Delegated & Implementing Acts
The New Comitology

EIPA Essential Guide

Learning & Development ★ Consultancy ★ Research
The Authors of this Guide

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Introduction

The Treaty of Lisbon\(^1\) 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 these powers, it is without doubt the most significant reform there has been in terms of procedure, legal basis and institutional balance. It fundamentally alters the way comitology works, and in turn the way everyone now works with Delegated and Implementing Acts.

To start with, the old comitology world, created by Article 202 TEC and 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 was 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 now work in practise. It starts with Article 290 on Delegated Acts, explaining what they are and how the new procedure will work. 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.

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 and give effect to legislation at the European level. Back then prices of agricultural products required fast and coordinated implementation. This is when national ministers created a European equivalent of the process that existed in all EU Member States whereby the executive (Commission) is granted powers to implement and give effect to legislation. In the European case this meant that the legislator granted implementing powers to the European Commission. This system was originally only concerned with granting the Commission clearly defined tasks to give effect to legislation in the EC.

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 implement European legislation 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.
- **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 Implementing Act – because it drafts them all. Here the Commission has its own services and the recourse to a committee, an expert group or an agency (amongst others) to assist it in drafting. Ultimately the Commission has to take responsibility for the draft act 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 acts; 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 1: Five Key Reasons behind Comitology**

![Comitology Diagram](source: EIPA)
• **Speed:** Making adjustments to, or implementing, legislation through Committees 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 Committee 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:** Committees are concerned with technical aspects of legislation, and as such represent a more appropriate level at which these decisions can be taken. The Commission will draft the act but will be assisted by Member States and other sources of expertise (expert groups, EU agencies).

• **Control:** The Committee system is also about control over the Commission. The Commission is delegated the power to initiate Delegated and Implementing Acts but all acts 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:** Committees allow the legislators to concentrate on their core legislative work and move technical work to the level of technical experts – which is a more efficient allocation of tasks and work.

This system, called 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 were always about the balance between how sensitive an act is and how much control the legislators require over it.
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
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
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
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
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 2 displays the new procedure for the adoption of Delegated Acts:

Figure 2: Delegated Acts: The Procedure

Source: EIPA
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 act 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. This is always reflected in the results of the legislative act where the Commission outlines that it will consult in an ‘appropriate’ manner.

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 delegated acts and will likely lead to closer scrutiny and more objections.
4. **Right of revocation:** In addition to the right of objection to an individual act 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 draft 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 3 compares the previous situation under RPS with the new regime of Delegated Acts.

**Figure 3: RPS to Delegated Acts**

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

Source: EIPA
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 acts. 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. It is therefore applicable now.

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 adopt acts 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 acts such as grant and funding approvals.

Figure 4: Advisory Procedure

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 5: The Examination Procedure
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 harmonisation of CCP acts with the new procedures. CCP acts 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 acts are 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 or to the Appeal 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.
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 acts (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 to avoid significant disruption in agricultural or financial markets if the act has obtained no, or a negative, opinion in Committee must then submit it immediately to the Appeal Committee. The Appeal Committee must find a qualified majority against to repeal the act.

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 qualified majority against to repeal the act.

**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 6 compares the situation before the new Implementing Acts Regulation to the new world of Implementing Acts:

**Figure 6: The 1999 Comitology Decision compared to the 2011 Implementing Acts Regulation**

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

Source: EIPA
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. The powers of the legislators are now considerable with the discretionary right to object to an individual act 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 door 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 acts 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.
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 Delegated and Implementing Acts 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 objections (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.
References

Official

Implementing Acts Regulation:
Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (Regulation 182/2011)

Rules of Procedure for the Appeal Committee (Regulation 182/2011), 29 March 2011 (2011/C 183/05)

Delegated Acts Communication:

Common Understanding on Delegated Acts, 4 April 2011

European Commission Comitology Register:
http://ec.europa.eu/transparency/regcomitology/index.cfm

European Commission Expert Group Register:
http://ec.europa.eu/transparency/regexpert

Council Decision 2006/512/EC amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission
Secondary


EIPA Long-Standing Tradition of Comitology Research


EIPA Training Seminars on Delegated and Implementing Acts

Seminar

From Comitology to Delegated and Implementing Acts: Practical Challenges and Institutional Issues

Maastricht (NL), 22-23 April & 23-24 September 2013
Brussels (BE), 9-10 December 2013

Introduction

Target group
This two-day seminar is directed at civil servants from EU Member States, candidate countries and the EU institutions, as well as other stakeholders requiring a detailed understanding of the practical challenges posed by Delegated and Implementing Acts.

Description
The seminar explains the nature of the new provisions for Delegated and Implementing Acts which were introduced by the Lisbon Treaty; reviews the various rules and agreements which have been adopted to put them into effect; and highlights the issues and challenges which have arisen. The internal procedures in the institutions involved (notably the European Commission, Council, and European Parliament) are presented, looking in each case at the implications for Member State representatives.

Learning methodology
The seminar is based on a range of presentations and interactive group work, to enable participants to put their knowledge into practice. The seminar integrates case studies and current examples to enable participants to see Delegated and Implementing Acts at work.

Objectives
At the end of the seminar, participants will have a good knowledge of the nature and practice of Delegated and Implementing Acts, as well as insight into both the practical challenges posed, and the institutional issues at stake. Participants will thus be well equipped in the future both to participate in preparatory processes for Delegated and Implementing Acts in Brussels, and to assist in managing these acts at home.
Further information

For more details on these training courses please see: [http://seminars.eipa.eu](http://seminars.eipa.eu) or contact:

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