if the draft measure:

- exceeds the competences laid out in the basic act
- is not compatible with the aim or content of the basic act
- does not respect the principles of Subsidiarity and Proportionality

If either legislator objected, using one of these criteria, then the measure was rejected.

In the case of a negative opinion, or the absence of an opinion, of the committee, the Commission referred the measure first to the Council, which had two months to take a decision on what to do. The Council could oppose the proposed measure by QMV, in which case it went back to the Commission (and the Parliament did not have any rights). The Council could also envisage adopting the measure or not find any opinion by QMV within its two months, in which case the Commission submitted the measure to the Parliament, who in turn had a further two months to perform the same legal checks outlined above. The Parliament did not enjoy the same status as Council under the RPS procedure – which was the source of constant tension.

*Examples: Body scanners in airports, Loop-belts in airplanes, detailed implementing rules in Financial Services, Lists of products and substances in the environmental field*

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#### **5. Safeguard procedure (Article 6):**

The safeguard procedure was very seldom used, although it was written into a number of legislative acts. If, when drafting the legislative act, it was considered that there could be a need to take urgent decisions at some point in the future then this procedure was included to allow for this. If an emergency situation arose, this procedure allowed the Commission to take a decision and to notify the Council of this without explicitly having to seek the approval of a committee in advance. The measure was then considered by a committee and any Member State could refer it to the Council. The Council could then, within three months, take a different decision or confirm, amend or revoke the Commission's decision by QMV. If the Council did nothing within the three-month timeframe the Commission measure lapsed – so the Commission needed the measure to be endorsed.

*Examples: Blocking the export of British beef to the rest of the EU at the start of the 2007 foot and mouth disease outbreak, anti-dumping measures in the Common Commercial Policy*



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### Lisbon and Delegated Acts – Article 290 TFEU

The first category created, under Article 290, is that of Delegated Acts. Delegated Acts are almost identical to the Regulatory Procedure with Scrutiny (RPS) that we outlined in the previous section. They have been created to deal with the same sensitive matters where the legislators are granting extra powers (to amend basic acts) to the Commission for the sake of speed and efficiency – but where they get extra control in return. With Delegated Acts the Commission is granted the power to supplement or amend the non-essential elements of the basic act. Compared to RPS there are a number of important changes that need to be detailed. Figure 3 displays the new procedure for the adoption of Delegated Acts:

Figure 3: Delegated Acts: The Procedure



Source: EIPA

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This process is a sharp departure from past practise – in fact it is simplified because now the Commission presents its Delegated Act directly to both legislators at the same time. The legislators will then both have a time determined by the basic act (usually two-plus-two months) to object to the measure on any grounds or to revoke the delegation altogether. There is also the possibility that the legislators can communicate their non-objection to a Delegated Act so that the Commission can adopt it much faster.

**There are a number of innovations in this process:**

- 1. No horizontal framework:** The first major innovation to highlight is that there is no horizontal framework to cover Delegated Acts, so the legislators will be free to set the objectives, scope, duration and the conditions to which the delegation is subject in each and every legislative act. There is a Common Understanding between the institutions on how to use Delegated Acts, which includes some model articles – but this is far from being a binding framework. The Common Understanding is based on the Communication from the Commission of 9 December 2009 on the implementation of Article 290 TFEU. There are now a number of examples of Delegated Acts that have been inserted into codecision files in recent months that give us some indication of what they will look like in practise. *Have a look at Regulation No 438/2010 on the animal health requirements applicable to the non- commercial movement of pet animals – this was the first Delegated Act inserted into a text.*
- 2. Absence of committee:** The next most noticeable innovation is the absence of a comitology committee and the lack of any requirement for the Commission to obtain an opinion. This has been abolished, in favour of much greater control by the legislator (right of objection and revocation). This said, the Commission will still need to consult with Member States while drafting a Delegated Act, something that will be done via some form of expert groups.
- 3. Right of objection on any grounds:** The third issue is a very important one because it will likely lead to changes in the practise of oversight by the legislators. Council and Parliament now have the power to object to an individual Delegated Act on any grounds whatsoever. They no longer need to find one of the three legal justifications outlined under the RPS. This significantly increases the powers of the legislators over individual measures and will likely lead to closer scrutiny and more objections.

**4. Right of revocation:** In addition to the right of objection of an individual measure on any grounds the legislators are also granted the ultimate control mechanism for Delegated Acts – the right to revoke the delegation altogether. If either legislator became so dissatisfied with how the Commission was using its power to issue delegated acts it could vote to revoke the delegation. Whilst this seems somewhat drastic given the consequences of such a revocation (both politically and practically), and unlikely, the threat of revocation will likely become a very useful negotiating chip should either the Council or Parliament become very dissatisfied with the Commission.

