



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.12.2002  
COM(2002) 733 final

**REPORT FROM THE COMMISSION**  
**on the working of committees during 2001**

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#### 1. PRELIMINARY COMMENTS

The previous report was sent to the European Parliament and Council. Since the Commission has received no remarks regarding its structure and content, a similar structure has been used for this report for the year 2001.

##### 1.1 The legal nature and role of the comitology committees

The purpose of the comitology committees is to assist the Commission in exercising the implementing powers conferred upon it by the legislator, i.e. the Council and the European Parliament. As opposed to other types of committees or expert groups, the comitology committees share three essential features.

*Firstly*, they are created by the legislator (the Council and European Parliament) in accordance with the “legislative” procedures in force at the time of adoption of the basic instrument under which they are established, namely the cooperation or advisory procedures and, since the Maastricht Treaty, the codecision procedure. Hence, the legal basis of the comitology committees is enshrined in a so-called “basic instrument”.

*Secondly*, their structure and working methods are in several respects standardised. A representative of the Commission chairs each committee, which consists of Member State representatives; these are the only “members” of the committees. The committees intervene within the framework of the procedures set out in the basic legislative instrument, in compliance with the Council’s comitology decision.

Article 9 of Council Decision 1999/468/EC<sup>1</sup> repeals the old comitology Decision 87/373/EEC of 13 July 1987.<sup>2</sup> However, the 1987 procedures remain in force until the basic legislative instruments are amended in line with the comitology procedures pursuant to Decision 1999/468/EC.

*Thirdly*, the committees deliver opinions on draft implementing measures submitted to them by the Commission pursuant to the basic legislative instrument and intervene within the framework of the advisory procedure, the management procedure or the regulatory procedure provided for that purpose.

Pursuant to Article 2 of Council Decision 1999/468/EC, the management procedure should be reserved for management measures such as those relating to the application of the common agricultural and common fisheries policy or to the implementation of programmes with substantial budgetary implications (Article 2(a)). The regulatory procedure is prescribed in the case of measures of general scope designed to apply essential provisions of basic instruments, including measures concerning the protection of the health or safety of humans, animals or plants and in updating the “technical” elements of a basic instrument (Article 2 (b)). The advisory procedure is applied wherever it is considered to be the most appropriate.

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<sup>1</sup> OJ L 184, 17.07.1999, p. 23.

<sup>2</sup> OJ L 197, 18.07.1987, p. 33.

## 1.2 The state of implementation of Decision 1999/468/EC

In Declaration No 2 on the implementation of Council Decision 1999/468/EC,<sup>3</sup> the Council and the Commission agreed to adapt as soon as possible the provisions governing the committees assisting the Commission in the exercise of its implementing powers under Decision 87/373/EEC. This would bring them into line with the provisions of Articles 3 to 6 of Decision 1999/468/EC, in compliance with the appropriate legislative procedures.

Since the entry into force of Decision 1999/468/EC, the committee procedures of a number of basic instruments have been updated on a case-by-case basis. In order to complete the update, at the end of 2001 the Commission presented a package of four separate proposals (the so-called “*alignment proposals*”)<sup>4</sup>, covering more than 300 basic instruments laying down implementing procedures. The four proposals for Council and Parliament Regulations correspond to the different legislative procedures (assent procedure, codecision procedure and consultation procedure with qualified majority and unanimity). It is worth noting that the proposals do not affect the substantive provisions of the amended legislative acts. Nor do they affect the identity of the committees provided for by the basic legal acts, or amendment of the safeguard procedures, which is done on a case-by-case basis.

The “*alignment proposals*” are currently under examination by the Council and the European Parliament under an accelerated procedure (one single reading). The plan is that the “*alignment proposals*” will be adopted by the end of 2002. Since they take the form of Regulations, they will come into force directly without any need for transposition by the Member States.

As an important new element, Article 7 of Decision 1999/468/EC, and Council and Commission statements relating to that provision (notably statements Nos 4 and 5), put in place measures designed to *improve the transparency* of the working of the comitology committees.

In this respect, publication of this *annual report on the working of the committees*, as provided for in Article 7(4), in itself helps to shed light on the Commission’s activities in terms of exercising its implementing powers.

Also in compliance with Article 7(4), the Commission has published a *list of all the committees* which help it exercise these implementing powers.<sup>5</sup> This list will be updated and published again in the course of 2003. An updated list of the committees assisting the European Commission can be found in the annex to the *General budget of the European Union for the financial year 2002 (2002/50/EC, ECSC, Euratom)*.<sup>6</sup>

On 31 January 2001, in compliance with Article 7(1), the Commission adopted the *standard rules of procedure*<sup>7</sup> on the basis of which the existing or newly created committees draw up their rules of procedure. The Commission intends to adopt an updated version of the standard rules of procedure by the end of 2002 and to bring them into line with the new rules on access to documents (see below). By the end of 2001, 88 of the total of 247 committees (representing

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<sup>3</sup> OJ C 203, 17.07.1999, p. 1.

