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Policy Implementation and Comitology
Committees: Differentiating between Policy
Legislation and Policy Implementation

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1. Introduction

The vast majority of legal acts in the European Community are not enacted by the legislative authorities (Council and European Parliament), but by the European Commission. Most of them are adopted by the Commission after the Council has conferred implementation powers on the Commission and a so-called “comitology” committee, composed of civil servants of the Member States, has given its opinion on a proposal by the Commission. Although among these legal acts there are many “routine” measures, but decisions with an enormous political and economic importance such as the embargo against British beef in connection with the BSE crisis in 1996 are also taken according to comitology procedures.

The first comitology committees were established in the early 1960s when the Council recognised that it lacked the resources to make all the necessary implementation rules in the first agricultural market regimes. However, it did not want to delegate the implementation powers to the Commission without keeping some control. The committees – which have differing legal “weights” depending on the type of committee – have the task to give an opinion on an implementation measure proposed by the Commission before the Commission can adopt it.

The procedures for adopting EC implementing measures have been criticised ever since these procedures were set up in the early 1960s. Many suggestions and proposals have been made to ensure that decisions of a legislative nature or with significant budgetary implications are made following the regular EC legislative process, i.e. proposed by the Commission and enacted by the Council either in consultation, co-operation or co-decision with the European Parliament.

The line that separates routine implementing measures from those with legislative and budgetary implications is, however, rather blurred and difficult to draw. The Treaty does not specify how detailed legislative acts must be or how much discretion the Council can delegate to the Commission in its transfer of implementing powers. This question in the last analysis has to be answered by the European Court of Justice. In a series of decisions the Court has left it basically to the legislator to allocate the powers between the legislator and the executive.

In cases where the Council legislates alone (consultative procedure), it is for the Council to decide the content of the basic act and the scope of the powers to be delegated to the Commission. The Council has tended to be rather generous in conferring implementing powers to the Commission since it can control the Commission through comitology committees. Since the Court has been rather reluctant to interfere in that choice, the Council enjoys practically complete freedom in that respect. Drawing the line between legislative and implementing acts has become almost an entirely political issue.

Whereas the Council and the Commission have no principle objections to this situation, the European Parliament which has no influence on the committee procedures wants to restrict

the delegation of implementing measures to purely routine matters. This is the root of the conflict between Council and Parliament.¹ In cases where the co-decision procedure applies, the European Parliament and the Council have to find a compromise as to what is decided in the legislative act and what in the implementing act. The new comitology decision of 28 June 1999² has not contributed to resolving the question of what must be decided in a legislative or in an implementation procedure.

2. Objectives and Research Questions

The research questions to be addressed by this subproject should contribute to a constructive solution to this important issue of the institutional balance by first establishing criteria for an operational demarcation between legislative and implementing measures, and secondly by assessing a large number of EC implementing acts to determine whether and in which cases implementing measures have in fact violated the prerogatives of the legislators Council and Parliament. The subproject therefore concentrates on the following questions, divided into a theoretical and an empirical approach:

Theoretical Approach:

- How can the line that separates implementing measures from those with legislative implications be drawn?
- How can that differentiation between legislative and implementing legal acts be made operational?
- How could an effective system of control be established that limits the implementing powers of the Commission and safeguards the prerogatives of the legislators, especially Parliament?

Empirical Approach:

- Have the prerogatives of the legislative authorities been generally respected in implementing decisions in the course of the past years or have decisions with important legislative implications been decided upon according to comitology procedures?
- In which policy arenas has this primarily occurred?
- In what way have these possible “transgressions” affected the institutional balance?

Before the empirical questions can be answered, as to when the prerogatives of the legislative authorities have been violated, it is necessary to solve the theoretical problem of what these prerogatives consist of. In other words it has first to be clarified where the dividing line between legislative and implementing powers should be drawn before attempting to decide whether implementing decisions have strayed into the field reserved to the legislative authorities.

¹ See for more details of this “power struggle”: Haibach, *The History of Comitology*, in: M. Andeans, A. Türk, *Delegated Legislation and the Role of Committees in the EC*, Kluwer Law International, 2000.

² Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, [1999] OJ L 184/23.

The theoretical part of the project develops operational criteria to distinguish between legislative and implementing powers. As outlined in more detail below (3.), it begins with analysing how the EC Treaty deals with the issue of how legislative and implementing powers should be allocated to the institutions (3.1.1). It examines to what extent the EC legal system is based on a hierarchy of norms and compares the legal framework of the EC Treaty in this respect with that established in some of the Member States, including theoretical considerations on which these systems are based (3.1.2). Then the necessary content of basic (legislative) acts (3.2), the privileged position of implementing acts of general applicability (3.3) and the necessary amount of control and judicial review (3.4) are reflected upon. These theoretical considerations, in particular the crucial differentiation between implementing with and without general applicability, are used for the classification of the measures in the empirical part (see below 4.2).

3. Theoretical Approach

3.1 Distinction between basic acts and implementing acts

3.1.2 In the European Community

An essential characteristic of the EC legal system is that it is not based on the principle of separation of powers, as those of the Member States are. Legislative power is not, as a matter of principle, vested in one institution, parliament. Instead, EC institutions can only act, where specific powers are conferred upon them in the EC Treaty. The principle of attributed powers, as laid down in Article 5(1) for the EC in general and in Article 7(1) for its institutions in particular, excludes any general law-making power by the EC and does not vest, in principle, legislative power in one institution.³ The EC Treaty provides two types of attribution. Substantive attributions are those, which allow an institution to take action in a specific area (e.g. Article 37: agriculture). Procedural attributions determine which institution in accordance with which procedure can adopt which legal instrument. Both attributions can be contained in one provision⁴, but substantive and procedural attributions can also be separated⁵.

On the other hand the EC Treaty does not allocate law-making powers at random. A survey of all provisions that confer powers on EC institutions reveals, that the Commission has in almost all provisions the monopoly to make proposals for acts adopted on the basis of the EC Treaty. Moreover, it will in almost all cases be the Council that will adopt the act, even though the voting procedures might vary from one provision to another. Finally, the European Parliament will be involved to a lesser or greater degree in the adoption of such

³ Joined Cases 188 to 190/88 *France, Italy and United Kingdom v Commission* [1982] ECR 2545, at p. 2573.

⁴ See Article 94 ECT, which allows for the adoption of directives for the establishment and functioning of the Common Market (substantive attribution) by the Council, acting unanimously, on a proposal from the Commission after consultation of the European Parliament and the Economic and Social Committee (procedural attribution).

⁵ See Article 95(1) ECT, which allows for the adoption of measures for the establishment and functioning of the Internal Market (substantive attribution), but refers to Article 251 ECT for the procedure, which has to be followed (co-decision procedure).

an act. Where the co-decision procedure applies, the EP will adopt the act together with the Council as co-legislator.

In addition, not all acts adopted by the EC institutions are based on the EC Treaty itself. In the seminal case of *Köster* the Court found that *'the legislative scheme of the Treaty, and in particular the last paragraph of Article 155 [now 211], establishes a distinction between the measures directly based on the Treaty itself and derived law intended to ensure their implementation.'*⁶ The Court thereby confirmed that the EC Treaty contains a hierarchy of norms, which finds provisions of the EC Treaty on top, below acts adopted by the competent EC institution as attributed by the EC Treaty (basic acts) and acts adopted on the basis of such basic acts (implementing acts). Implementing acts are in principle adopted by the Commission, usually under the supervision of committees, comprised of representatives of the Member States, set up by Council.

3.1.2 In the Member States

Such a distinction between basic acts and implementing acts can also be found in the legal systems of the Member States. Here the hierarchy will consist of the Constitution, as the top norm, then acts adopted by parliament on the basis of the Constitution and implementing acts adopted by the administration. Acts adopted by parliament in accordance with the constitutionally required procedure are considered as legislative acts. The definition is based entirely on formal criteria and the substance of the act is irrelevant. Such legislative acts enjoy special privileges, the scope of which varies. Whereas in the UK an Act of Parliament cannot be reviewed in any court, the French and German legal system allow the review of such acts, however only by a constitutional court. In the French case the review is carried out *ex ante*, before the promulgation of the act, whereas in Germany it is effected *ex post*, after the promulgation of the act.