Delegated Acts are fundamentally different to their RPS predecessors and the process is also very different. Delegated Acts will be subject to more inter-institutional discussions much earlier in the legislative process given that the objectives, scope, duration and the conditions to which the delegation is subject can change in every legislative act. Once provisions for a Delegated Act are in a legislative text it will be necessary to identify the relevant expert group(s) assisting the Commission in drafting the Delegated Acts. Ultimately it is likely that there will be an increased number of objections from the legislators because they can object to anything they do not like in the Delegated Act. It is expected that the Parliament will be the legislator to make the most use of its right of objection.

To summarise Figure 4 compares the previous situation under RPS with the new regime of Delegated Acts.

**Figure 4: RPS to Delegated Acts**

<b>RPS</b>	<b>Delegated Acts</b>
A framework; Article 5a of the Comitology Decision	No binding framework Case-by-case basis
Necessity to obtain an opinion from a comitology committee	No compulsory consultation of committees
EP and Council are not completely on an equal footing	Perfect equal footing between EP and Council
Limited grounds for the right of opposition	No limited grounds for the right of objection
	Right of revocation

Source: EIPA

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#### **Progressive alignment to delegated acts by 2014**

There will *not be an automatic alignment* from RPS to Delegated Acts. Instead, basic acts will be revised progressively, meaning that RPS will continue to exist as a procedure in committees, albeit one that will slowly but surely shrink over the years. The Commission has committed itself, in a statement to the Parliament, to (1) finalise an alignment scrutiny exercise by the end of 2012 and (2) finalise the legislative exercise replacing RPS with Delegated Acts by the end of the current Parliamentary term in 2014. This progressive approach will guarantee that all provisions referring to RPS will have been removed from all legislative instruments by the end of 2014.

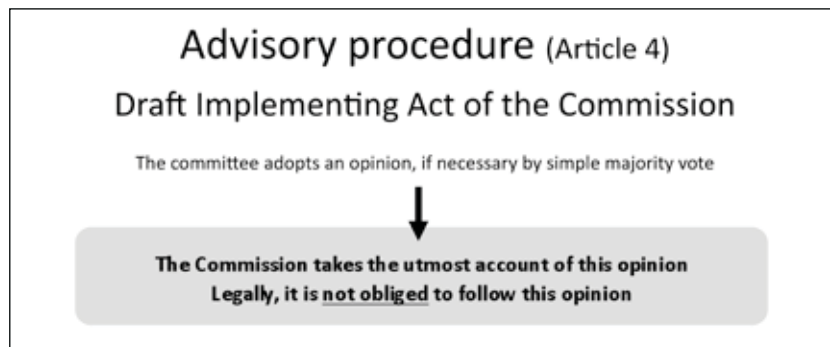
#### **Lisbon and Implementing Acts – Article 291 TFEU**

Article 291 designates Implementing Acts as the second category of measures that can be delegated to the Commission. Here we find the traditional 'old' comitology system and procedures that were in operation before Lisbon, although with some important changes. Here the Commission (and the Council in specific circumstances) is granted the power to implement the legislative act. To implement Article 291 required a regulation to lay out the new comitology procedures – and this time the regulation had to be co-decided (as opposed to before when the Council simply had to consult the Parliament to adopt changes to its decision 1999/468/EC in 2006). The negotiations of this regulation took place under the Spanish and Belgian Presidencies in 2010 and resulted in some important modifications. The European Parliament first reading position, of 16 December 2010, was ratified by the Council on the 14 February 2011 – as they had already concluded a first reading agreement on this file. The new regulation was published in the Official Journal on 28 February 2011 (Regulation 182/2011) and entered into force on 1 March 2011.

The new procedures, based on Article 291 and explicitly laid out in the new Implementing Acts Regulation, are not as different from the past as the new world of Delegated Acts compared with RPS – but they do change things. The committees remain in place but they will operate under only two procedures. Referral to the Council has been replaced by an Appeal Committee that is the Council in everything but name, and the Commission has been granted some flexibility, and given some obligations, as to when it can implement measures that receive 'no opinion' in committee votes.

According to Article 4, the advisory procedure remains exactly as it was before. This procedure is maintained and will be used, as before, to deal with uncontroversial and straight-forward measures such as grant and funding approvals.