<sup>4</sup> Proposals COM(2001) 789 final, adopted on 27.12.2001.

<sup>5</sup> OJ C 225, 08.08.2000, p. 2.

<sup>6</sup> OJ L 29, 31.01.2002, p. 1.

<sup>7</sup> OJ C 38, 06.02.2001, p. 3. Following a number of amendments to be approved by the Commission and linguistic review, the standard rules of procedure will be published afresh in the Official Journal.

almost 40%) had adopted internal rules of procedure based on the standard text in force. Finally, besides this annual report on the working of committees, Article 7(5) of Decision 1999/468/EC provides that the Commission has to publish a register giving the *references of all documents sent to the European Parliament*. The plan is that this register should be in operation by early 2003. According to its statement (N° 5) on Council Decision 1999/468/EC, the Commission intends as an additional transparency measure to widen the scope of the register by adding a *repository*, making documents communicated to the European Parliament available to the public, under Regulation (EC) No 1049/2001 of the Parliament and of the Council regarding public access to the institutions' documents,<sup>8</sup> which came into effect on 3 December 2001.<sup>9</sup> This repository of documents will then become accessible in the course of 2003.

### 1.3 The European Parliament's right to scrutiny

The Commission is obliged to inform the European Parliament about the work of the committees and to send it all draft implementing measures pursuant to a basic instrument adopted under Article 251 of the Treaty, so that the European Parliament can exercise its right of scrutiny enshrined in Article 8 of Decision 1999/468/EC.

In February 2000, the European Parliament and the Commission concluded an *Agreement on procedures for implementing Council Decision 1999/468/EC*, designed specifically to regulate the procedures for implementing the obligations incumbent on the Commission.<sup>10</sup>

The agreement provides for the electronic transmission of documents, a task which was implemented progressively during 2001. Documents from the various Commission departments are first transmitted to the Secretariat-General, which promptly dispatches them either electronically or via the CIRCA network to a central service at the European Parliament. Today practically all documents are transmitted electronically.

Except in emergencies, the agreement stipulates a period of one month from receipt of a "definitive" draft implementing measure<sup>11</sup> under a legal act adopted through codecision to allow the European Parliament, where appropriate, to adopt a resolution (in plenary session), pursuant to Article 8 of Council Decision 1999/468/EC, if it considers that the draft exceeds the implementing powers enshrined in the basic instrument.<sup>12</sup>

The bilateral agreement of February 2000 was implemented by a further *administrative agreement* by the Secretariats General of the European Parliament and the Commission, dated 14 December 2001. This administrative agreement is intended to ensure a harmonised approach by the departments of the Commission so that all the Commission obligations under the bilateral agreement of February 2000 are properly fulfilled. In particular, it provides for minimum standards with regard to the types of documents and their structure. It is worth noting that during 2001 there were no cases where the European Parliament felt the need to adopt a resolution based on Article 8 of Council Decision 1999/468/EC.

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<sup>8</sup> OJ L 145, 31.05.2001, p. 43.

<sup>9</sup> The next report will include an evaluation of the impact of Regulation No 1049/2001, which was adopted during 2001.

<sup>10</sup> OJ L 256, 10.10.2000, p. 19. The agreement nullifies certain earlier agreements: the Plumb/Delors Agreement of 1988, the Samland/Williamson Agreement of 1996 and the "modus vivendi" of 1994.

<sup>11</sup> The drafts are first sent before the committee meeting and, if they are substantially modified during the meeting, are sent again afterwards.

<sup>12</sup> This basic instrument must itself have been adopted under the codecision procedure (Article 251 of the Treaty) between the Council and the European Parliament.

## 1.4 Referrals to the Council

Ten cases of referrals to the Council were reported in 2001. Pursuant to Council Decision 1999/468/EC, draft measures must be referred to the Council when the Commission fails to obtain the necessary majority under the management or regulatory procedure. The referrals occurred in different policy sectors. Two cases concern Enterprise policy (see Annex, point 1), two cases concern Agriculture (see Annex, point 3), one case concerns Transport policy (see Annex, point 4) and five cases concern Health and Consumer Protection (see Annex, point 13).

As in 2000, the small percentage of referrals (less than 1%) compared with the total number of instruments adopted by the Commission (under the management or regulatory procedure) shows that the work of the committees achieves a high degree of consensus and that the proposals by Commission representatives are normally approved by the committees.