The idea of a hierarchy of norms shows that law-making is a process of proceeding from the more general rule down to the more specific rule, a process of specification.⁷ It proceeds in various stages down from the Constitution to an act of parliament until the act is specific enough to be applied by the administration to the citizen. In case of the Community its operation follows the adoption of basic acts, based on the EC Treaty, and their implementation by the Commission. Kelsen's theory, confirmed by the practice of law-making in the Member States and the Community, also shows that legislative acts are not the only ones that participate in law-making, even though they occupy a pre-eminent position.

3.2 The necessary content of basic (legislative) acts

The essential question is therefore, what role legislative acts in the Member States or basic acts in the Community should play in the law-making procedure. Member States place great emphasis on the importance of legislative acts adopted by parliament, as they represent the

⁶ Case 25/70 *Einfuhrstelle v Köster* [1970] ECR 1161, at para. 6.

⁷ See Kelsen, *Reine Rechtslehre*, (Leipzig and Wien, 1934).

will of the people. Modern theories place more emphasis on the procedure in which the act is adopted (transparency, public debate, justification by the majority of its acts etc.), even though the direct democratic mandate of the body that adopts it is still important. Most Member States require therefore a certain amount of detail in the legislative act to ensure that the pre-eminence of parliament is respected.⁸ This is either done in the way that the Constitution itself reserves certain matters to parliament, as is the case in France, or the constitutional court of a country makes it a constitutional requirement, as is the case in Germany. The legislative act is thought to be instrumental in deciding on conflicting interests by laying down basic principles, which the administration has to follow in individual cases. The French and German constitutional experience shows that their constitutional courts require particular consideration by the legislator of the impact of their decisions on fundamental rights of their citizens. The greater the impact, the more detailed the legislative act has to be.

The ECJ has, to a certain extent, followed that approach, in that it requires the basic act to contain the 'basic elements'⁹ of a subject matter. It has, however, left it to the legislative authority to determine what is essential and has not enforced its requirement with great rigour. This means that the legislative authority is relatively free to delegate any matter to the Commission for the implementation of a basic act. The Court's approach undermines the principle of attributed powers, whereby the EC Treaty provided a specific procedure for the adoption of a basic act. If it is the implementing act that adopts the relevant rule rather than the basic act, then the procedure laid down in the basic act loses its relevance. Moreover the Court, which has stressed its particular concern for human rights on other occasions, has not yet required basic acts to be particularly specific the more they interfere with human rights.

This last criticism is only fair, if the procedure for the adoption of basic acts fulfils a similar function as that of the legislative procedure in Member States. This can be assumed in the case of the co-decision procedure, but might be doubtful for other procedures. What needs to be adopted in the basic act and what in an implementing act requires therefore careful consideration. First, the procedure that is laid down in the EC Treaty for the adoption of the basic act needs to be examined. Such procedures vary considerably and range from an act of the Council adopted on a proposal by the Commission to the complex co-decision procedure laid down in Article 251. This has to be set against the objective to be pursued.

The basic act has as a minimum requirement to determine the subject matter and lay down the general principles and rules to be applied by Community and/or national bodies. The amount of detail of such basic acts depends on the impact on basic rights, their financial impact, the number of people affected and the effect on the institutional system, including the impact on Member States. This approach, which would not only strengthen the relevance of basic rights, is also beneficial to the institutions and the Member States individually and acting in Council.

⁸ The lack of such a requirement in the UK has triggered many complaints that the executive is bypassing Parliament.