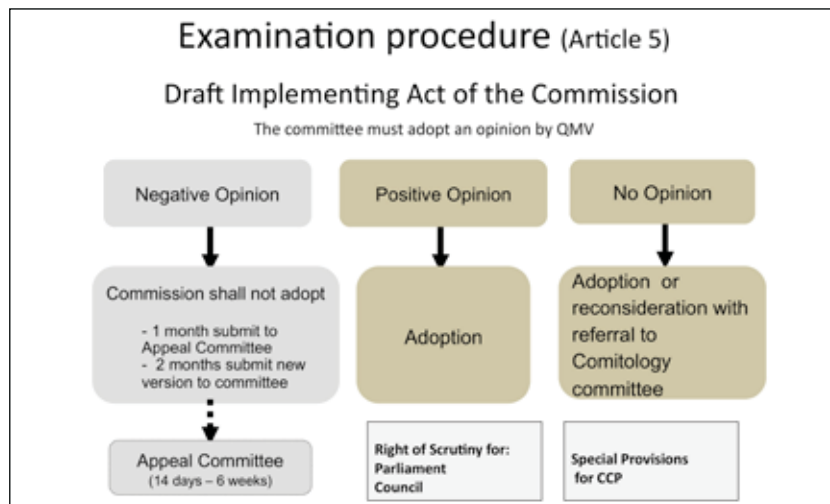
Figure 5: Advisory Procedure



Source: EIPA

Next to the retained advisory procedure is the new examination procedure (Article 5), which in essence has replaced the management and regulatory procedures, as follows:

Figure 6: The Examination Procedure



Source: EIPA

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The examination procedure will be used in particular for implementing acts of general scope, programmes with substantial budgetary implications, measures related to the CAP and fisheries, taxation and the Common Commercial Policy (CCP). This last policy area is a major new addition as outlined below:

**Common Commercial Policy (CCP)**

A major change in the new Implementing Acts Regulation is the harmonization of CCP measures with the new procedures. CCP measures have specific provisions:

- Examination Procedure
- No opinion = Commission cannot adopt
- No opinion + simple majority opposes = Commission shall conduct consultations with Member States and 14 days to 1 month later submit draft measure to Appeal Committee. Appeal Committee to meet 14 days to 1 month later to take final decision.

**CCP measures will be subject to an 18 month transitional phase.**

The new examination procedure has some interesting innovations. It maintains the same voting system of the old regulatory procedure such that the Commission needs to get a QMV in favour to be able to adopt the Implementing Act. The Parliament, and now the Council, have the right of scrutiny (Article 11) - which enables either legislator to pass a non-binding resolution, at any time, if they believe that the draft Implementing Act exceeds the implementing powers provided for in the basic act.

If, on the other hand, the committee falls into the two other categories things change. If the Committee is unable to find a qualified majority for or against, hence issues 'no opinion', then the Commission will no longer be obliged to adopt the Implementing Act (something that was happening in the past with GMO authorisations and putting the Commission in a difficult position): it can reconsider and resubmit a modified act to the committee. This allows the Commission greater flexibility. The Commission is also constrained in certain cases when there is no opinion. First the Commission shall not adopt the Implementing Act if it is related to taxation, financial services, health & safety, or to safeguard measures. Second the Commission shall not adopt the Implementing Act if a simple majority opposes this.

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If the committee votes by QMV against the Implementing Act then the Commission will no longer forward it to the Council to take the final decision – although almost. The Commission will forward the act to the **Appeal Committee** which is a new creation in the Regulation (Article 6). This committee will have one representative of each Member State (at the appropriate level) and will be chaired by the Commission. It will have the power to vote changes to the text, to adopt the text or to reject it. The Appeal Committee was created because the Council wanted to have a political body to look at controversial measures (i.e. ones that have been voted against, or received no opinion, in committees – which whilst not significant in number can be very sensitive for the Council).

In addition to these two main procedures the Regulation also foresees two further possibilities:

- 1. Exceptional Cases (Article 7):** Commission can adopt an Implementing Act but it must submit it immediately to the Appeal Committee. The Appeal Committee must find a qualified majority against to repeal the measure.
- 2. Immediately Applicable Implementing Act (Article 8):** Commission can adopt an Implementing Act that applies immediately (cannot remain in force for longer than six months). The Commission must submit it to a Committee within 14 days. The Committee must find a qualified majority against to repeal the measure.