## 1.5 Other questions

In the field of securities markets, the European Institutions agreed in principle to allow more frequent use of the comitology procedures. This agreement is based on the recommendations in the Final Report of the Committee of Wise Men (under the chairmanship of Alexandre Lamfalussy) of February 2001. The European Council endorsed these recommendations in its Resolution on more effective securities markets regulation in the European Union in March 2001 at its Stockholm summit. The European Parliament equally approved these recommendations in its Resolution on the implementation of financial services legislation of February 2002 in the light of a solemn declaration made by President Prodi to the European Parliament on the same day. A more frequent use of the comitology procedures should be facilitated in two ways: first, a new European Securities Committee (ESC) was set up by a Commission decision in June 2001; the ESC is composed of high level representatives of national competent ministries and should act in future as so-called regulatory committee under the comitology framework<sup>13</sup>. In 2001, it only acted in its advisory capacity since it has not been vested with comitology powers<sup>14</sup>. Second, the Commission should receive technical advice in the phase of preparing draft implementing measures; to this end, the Commission also set up the Committee of European Securities Regulators (CESR)<sup>15</sup>.

During 2001, the Commission adopted two sectoral proposals on financial services: the *Proposal for a Directive of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading (Prospectus Directive)*<sup>16</sup> and the *Proposal for a Directive of the European Parliament and of the Council on insider dealing and market manipulation (Market abuse Directive)*.<sup>17</sup> In both proposals, reference is made to the European Securities Committee with its functions under the regulatory procedure.

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<sup>13</sup> Commission Decision 2001/528/EC of 6 June 2001, OJ L 191, 13.07.2001, p. 45

<sup>14</sup> Which will follow with the final adoption of the sectoral legislation, see following paragraph.

<sup>15</sup> Commission Decision 2001/527/EC of 6 June 2001, OJ L 191, 13.07.2001, p.43

<sup>16</sup> COM(2001) 280 final, adopted on 30.05.2001, OJ C 240 E, 28.08.2001, p. 272; see also the amended proposal COM(2002) 460 final, adopted on 09.08.2002.

<sup>17</sup> COM(2001) 281 final, adopted on 30.05.2001, OJ C 240 E, 28.08.2001, p. 265; see also the Common position of the Council adopted 19.07.2001, OJ C 228 E, p. 19.

With regard to a **coordinated strategy to simplify the regulatory environment**, the Commission, in its “Interim report to the Stockholm European Council”,<sup>18</sup> considered the possibility of making greater use of delegation of the implementing powers vested in it by the legislator under the existing legal framework, as set out in Article 202 of the Treaty.

In the *White Paper on Governance*,<sup>19</sup> the Commission proposed re-examining the conditions under which it adopts implementing measures and the need to maintain the existing committees, notably the management and regulatory committees.<sup>20</sup> Moreover,, the Commission announced its intention to launch initiatives aimed at amending Article 202 of the Treaty with a view to putting the Council and the European Parliament on an equal footing “in supervising the way in which the Commission exercises its executive role”.<sup>21</sup>

In a *consultative communication submitted to the Laeken European Council*,<sup>22</sup> which was drawn up for the purpose of consulting the European Parliament, the Council and the Member States, and in the final *Action plan for simplifying and improving the regulatory environment, adopted in June 2002*,<sup>23</sup> the Commission underlined the need for a “review of the existing comitology procedures and of the arrangements whereby the legislator vets executive instruments”. Concrete Commission proposals for reorganising the comitology framework without changing the Treaty will be presented before the end of 2002.

Preparations for the **enlargement of the European Union** include the participation of representatives of the candidate countries as observers in comitology committees on a case-by-case basis. This participation is organised on the basis of the “Communication from the Commission to the Council on the participation of candidate countries in Community programmes, agencies and committees”.<sup>24</sup> The overall approach is intended to create a coherent framework and simplify conditions for participation by candidate countries in Community measures to prepare them for accession. Candidate countries are expected to participate under specific conditions, i.e. in comitology committees responsible for monitoring Community programmes to which the candidate countries already contribute to some extent, and in committees outside the framework of Community programmes - except where the committees exercise their formal role by issuing opinions - in cases where the candidate countries in question already fully or partially apply the *acquis communautaire*. The candidate countries are represented on approximately 40 of the total of 247 committees.

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<sup>18</sup> COM(2001) 130 final, p. 9.

<sup>19</sup> COM(2001) 428 final.

<sup>20</sup> See the White Paper, p. 36.

<sup>21</sup> Idem.

<sup>22</sup> COM(2001) 726 final, adopted 05.12.2001.

<sup>23</sup> COM(2002) 278 final, adopted 05.06.2002.

<sup>24</sup> COM(1999) 710 final, adopted 20.12.1999.