⁹ Case C-240/90, *Germany v Commission*, [1992] ECR I-5383, at para. 36

The Court, which would ultimately have to decide whether a basic act is sufficiently precise, is not in any danger of thereby encroaching on the function of the legislative authority. The Court, which has already made the protection of the institutional balance and the protection of fundamental human rights its task, would not dictate what content a basic act should have, but only whether it contains the necessary detail. Moreover, the Court in essence would protect the legislative authority, and thereby the Member States and the European Parliament, from surrendering their legislative function to the Commission.

Above all, the requirement of sufficient detail is also an important mechanism of control, which the Court of Justice has to ensure. The implementing act, as a hierarchically inferior act has to be in conformity with the higher-ranking basic act. The less detailed the basic act is the more discretion is left to the implementing act. Such discretion should not be excluded, but needs to be sufficiently justified, e.g. on grounds of the technicality of the subject matter, fast changing circumstances, rapid reaction to emergencies etc.

3.3 The privileged position of implementing acts of general applicability

The legal systems of the Member States underlie a dual notion of legislative acts. In addition to the concept of legislation in the formal sense, Member States consider as legislative acts legally binding rules, which are of general application. Such acts are regarded as legislative in nature due to their substance irrespective of their form and the procedure of their adoption. They do not enjoy the same privileged position as legislative acts in the formal sense and are invariably subject to the jurisdiction of the ordinary courts. However, their status is a privileged one (e.g. as regards publication, right to a hearing, statement of reasons etc.) in comparison with administrative acts, which are acts of individual application.

This privileged position of acts of general applicability can also be found in the EC legal system. The Court considers acts of general applicability as legislative in nature and attributes them with certain privileges. Indeed, it seems that the Court does not privilege basic acts as such, as is the case in the Member States, but awards privileges to acts of general applicability regardless of whether they are basic or implementing acts. Such an approach, in the light of the differences in procedure for the adoption of such acts, seems to be unwarranted, at least for the co-decision procedure. This is the unavoidable result of the system of judicial review in the EC legal system, which allow a legal challenge to basic acts as well as to implementing acts.¹⁰ However, the privileged position of acts of general applicability is justified by the fact that the danger of arbitrariness of an administrative measure is reduced though not excluded.

3.4 The necessary amount of control and judicial review

The extent of supervision of implementing acts depends, as in case of basic acts, on the impact of the implementing rules on individuals or the institutional system. The control through the comitology committees over the Commission is an important procedural

¹⁰ See Articles 230(1) and 234(1)(b).

element, as it ensures that the impact of the measure on the Member States is taken into account, which facilitates the application of the measure by the Member States and its legitimacy within the national systems. The supervision by the European Parliament has to be viewed with more scepticism. Parliaments in national systems lack the resources to compete with the expertise of their governments and therefore lack efficacy. Moreover, the procedures of a national parliament for the review of general acts adopted by government are less thorough and comprehensive, as those required for the adoption of legislative acts by parliament itself. This is no less true in the EC legal system. Parliament's resources may be greater than that of any national parliament, but still are no match for the Commission. Moreover, involvement in the implementation procedure diverts resources from the participation in basic acts. The EP's involvement in the adoption of the basic act is therefore paramount and should be secured through the requirement of sufficient detail in the basic act. Parliament's involvement should be reduced to its general supervisory function.

The review of implementing acts of general application¹¹ by the Court should be limited. First, the Court has to ensure that the relevant procedural rules for the adoption of the act have been followed. Second, it has to examine whether the implementing act has stayed within the letter and the spirit of the basic act or has violated any other higher-ranking law. Third, the application of general principles of law should be restricted to cases, where the implementing act manifestly violates such principles.

4. Empirical Approach

It can not be our task to apply the criteria the Court ought to use when asked to judge the legality of a Commission implementing act. From another perspective, however, we attempt to reach the same objective by analysing some 800 Commission implementing acts with the purpose to determine whether the Commission has stayed within the limits set by the legislators in the basic legal act. To this end, we had to operationalise the criteria established above and apply them to the 800 selected implementing measures (4.2). In the first section (4.1) we describe the selection procedure for the 800 case studies and conclude with a short description of the next steps to be taken in the subproject.