**Automatic Alignment to Implementing Act Regulation on 1 March 2011**

1. Advisory Procedure was maintained (only Article number changed)
2. Management and Regulatory Procedures replaced by Examination Procedure
3. RPS remains in existing legislation until 2014 at the latest

To summarise, Figure 7 compares the situation before the new Implementing Acts Regulation to the new world of Implementing Acts:

**Figure 7: The 1999 Comitology Decision compared to the 2011 Implementing Acts Regulation**

<b>Comitology Decision 1999 (2006)</b>	<b>Implementing Acts Regulation (2011)</b>
The Comitology Decision was adopted by the Council only	The Implementing Acts Regulation was adopted by the ordinary legislative procedure
Advisory procedure	Advisory procedure maintained
Management and Regulatory procedures Member States deliver opinions by QM	Examination procedure Member States deliver opinions by QM
Referral to Council in case of divergences with committees' opinions	Referral to Appeal Committee Special cases for CCP
The Commission SHALL adopt the draft measures against which there is no QM	Flexibility for the Commission, which MAY adopt the draft measures where there is no QM against Commission unable to adopt under certain circumstances
Right of Scrutiny for EP 1 month	Right of Scrutiny for EP and Council At any time

Source: EIPA

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## Conclusion

This practical guide has shown how comitology has been fundamentally changed by the Treaty of Lisbon and its subsequent implementation through a co-decided Regulation and an inter-institutional Common Understanding. Working with comitology now means working with two separate regimes: Delegated and Implementing Acts. For both of these categories the procedures are simplified and the number of actors involved increased, meaning that information will be more accessible – making working with both regimes less difficult than before.

Delegated Acts are an entirely new world, notably with the abolition of comitology committees – although it is clear that the Commission will simply use another form of group for discussions, i.e. expert groups and EU agencies. The powers of the legislators are now considerable with the discretionary right to object to an individual measure or to revoke the delegation altogether. The power of revocation is drastic and unlikely to be used frequently, whereas the fact that the legislators can now object to an individual Delegated Act on any grounds opens the doors to an increased number of objections – more likely from the Parliament. Note that existing RPS procedures will not be automatically aligned to Delegated Acts – so the RPS will continue to be used in committees until the basic act is revised – a process which should be finalised by the end of 2014.

Implementing Acts remain subject to comitology committees and the process of the Commission submitting draft measures for discussion and vote. These new procedures entered into force on 1 March 2011, with an automatic alignment guaranteeing an immediate switchover of procedures for committees.

For Implementing Acts therefore the substantive changes are that there are now only two full procedures; advisory and examination. The Commission retains its right of initiative and the chairing of the committees, and the Parliament, now joined by Council, still only has the limited (but not to be neglected) right of scrutiny. Finally the referral to Council has been replaced by referral to an Appeal Committee – which is Council in everything but name.

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To conclude, the Treaty of Lisbon has brought about a number of important changes in the workings of comitology that will change the ways in which stakeholders have to engage with it. Whilst it is not possible to predict the exact impact and implications that these changes will have we can imagine that they will:

- 1. make comitology more transparent and accessible – notably for Delegated Acts;**
- 2. increase the number of challenges to Delegated Acts – by both legislators but more likely Parliament;**
- 3. make the adoption of Delegated Acts slower – because the extra control takes time;**
- 4. increase discussions of Delegated and Implementing Acts in the codecision phase of the EU policy cycle;**
- 5. increasingly politicise Delegated Acts;**
- 6. open the door for more external influence over Delegated Acts – both their preparation and the vetoing process (mostly in Parliament).**

It is unlikely that the new system of Delegated and Implementing Acts will undergo major changes for a long time to come because the legislators now have equal powers and rights over the most sensitive tasks delegated to the Commission. The two new avenues for the delegation of executive powers to the Commission, as outlined in this practical guide, are likely to be the system for the next decade – adding some certainty and clarity to this traditionally opaque world and the new battlefield in EU policy-making.

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## **EIPA Long-Standing Tradition of Comitology Research**

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## EIPA Training Seminars on Delegated and Implementing Acts

One-day training in Brussels – exportable,  
or available as half-day, on request

**Seminar**


### **Working with Comitology after Lisbon: The New Rules on EU Implementing and Delegated Acts**

Brussels (BE), 9 February 2012



**EIPA**  
European Institute of Public Administration  
Institut européen d'administration publique

Conference venue:  
Cenelec Meeting Centre  
Avenue Marnix 17  
B-1000 Brussels



**Introduction**

**Target Group**  
This seminar is directed at civil servants from the Member States, from the candidate countries and from the EU Institutions as well as at those working for NGOs and the private sector requiring a better understanding of the new comitology rules in the EU.