Building on the participation of candidate countries in comitology committees as part of the pre-accession strategy and with a view to reinforce the gradual integration of acceding States into Community structures, it is envisaged that these states should be given, after signature of the Accession Treaty in April 2003<sup>25</sup>, the possibility to further participate, wherever legally possible, as observers in all committees set up by the comitology procedure and all other committees. In order to facilitate financing the costs of effective participation, the Commission proposed in its Strategy Paper of October 2002 that each acceding State could, if it so wishes, reserve appropriate amounts in the envelope of its national pre-accession programme.

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<sup>25</sup> TOWARDS THE ENLARGED UNION, Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries (9.10.2002), COM(2002) 700 final, see point 3.3 (p. 25)

## 2. HORIZONTAL OVERVIEW OF ACTIVITIES

### 2.1 Number of committees and types of procedures

In evaluating the activities of committees as a whole, the first step is to identify the number of comitology committees in existence on a specific date. Here it is important to distinguish between the comitology committees, on the one hand, and the so-called “consultative committees” and “expert groups” created by the Commission itself, on the other hand, since the latter are chiefly concerned with preparing and carrying out policies rather than with implementing legislative decisions. These committees and groups are not addressed in this report. The number of comitology committees has been calculated by sector of activity on the basis of the list of committees published in the Official Journal in 2000<sup>26</sup> (Table I), updated with status as at 31.12.2001. The figures for the previous year (status as at 31.12.2000) are given for comparison.

**TABLE I – TOTAL NUMBER OF COMMITTEES**

<b>Directorate General</b>	<b>2000</b>	<b>2001</b>
Enterprise (ENTR)	32	31
Employment and Social Affairs (EMPL)	8	7
Agriculture (AGRI)	30	29
Transport/Energy/Trans-European Networks (TREN)	39 <sup>27</sup>	39
Environment (ENV)	41	36
Research (RTD)	6	6
Information Society (INFSO)	10	10
Fisheries (FISH)	3	3
Internal Market (MARKT)	10	10
Regional Policy (REGIO)	2	2
Taxation and Customs Union (TAXUD)	9	9
Education and Culture (EAC)	6	6
Health and Consumer Protection (SANCO)	22	22
Justice and Home Affairs (JAI)	2	5
External Relations (RELEX)	7	2
Trade (TRADE)	11	11
Enlargement (ELARG)	2	2
Europe Aid (AIDCO, including former DEV*)	5	8
Humanitarian Aid (ECHO)	1	1
Statistics (ESTAT)	6	6
Budget (BUDG)	1	1
Anti-Fraud Office (OLAF)	1	1
<b>TOTAL</b>	<b>254</b>	<b>247</b>

The figures show the focus of activities in the different policy sectors from the comitology perspective. Environment, Enterprise, Agriculture, and Transport/Energy have the largest

<sup>26</sup> Reference — see note 5.

<sup>27</sup> The overall number of Committees under the responsibility of DG TREN was 39 in the year 2000 but only 29 Committees were listed in the previous report.

\* DEV = DG Development



number of committees (at least 20 each). With 135 out of a total of 247 committees, these policy sectors alone account for more than half the committees. However, the Commission's efforts to limit the growth in the number of committees have been rewarded, since at the end of 2001 there were slightly less committees (247) than in the previous year (254).

The overall figures can be broken down by type of procedure (advisory procedure, management procedure, regulatory procedure, and safeguard procedure - see Table II). The different *variants* in accordance with the 1987 comitology procedures (IIa and IIb, IIIa and IIIb) are classified together as prescribed in Declaration No 2 on the implementation of Council Decision 1999/468/EC.<sup>28</sup> The overall figure also includes all corresponding functions - under both the 1987 Comitology Decision and the new 1999 Comitology Decision. Since certain committees have multiple functions (i.e. they use different procedures ranging from the advisory procedure to the regulatory procedure, plus the safeguard procedure), they have been singled out from the other committees to provide a true picture of the procedures applicable.

**TABLE II – NUMBER OF COMMITTEES BY PROCEDURE (2001)**

	Type of procedure				Committees operating under several procedures
	Advisory*	Management*	Regulatory*	Safeguard	
ENTR	9	5	17	-	-
EMPL	-	-	3	-	4
AGRI	-	22	3	-	4
TREN	-	10	28	-	1
ENV	4	4	28	-	-
RTD	-	6	-	-	-
INFSO	1	2	5	-	2
FISH	1	2	-	-	-
MARKT	1	4	4	-	1
REGIO	-	1	-	-	1
TAXUD	1	5	3	-	-
EAC	-	1	-	-	5
SANCO	8	-	9	-	5
JAI	3	-	1	-	1
RELEX	1	-	-	-	1
TRADE	1	3	2	4	1
ELARG	-	1	-	1	-
AIDCO (incl. DEV)	-	6	2	-	-
ECHO	-	-	-	-	1
ESTAT	-	4	-	-	2
BUDG	1	-	-	-	-
OLAF	-	-	1	-	-
<b>TOTAL</b>	<b>31</b>	<b>76</b>	<b>106</b>	<b>5</b>	<b>29</b>

\* Including, respectively, procedures I, II and III in accordance with Council Decision 87/373/EC

<sup>28</sup> OJ C 203, 17.07.1999, p. 1.