4.1 Selection of Committees, Collection and Short Descriptions of Measures

We first selected 51 committees from the policy arenas (corresponding to Commission DGs) chosen for empirical inquiry by all subprojects (Employment and Social Affairs, Environment, Enterprise, Research, Internal Market). After we had obtained the texts of the measures adopted by these committees¹², we noticed that some of these committees had not

¹¹ This mainly concerns rule-setting or evaluation measures, see 4.2, below.

¹² The Office of the Secretariat-General of the European Commission had assured us that it would assist us in obtaining the texts of the measures. Despite their efforts we could obtain the texts of only 39 measures adopted with the involvement of 12 of the 51 committees. For this reason we chose a different way of obtaining the texts of the measures: The list of comitology committees published by the Commission in August 2000 ([2000] OJ C 225/2) contains the "basic instrument(s) according to which a committee has been set up and those stipulating for the first time the procedures governing it". With the help of CELEX (which lists all measures based on each basic instrument of Community law) we could identify the measures adopted with the involvement of the committees we had selected.

been involved in the adoption of any measure in the time period chosen for analysis (1997-2000). We therefore added 4 committees from the area of Agriculture and 2 committees from the area of Health and Consumer Protection (for more detail see: *Annex: Overview of Committees and Measures*).

Policy Arena	Number of Committees	Number of Measures
Employment and Social Affairs	1	2
Environment	11	79
Enterprise	4	225
Research	1	1
Internal Market	2	6
Health and Consumer Protection	2	353
Agriculture	4	137
Total	25	803

The different policy arenas chosen can be seen as representative for all Community policy fields because of their differing density of regulation: The *Internal Market* is the core policy of the Community; *Agriculture* the most densely regulated Community policy, *Environment* and *Health and Consumer Protection* are regulatory-types policies, *Research and Development* redistributive-type policies and *Employment and Social Affairs* and *Enterprise* intervention-type policies.

The comitology committees selected can be considered as representative for all implementation committees since all types of committees (I, IIa/b, IIIa/b) according to the 1987 Comitology Decision¹³ are represented. We did, however, deliberately focus on the “heavier” types of committee procedures (IIb, IIIa/b) since we suspected a greater likelihood of possible transgressions of its limits by the Commission there. Insofar we considered the Management Committee for Bananas (IIa) as an interesting exception because this committee is dealing with politically sensitive issues. In fact, as will be shown below (see 4.2), our “suspicion” was justified since only 5 of the 25 committees chosen adopted measures which we later classified as possible “critical” because the legislative limits might not have been respected.

The next step was to write “short” descriptions for all 803 measures, containing the following information:

- the number of the document,
- the number of the legal act,
- the responsible Directorate-General of the Commission,
- the name and type of the comitology-committee,
- the legal basis of the measure,
- the legal basis of the committee,
- the date of adoption of the measure,

¹³ Council Decision 87/373 laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ L 197/33.

- the publication reference in the Official Journal, and
- a short description of the content of the measure.

4.2 Classification of Measures and Identification of Possible Critical Cases

Each measure was then classified according to a typological scheme which differentiates three types of rule making implementation and two types of budgetary measures:

- **“Rule application”**: refers to measures, which are adopted within the clear limit values of the basic legal act (e.g. routine decisions in the market regimes of CAP, but also for decisions like the embargo against British beef in the BSE case).
- **“Rule interpretation”**: refers to cases in which minor adaptations of the original legal act are made and the Commission has certain discretion/room for manoeuvre (e.g. Commission decisions concerning mergers of companies).
- **“Rule-setting/evaluation”**: refers to measures where, within a general framework of a legal act, particularly directives, more specific rules are adopted (e.g. the setting of limits in environmental law or adjusting safety requirements due to technological change).
- **“Routine fund-approving”**: refers to funding decisions within a specific, well-defined framework laid down by the legislative authorities (e.g. the management of specific R&D programmes and economic aid to third world countries).
- **“Extension/new specification of fund-approving”**: refers to measures in which either existing programmes are extended or modified (e.g. modification or revision of an expenditure programme in R&D or foreign aid).