**Description**  
The Treaty of Lisbon has instigated major changes in the field of comitology, with the introduction of Delegated and Implementing Acts (Arts. 290-291 TFEU). This advanced seminar will provide in-depth training on how these new rules will work in practise – and how to work with them.

**Method**  
The seminar will situate comitology and then present the changes brought about by the Treaty of Lisbon through detailed presentations on both Delegated and Implementing Acts. In addition there will be presentations on the European Parliament and comitology, Agencies and Commission expert groups and how Delegated and Implementing Acts work in the three main institutions. This will equip participants with the knowledge and tools to understand how the new comitology rules will work in practise post-Lisbon. Participants will be well-prepared to participate in, prepare effectively for, or work with Delegated and Implementing Acts in Brussels in the future.


**Objectives**  
This seminar aims to update participants already familiar with the 'old' comitology system on the developments instigated by the Treaty of Lisbon. It will equip participants with the knowledge and tools to understand how implementing and Delegated Acts work

Also in Maastricht, two-days –  
exportable on request


**Seminar**

## New Comitology The Theory and Practice of EU Implementing and Delegated Acts

Maastricht (NL), 19-20 September 2011  
12-13 March 2012  
Brussels (BE), 23-24 November 2011



European Institute of Public Administration  
Institut européen d'administration publique



**Introduction**

**Target group**  
This seminar is directed at civil servants from the Member States, from the candidate countries and from the EU Institutions as well as at those working for NGOs and the private sector that require a better understanding of how to work with implementing and delegated acts in the EU.

**Description**  
What is the new system of comitology, why is it used and how can you engage effectively in the process? These are the core questions that this advanced seminar will provide in-depth training on. The European Commission currently adopts, on average, 2,000 legally-binding acts, as implementing or delegated acts, every year. These measures impact every sector of society and the economy and are often rich with important details. The importance of comitology has recently grown again thanks to powers introduced by the Treaty of Lisbon (Articles 290-291 TFEU); implementing and delegated acts. This seminar equips participants with a thorough understanding of this new situation. The seminar will involve a detailed analysis of the place of implementing and delegated acts as a key element of discussion and negotiation throughout the entire EU policy

cycle, as well as the formal procedures that exist for each type of act. There will also be discussion of how implementing and delegated acts work in practice, and an overview of the role of the Council and the European Parliament in scrutinising these measures. There will be an interactive group work session on identifying and understanding all of this in actual legal texts to help activate the knowledge acquired during the seminar.

**Method**  
The seminar is based on a range of presentations and interactive group work – to enable participants to put their knowledge into practice. The seminar also includes presentations from experienced EU officials working in the area of delegated and implementing acts from within the EU institutions.

**Objectives**  
At the end of the seminar, participants will have a sound understanding of the procedural, legal, political and lobbying implications of the new implementing and delegated acts systems, and be well-prepared to participate in, follow, work with or prepare for, comitology committees or delegated act deliberations in Brussels.

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### Further information

For more details on these training courses please see: <http://seminars.eipa.eu>  
Or contact:



**Belinda Vetter**  
Programme Organiser  
Tel.: +31 43 32 96 382  
E-mail: [b.vetter@eipa.eu](mailto:b.vetter@eipa.eu)

For information about tailored training, coaching, or online learning on Delegated and Implementing Acts please feel free to get in touch with the authors of this practical guide.



**Dr Alan Hardacre**  
Tel.: +31 43 32 96 282  
E-mail: [a.hardacre@eipa.eu](mailto:a.hardacre@eipa.eu)



**Dr Michael Kaeding**  
Tel.: +31 43 32 96 382  
E-mail: [m.kaeding@eipa.eu](mailto:m.kaeding@eipa.eu)

## European Institute of Public Administration

### **Headquarters Maastricht**

European Institute  
of Public Administration  
MAASTRICHT,  
THE NETHERLANDS  
Tel. +31 43 32 96 222  
E-mail: [info@eipa.eu](mailto:info@eipa.eu)

[www.eipa.eu](http://www.eipa.eu)

### **EIPA Luxembourg**

European Centre  
for Judges and Lawyers  
LUXEMBOURG  
Tel. +352 42 62 301  
E-mail: [info-lux@eipa.eu](mailto:info-lux@eipa.eu)

### **EIPA Barcelona**

BARCELONA, SPAIN  
Tel. +34 93 567 24 00  
E-mail: [info-bar@eipa.eu](mailto:info-bar@eipa.eu)

### **EIPA's Representative Office**

BRUSSELS, BELGIUM  
Tel. +32 25 02 10 06  
E-mail: [info-bru@eipa.eu](mailto:info-bru@eipa.eu)