Table II gives a breakdown by type of procedure. The global figures indicate that a relative majority of the committees (106 out of 247) consists of committees working exclusively under the regulatory procedure, followed by a considerably smaller number of committees working exclusively under the management procedure (76). The horizontal breakdown by policy sector is quite even, with a number of exceptions, notably Environment and Transport and Energy (with a large number of committees working under the regulatory procedure ) and Agriculture (with a large number of committees working under the management procedure).

## 2.2 Number (and days) of meetings

The number of committees is not the only indicator of activity at comitology level. The *number of meetings* held in 2001 reflects the intensity of each committee's work (Table III).

**TABLE III – NUMBER OF MEETINGS**

	2000	2001		2000	2001
ENTR	54	43	EAC	23	24
EMPL	14	8	SANCO	122	122
AGRI	367	365	JAI	6	8
TREN	45	41	RELEX	42	2
ENV	52	52	TRADE	30	29
RTD	32	26	ELARG	7	6
INFSO	30	30	AIDCO (incl. DEV)	28	45
FISH	10	23	ECHO	9	10
MARKT	24	17	ESTAT	15	17
REGIO	16	16	BUDG	5	5
TAXUD	110	116	OLAF	1	2

Agriculture leads the field (with 365 meetings), since managing the different agricultural markets requires frequent meetings. It is followed by Taxation and Customs Union (with 116 meetings), where the focus is on customs matters involving trade with third countries, and Health and Consumer Protection (with 122 meetings), which is responsible among other things for food safety.

A further indicator, particularly as regards the allocation of funds, is the *number of days* taken up by the meetings (Table IV). Meetings normally take half a day, hence the decimals.

**TABLE IV – NUMBER OF DAYS**

	2000	2001		2000	2001
ENTR	64	41.5	EAC	32	30.5
EMPL	17	8	SANCO	178.5	164.5
AGRI	258.5	302	JAI	5.5	8
TREN	46.5	46	RELEX	34.5	1.5
ENV	65.5	66.5	TRADE	16.5	15.5
RTD	32	26	ELARG	7.5	7.5
INFSO	30.5	30.5	AIDCO (incl. DEV)	36.5	48
FISH	9	15	ECHO	10	10
MARKT	30	17	ESTAT	22	20.5
REGIO	24	22	BUDG	5	5
TAXUD	147.5	168	OLAF	1	2

The figures in Table IV broadly correspond to those of the preceding table: a large number of meetings means a large number of meeting days. This shows that meetings do not normally last more than one day, or two half-days on two consecutive days.

### 2.3 Number of consultations

A key indicator of the intensity of activities is the number of consultations the Commission puts on a committee's agenda. These can be all sorts of items: formal opinions, preparatory exchanges of view in the run-up to a formal opinion, simple communications from the Chair (or a delegation), etc. (Table V). The total number of consultations in 2001 was 5613, compared to 4.561 in 2000.

**TABLE V – NUMBER OF CONSULTATIONS**

	2000	2001		2000	2001
ENTR	269	172	EAC	92	128
EMPL	44	32	SANCO	449	1138
AGRI	1889	1984	JAI	4	32
TREN	43	111	RELEX	266	4
ENV	80	114	TRADE	135	122
RTD	83	262	ELARG	121	105
INFSO	36	90	AIDCO (incl. DEV)	126	229
FISH	41	51	ECHO	-	81
MARKT	8	61	ESTAT	102	107
REGIO	87	193	BUDG	46	35
TAXUD	512	562	OLAF	1	-

The large number of consultations in certain policy sectors - Agriculture (1984), Health and Consumer Protection (1138), and Taxation and Customs Union (562) - again reflect the intensity of work which was delegated to the Commission, via the comitology procedures in these areas.

### 3. PRESENTATION OF ACTIVITIES BY SECTORAL POLICY

A sectoral snapshot of the activities of committees should include the opinions delivered by all the committees in a sector. *Opinions* may be of various kinds: they may concern draft legislative instruments (directives, regulations), decisions designed to regulate a specific (individual) legal situation or to approve financial projects in the context of any of the many Community programmes, or just position statements (which explains why the total number of favourable opinions may be greater than the total number of instruments adopted in a specific sector).