In addition to differentiating implementing measures according to the type of rule making or fund approval, we also needed to take the nature of decision on implementation into account. We used three categories for rule-making and two categories for fund-approving measures:

- **“Routine”** (within clearly defined limits such as the setting of prices in market regimes or approving specific research projects);
- **“Normative”** (setting/amending legal requirements like annexes of directives resulting in a substantive change of the norms set out in the original legal act);
- **“Programmatic”** (setting up new programmes in the field of R&D or initiating new activities on the basis of an existing legal act);
- **“Budgetary I”** (inside/internal clearly defined budgetary limits);
- **“Budgetary II”** (the significant extension or modification of a budget line leading to a significant change in expenditure).

The criteria chosen reflect our theoretical considerations (see above 3.3) in which the importance of the question whether or not an implementing measure has “general applicability”¹⁴ was stressed: “Rule application” measures such as the approval of a specific project in the area of external relations do not have general applicability. On the other hand, “rule interpretation” and “rule-setting/evaluation” measures such as the setting of limit values in the environmental area do have general applicability. The relevance of our criteria is thus confirmed by the theoretical considerations discussed above. Our criteria do,

¹⁴ This criterion is also of relevance under the new comitology decision (Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ 1999 L 184/23). According to Article 2 the new regulatory procedure is supposed to be used for “the adoption of measures of general scope designed to apply essential provisions of basic instruments”.

however, not only differentiate implementing measures with and without general applicability, but further distinguish between different types of implementing measures with general applicability (namely rule interpretation and rule setting/evaluation).

By combining the two sets of criteria we obtained the following matrix:¹⁵

	Routine	Normative	Programm.	Budget. I	Budget. II
Rule application	279	55	38	6	-
Rule interpretation	25	8	1	-	-
Rule-setting/evaluation	232	97	-	-	-
Routine fund ap.	-	-	-	46	-
Extension/new fund ap.	-	-	-	16	-

We considered the measures placed in the grey boxes as possible “critical” cases where implementing measures might possibly have overextended the competences of the executive and would have required the involvement of the legislative authorities. Since cases of “rule application” do not have general application, it is highly unlikely the legislative limits are not respected. The same is true for “routine” measures. On the other hand, measures of “rule interpretation” and “rule setting/evaluation” do have general application and are therefore possible critical cases. Of all budgetary measures, only the significant extension or modification of a budget line leading to a significant change in expenditure can be considered as possibly critical.

In total there were 106 cases that fell into the shaded fields. As the matrix shows, most of them were normative and rule setting/evaluation, and there were no fund approving measures at all. It is interesting to observe that committees asked to adopt measures placed in the grey boxes can be found in all policy arenas:

Policy Arena	Number of Committees	Number of Measures
Employment and Social Affairs	1	2
Environment	7	24
Enterprise	4	33
Research	1	1
Internal Market	1	2
Health and Consumer Protection	2	25
Agriculture	4	19
Total	20	106

The fact that only 5¹⁶ of the 25 committees chosen did not give a single opinion on a measure placed in a grey box also proves that in the selection of the committees we had successfully tried to choose a representative sample of possible “interesting” cases.

¹⁵ The figures in the boxes indicate the number of measures classified to fall in the respective boxes.

¹⁶ Of those 5 committees, one was a IIa (Management Committee for application of the directive on the standardisation and rationalisation of reports on the implementation of certain directives relating to the environment), one was a IIb (Committee on the protection of individuals with regard to the processing of personal data and on the free movement of such data) and three were IIIa committees (Committee for

4.3 Long Descriptions of Possible Critical Cases and Next Steps

Subsequently, "long" descriptions of the 106 possible critical cases were written. In addition to the short descriptions, the long descriptions contain the text of the legal basis of the measure, and the background (reasons and other considerations) of the adoption of the measure. This additional information is necessary for our next step, the detailed analysis of the 106 possible critical cases, with the purpose of arriving at a conclusion whether or not the implementing measures have exceeded the limits stipulated in the basic instrument. For this aim the content of the measure will be compared with the text of its legal basis. In many cases it will be evident from a careful reading of both that a transgression has not occurred, but there may well be cases where this is doubtful or at least less clear, or even where a transgression is rather obvious.