In the event of a *favourable opinion*, the rule is that the Commission adopts the implementing measures (the instruments adopted); under the management procedure it may also adopt an instrument in the *absence* of an opinion. Only if there is an *unfavourable opinion* is the decision referred to the Council as “an appeal body”, which then has the power to decide (*referrals* to the Council); the Council is also consulted in a regulatory procedure if there is no opinion.

There may be a difference between the total number of *favourable opinions* delivered by committees and the number of *instruments* adopted by the Commission in a given sector, since opinions were delivered in 2001 but the instruments were not adopted until the following year.

The annex shows the different results for the individual sectors (using the breakdown under Chapter 2).

## ANNEX

This Annex provides an overview of “comitology” activities during 2001 with a breakdown by sector. The heading “Instruments adopted” includes all the instruments adopted by the Commission, whatever their nature.

Note also that in certain cases committees are required to deliver opinions on dossiers which will not be the subject of a draft instrument until some time later (see Section 3 of the report). Hence there may be considerable discrepancies between the total number of opinions and the number of instruments adopted by the Commission.

### **1. ENTERPRISE**

In respect of a total of 172 dossiers submitted for consultation, the 31 committees of DG Enterprise delivered 345 favourable opinions under the different procedures, following which the Commission adopted 50 instruments. The two unfavourable opinions in this policy sector were adopted (under the regulatory procedure) by the Standing Committee on Veterinary Medicinal Products. They relate to two draft implementing measures (initially draft Commission regulations) *amending Annexes I and III to Regulation (EEC) N° 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, regarding restrictions of use of two groups of hormones.*<sup>29</sup> The Council rejected one proposal submitted to it on 22 January 2002; the other was adopted by the Council as *Council Regulation (EC) N° 2584/2001 of 19 December 2001.*<sup>30</sup>

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
275	38	32	2	-

Instruments adopted by the Commission	Referred to Council
50	2

### **2. EMPLOYMENT AND SOCIAL AFFAIRS**

In respect of a total of 32 dossiers submitted for consultation, the seven committees of DG Employment and Social Affairs delivered 25 (favourable) opinions under the management procedure, followed by 25 instruments adopted by the Commission in this sector.

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<sup>29</sup> COM(2001) 627 final. The two groups of hormones are Progesterone and Norgestomet (see COM(2001) 627 (01) and Chlormadinone, Flugestone acetate and Altrenogest (see COM(2001) 627 (02)).

<sup>30</sup> OJ L 345 of 29.12.2001, p. 7 (concerning Chlormadinone, Flugestone acetate and Altrenogest).

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	25	-	-	-

Instruments adopted by the Commission	Referred to Council
25	-

### 3. AGRICULTURE (AGRI)

In respect of a total of 1984 dossiers submitted for consultation, the 29 committees of DG AGRI delivered 1453 (favorable) opinions and 99 "no opinions". As 2 "no opinions" were given in the framework of a regulatory committee, those two proposals were referred to the Council. The other 1550 instruments were adopted by the Commission.

Two referrals to the Council are reported for the regulatory committee for protection of geographical indications and designations of origin for agricultural products and foodstuffs. The committee voted 'absence of opinion' with regard to the registration of the Protected Designation of Origin (PDO) "Salamini italiani alla cacciatora". As the Council has not adopted or voted against the proposal of the Commission within the period of three months, the Commission has adopted the proposed measure (Commission Regulation (EC) n° 1778/2001 of 7 September 2001<sup>31</sup> supplementing the Annex to Regulation (EC) n°1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 7 of Council Regulations (EEC) n°2081/92).

The other "absence of opinions" vote regarded the registration of the Protected Geographical Indication (PGI) "Bayerisches Bier". The Council adopted the proposal of the Commission (Council Regulations (EC) n°1347/2001 of 28 June 2001<sup>32</sup> supplementing the Annex to Commission Regulation (EC) n°1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) n°2081/92).

<sup>31</sup> OJ L 240, 08.09.2001, p. 6.

<sup>32</sup> OJ L 182, 05.07.2001, p. 3.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	1446	7	-	99

Instruments adopted by the Commission	Referred to Council
1550	2

#### 4. TRANSPORT/ENERGY/TRANS-EUROPEAN NETWORKS (TREN)

In respect of a total of 111 dossiers submitted for consultation concerning several proposed implementing measures, the 39 committees in this sector delivered 15 favourable opinions under the management procedure, 49 under the regulatory procedure and one under the advisory procedure. During the year the Commission adopted thirty-nine legislative instruments in this sector. The one case referred to the Council was *Commission Regulation (EC) N° 1360/2002 of 13 June 2002 adapting to technical progress for the seventh time Council Regulation (EEC) N° 3821/85 on recording equipment in road transport*.<sup>33</sup> The Commission adopted the Regulation when, after a period of three months, no opinion had been given by the Committee set up by Article 18 of Regulation (EEC) N° 3821/85 (under the regulatory procedure), and no position had been adopted by the Council.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
1	15	49	2	11

Instruments adopted by the Commission	Referred to Council
39	1

<sup>33</sup> OJ L 207 of 5.8.2002, p. 1.

## 5. ENVIRONMENT

In respect of a total of 127 dossiers submitted for consultation, the 36 committees of DG Environment delivered 112 favourable opinions under the management and regulatory procedures, following which the Commission adopted 41 instruments. There were nine unfavourable opinions.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	54	58	9	4

Instruments adopted by the Commission	Referred to Council
41	-

## 6. RESEARCH

In respect of a total of 144 dossiers submitted for consultation, the six committees of DG Research delivered 144 favourable opinions under the management procedure. The Commission adopted a total of 144 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	144		-	-

Instruments adopted by the Commission	Referred to Council
144	-



## 7. INFORMATION SOCIETY

In respect of a total of 90 dossiers submitted for consultation, the 10 committees of DG Information Society delivered 6 favourable opinions under the management procedure and 45 under the regulatory procedure. The Commission adopted a total of 35 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	6	45	-	-

Instruments adopted by the Commission	Referred to Council
35	-

## 8. FISHERIES

In respect of a total of 51 dossiers submitted for consultation, the three committees of DG Fisheries delivered 18 favourable opinions under the advisory procedure and 29 under the management procedure. The Commission adopted a total of 47 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
18	29	-	-	-

Instruments adopted by the Commission	Referred to Council
47	-

## 9. INTERNAL MARKET

In respect of a total of 61 dossiers submitted for consultation, the 10 committees of DG Internal Market delivered three favourable opinions under the management procedure, one under the advisory procedure and one under the regulatory procedure. One was delivered without opinion. Six cases were the subject of instruments adopted by the Commission.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
1	3	1	-	1

Instruments adopted by the Commission	Referred to Council
6	-

## 10. REGIONAL POLICY

In respect of a total of 193 dossiers submitted for consultation, the two committees of DG Regional Policy delivered 102 favourable opinions under the management procedure and 91 under the advisory procedure. The Commission adopted three legislative instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
91	102	-	-	-

Instruments adopted by the Commission	Referred to Council
3	-

## 11. TAXATION AND CUSTOMS UNION

In respect of a total of 562 dossiers submitted for consultation, the 9 committees of DG Taxation and Customs Union delivered 65 favourable opinions. The Commission adopted 57 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
5	44	16	2	7

Instruments adopted by the Commission	Referred to Council
57	-

## 12. EDUCATION AND CULTURE

In respect of a total of 128 dossiers submitted for consultation, the six committees of DG Education and Culture delivered 71 favourable opinions under the management procedure and 16 under the advisory procedure. The Commission adopted 16 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
16	55	-	-	-

Instruments adopted by the Commission	Referred to Council
16	-

### 13. HEALTH AND CONSUMER PROTECTION

In respect of a total of 1138 dossiers submitted for consultation, the committees of DG Health and Consumer Protection delivered 332 favourable opinions under the regulatory procedure, 2 under the management procedure and 55 favourable opinions under the advisory procedure. The Commission adopted 329 instruments.

There were two referrals to the Council as regards the Standing Committee on Feedingstuffs (acting under the regulatory procedure). The Committee voted 'absence of opinion' with regard to a withdrawal of the authorisation of certain additives in feedingstuffs. As the Council did not adopt or vote against the Commission proposal for a Regulation,<sup>34</sup> the Commission adopted the proposed measure (*Commission Regulation (EC) N° 2205/2001 of 14 November 2001 amending Council Directive 70/524/EEC concerning additives in feedingstuffs as regards withdrawal of the authorisation of certain additives*).<sup>35</sup> Another 'absence of opinion' vote concerned undesirable substances and products (maximum limits for dioxins and furans in several feed materials and feedingstuffs). The Council adopted the Commission proposal for a Directive<sup>36</sup> as *Council Directive 2001/102/EC of 27 November 2001 amending Directive 1999/29/EC on the undesirable substances and products in animal nutrition*.<sup>37</sup>

There were two other referrals to the Council concerning the Standing Veterinary Committee (acting under the regulatory procedure). In one case the Committee did not give an opinion on the *draft Commission Regulation laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) N° 999/2001 laying down rules for the prevention, control, and eradication of certain transmissible spongiform encephalopathies and amending Annexes VII and XI to that Regulation*. After the Council had neither adopted the measures, nor opposed the proposal, the Commission was finally entitled to adopt the measures as *Commission Regulation (EC) N° 1326/2001 of 29 June 2001*.<sup>38</sup> Similarly, in the other case, the Council had not acted within the required time limit on the *draft Commission Decision on the total amount of Community aid for the eradication of classical swine fever in the Netherlands in 1998* submitted to it, and no favourable opinion since the committee had not given an opinion. Accordingly, the Commission adopted the *Decision on 17 October 2001*.<sup>39</sup>

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<sup>34</sup> COM(2001) 450 final.