These borderline cases will be further clarified in interviews with the Commission official who was chairing the respective committee. It will be of interest for us to find out whether in the committee the possible transgression was subject of a debate. If this is case, we will focus on questions such as: How and by whom was the debate started? What was the main problem discussed ? How was it solved ? Where concerns of Member States taken into account ? Did the Legal Service of the Commission get involved ? Was the debate a reason for some Member States to vote against the measure ?

application of the regulation authorising voluntary participation by undertakings in the industrial sector in a Community eco-management and audit scheme (EMAS), Committee for the adaptation to technical progress and application of the Community award scheme for an eco-label (ECO-LABEL), Committee for implementation of the directive on integrated pollution prevention and control (IPPC)).

Annex: Overview of Committees and Measures

POLICY ARENAS	NAMES OF COMMITTEES	TYPE OF COMMITTEE¹⁷	NUMBER OF MEASURES EXAMINED
ENTERPRISE		I/IIa/b/IIIa	225
1	Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex II	IIa/II	80
2	Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM)	I/IIIa	2
3	Standing Committee on approximation of the laws relating to construction products	IIIa	43
37	Committee for the adaptation to technical progress of legislation on the removal of technical barriers to trade in motor vehicles and their trailers	IIb/IIIa	100
EMPLOYMENT/ SOCIAL AFFAIRS		IIIa	2
6	Committee for the technical adaptation of legislation on the introduction of measures to encourage improvements in the safety and health of workers at work	IIIa	2
INTERNAL MARKET		IIb	6
32	Committee on the second general system for the recognition of professional education and training	IIb	3
38	Committee on the protection of individuals with regard to the processing of personal data and on the free movement of such data	IIb	3
HEALTH/ CONSUMER PROTECTION		IIIa/IIIb/III	353
44	Standing Veterinary Committee (SVC)	IIIa/IIIb/III	277
45	Standing Committee for Foodstuffs (SCF)	IIIa/IIIb/III	76
AGRICULTURE		IIa/IIIa	137
46	Committee on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OAP)	IIIa	35
47	Committee on certificates of specific character for agricultural products and foodstuffs	IIIa	6
48	Standing Committee on Organic Farming	IIIa	14
49	Management Committee for bananas	IIa	82

¹⁷ According to the "first" Comitology Decision, 87/373 (Council Decision laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ L 197/33).

ENVIRONMENT		IIa/IIIa/b	79
10	Management Committee for application of the directive on the standardisation and rationalisation of reports on the implementation of certain directives relating to the environment	IIa	5
11	Committee on the conservation of natural habitats and of wild fauna and flora (Natura)	IIIa	2
12	Committee for the protection of species of wild fauna and flora by regulating trade	IIIa/IIIb	12
15	Management Committee to monitor production and consumption of substances that deplete the ozone layer (SDO)	IIa	7
16	Committee for application of the regulation authorising voluntary participation by undertakings in the industrial sector in a Community eco-management and audit scheme (EMAS)	IIIa	2
17	Committee for the adaptation to technical progress and implementation of the directive and the deliberate release into the environment of genetically modified organisms	IIIa	8
18	Committee for the adaptation to technical progress of legislation to remove technical barriers to trade in dangerous substances and preparations	IIIa/IIIb	12
19	Committee for implementation of the directive on packaging and packaging waste	IIIa	7
20	Committee for the adaptation to technical progress and application of the Community award scheme for an eco-label (ECO-LABEL)	IIIa	17
40	Committee for implementation of the directive on integrated pollution prevention and control (IPPC)	IIIa	2
41	Committee for the adaptation to scientific and technical progress and implementation of the directives on waste	IIIa	5
RESEARCH		IIIa	1
21	Committee on the arrangements for the application of the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1999-2002)	IIIa	1
TOTAL			803