<sup>35</sup> OJ L 297, 15.11.2001, p. 3

<sup>36</sup> COM(2001) 493 final.

<sup>37</sup> OJ L 6, 10.1.2002, p. 45.

<sup>38</sup> OJ L 177 of 30.6.2001, p. 60.

<sup>39</sup> OJ L 277 of 20.10.2001, p.28.

There is one referral to the Council in respect of the Standing Committee on Foodstuffs. A draft Commission measure to reduce the presence of dioxins and PCBs in foodstuffs had not received a favourable opinion (under the regulatory procedure) from the committee and was submitted to the Council,<sup>40</sup> which adopted the measure as *Council Regulation (EC) N° 2375/2001 of 29 November 2001 amending Commission Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs*.<sup>41</sup>

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
55	2	332	108	5

Instruments adopted by the Commission	Referred to Council
329	5

#### 14. JUSTICE AND HOME AFFAIRS

In respect of a total of 32 dossiers submitted for consultation, the five committees of DG Justice and Home Affairs delivered 21 (favourable) opinions under the advisory procedure and one opinion under the management procedure. The Commission adopted 18 instruments.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
21	1	-	-	-

Instruments adopted by the Commission	Referred to Council
18	-

<sup>40</sup> COM(2001) 495 final.

<sup>41</sup> OJ L 321 of 6.12.2001, p. 1.

## 15. EXTERNAL RELATIONS

In respect of a total of 4 dossiers submitted for consultation, the 2 committees of DG External Relations delivered 2 favourable opinions (one under the advisory and one under the management procedure). The Commission adopted 2 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
1	1	-	-	-

Instruments adopted by the Commission	Referred to Council
2	-

## 16. TRADE

In respect of a total of 122 dossiers submitted for consultation, the 11 committees of DG Trade delivered 35 favourable opinions under the regulatory procedure and four under the safeguard procedure. The Commission adopted 37 instruments in this sector.

Number of favourable opinions				Unfavourable opinions	No opinion
Procedure					
Safeguard	Advisory	Management	Regulatory		
4	-	-	35	-	-

Instruments adopted by the Commission	Referred to Council
37	-

## 17. ENLARGEMENT

In respect of a total of 105 dossiers submitted for consultation, the two committees of DG Enlargement delivered 58 favourable opinions under the management procedure. The Commission adopted 67 instruments in this sector.

Number of favourable opinions				Unfavourable opinions	No opinion
Procedure					
Safe-guard	Advisory	Management	Regulatory		
-	-	58	-	-	-

Instruments adopted by the Commission	Referred to Council
67	-

## 18. EUROPE AID - CO-OPERATION OFFICE (INCLUDING FORMER DEVELOPMENT)

In respect of a total of 229 dossiers submitted for consultation, the 8 committees delivered 142 favourable opinions under the management procedure. The Commission adopted 152 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	88	54	-	1

Instruments adopted by the Commission	Referred to Council
152	-

## 19. HUMANITARIAN AID (ECHO)

In respect of a total of 81 dossiers submitted for consultation, the Humanitarian Aid Committee delivered 39 favourable opinions under the management procedure. The Commission adopted 39 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	39	-	-	-

Instruments adopted by the Commission	Referred to Council
39	-

## 20. EUROSTAT

In respect of a total of 107 dossiers submitted for consultation, the six committees of DG Eurostat delivered one favourable opinion under the advisory procedure, 12 favourable opinions under the management procedure and 5 favourable opinions under the regulatory procedure. The Commission adopted 17 instruments in this sector.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
1	12	5	-	-

Instruments adopted by the Commission	Referred to Council
17	-



**21. BUDGET**

The only committee of DG Budget — the Own Resources committee — was consulted on 35 dossiers, but did not deliver any formal opinions.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Consultation	Management	Regulatory		
-	-	-	-	-

Instruments adopted by the Commission	Referred to Council
-	-

**22. EUROPEAN ANTI-FRAUD OFFICE (OLAF)**

The activities of the Anti-Fraud Office’s only committee concerned implementation and co-ordination of operational activities at Community level.

Number of favourable opinions			Unfavourable opinions	No opinion
Procedure				
Advisory	Management	Regulatory		
-	-	-	-	-

Instruments adopted by the Commission	Referred to Council
-	-