

# COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(89) 1591 final

Brussels. 28 September 1989

## DELEGATION OF EXECUTIVE POWERS TO THE COMMISSION

(Report from the Commission to the European Parliament)

## INTRODUCTION

1. The Single Act sets out to attain three objectives on the institutional front: to improve decision making, to increase Parliament's involvement and to make implementation more efficient. Two years on it is possible to review progress towards the attainment of these objectives.

improved decision making: the decision-making process in the Council has improved considerably thanks, firstly, to regular recourse to voting since the end of the Single Act negotiations, and, secondly, to the effect of provisions of the Single Act which extend majority voting;

increased involvement of Parliament: although the cooperation procedure falls short of Parliament's wishes and the Commission's demands, it has increased Parliament's involvement without giving rise to major political conflicts between the institutions or to delays in the adoption of Community legislation, as some had feared;

more efficient implementation: the Single Act aims to confer more executive powers on the Commission and to streamline the requirements imposed by the Council for the exercise of these powers. The Commission considers that the situation here is far from satisfactory. It is concerned by developments in this area which, to its mind, run counter to the spirit of the Single Act and are likely to compromise the efficiency of Community action in the lead-up to the single European market.

2. The purpose of this report is to outline developments on the delegation of executive powers to the Commission since the Single Act entered into force.

## NATURE OF DELEGATION

3. When the Council delegates executive powers to the Commission it is, in effect, authorizing it to take the necessary steps to apply its legislative acts.

This procedure mirrors standard practice in the Member States where the executive is responsible for adopting decisions to implement laws passed by the legislature.

4. The exercise of executive powers conferred on the Commission affects three main areas :

- quasi-legislation, in other words Commission acts filling in a legislative framework established by the Council;
- adaptation to technical progress (for instance, in the context of the elimination of technical barriers to trade and the amendment of technical annexes to directives);
- management (notably of the common market organizations in agriculture).

#### PRINCIPLES DEFINED IN THE SINGLE ACT

5. Article 10 of the Single Act added the following to Article 145 EEC :

"(The Council shall) confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the Opinion of the European Parliament ."

6. Furthermore, the declaration on the "powers of implementation of the Commission" adopted by the Intergovernmental Conference (Declaration N°1) reads as follows :

"The Conference asks the Community authorities to adopt, before the Act enters into force, the principles and rules on the basis of which the Commission's powers of implementation will be defined in each case.

In this connection the Conference requests the Council to give the Advisory Committee procedure in particular a predominant place in the interests of speed and efficiency in the decision-making process, for the exercise of the powers of implementation conferred on the Commission within the field of Article 100 A of the EEC Treaty".

7. Under Article 145 EEC as amended by the Single Act, the conferring of executive powers on the Commission should be the general rule. In specific cases, however, the Council may reserve the right to exercise implementing powers itself.

8. As requested by the Intergovernmental Conference the Commission, following signature of the Single Act, forwarded a proposal for a regulation to the Council on 3 March 1986 designed to define procedures for the exercise of executive powers conferred by the Council on the Commission (COM(86)35 final). This proposal made provision for three classic, well-tried procedures: the advisory committee procedure, the management committee procedure and the regulatory committee procedure. All other formulas or variants were excluded.

#### COUNCIL DECISION OF 13 JULY 1987

9. The decision adopted by the Council on 13 July 1987 (Decision 87/373/EEC, OJ L 197 of 18 July 1987, see Annex I) adheres in part only to the approach advocated in the Commission's proposal. In the first place it introduces a fourth procedure: the safeguard clause. In the second place it adds variants on procedure II (management committee), procedure III (regulatory committee) and the safeguard procedure. Two of these, namely variant IIIb - the safety net ("contrefilet") procedure - and variant (b) of the safeguard procedure, provide no guarantee that a decision will actually be taken.

#### THE COMMISSION'S POSITION

10. In a statement entered in the Council's minutes, the Commission regretted that the Council had included the safety net ("contrefilet") procedure and confirmed that it had reservations about variant (b) for the safeguard procedure.

11. The fact of the matter is that institutionalization of these variants has a significant incidence on the scope of delegation. Under the regulatory committee procedure if the measures to be taken by the Commission are not endorsed by the committee, or if the committee fails to give an opinion, the Commission submits a proposal to the Council relating to the measures to be taken. Since this is a proposal normal Treaty rules apply, that is to say, the Council must take a qualified majority decision if it intends to adopt the proposal as it stands but must secure unanimity

if it wishes to depart from the Commission's proposal.

12. Variant (a) of this procedure involves a net ("filet"), in other words the Commission is entitled to adopt the measures proposed if the Council fails to take a decision within the time allowed. This variant guarantees that, come what may, a decision is taken.

13. By contrast, variant (b) of this procedure involves a safety net ("contrefilet"), in other words the Council, acting by a simple majority within the time allowed, can decide against the measures proposed, and prevent the Commission from activating the net ("filet") and hence adopting the measures. This means that there is a real danger of no decision being taken since, in contrast to variant (a), the Council is not required to adopt the measures proposed by the Commission by a qualified majority or to amend them unanimously.

14. The addition of the safety net ("contrefilet") therefore represents a considerable restriction on the Commission's freedom of action and, consequently, on the scope of delegation. While the regulatory committee procedure (variant IIIa) allows the Commission to exercise its executive powers in the absence of a Council decision, the safety net ("contrefilet") (variant IIIb) allows a simple majority of Member States to block a Commission decision.

15. This is why the Commission and Parliament were firmly opposed to this procedure for reasons of institutional balance, although it must be said that, in practice, the safety net ("contrefilet") does not appear to have led to deadlock.

#### PARLIAMENT'S POSITION

16. During the debate on the Commission's proposal Parliament urged that the classic regulatory committee procedure with net ("filet") be dropped or alternatively that Parliament itself be involved in the procedure. The Commission agreed to send to Parliament certain draft decisions for information when they were referred to a committee for an opinion<sup>1</sup>.

<sup>1</sup> This arrangement relates to legislative acts only. Acts relating to routine management which have a limited life and are of minor importance, and acts which present problems of secrecy or urgency, are not sent to Parliament.

The fact that the Council's July 1987 Decision included not only a regulatory committee with net ("filet"), but a regulatory committee with safety net ("contrefilet") and a safeguard clause, provoked serious discontent in Parliament. On 2 October 1987 it initiated proceedings in the Court of Justice seeking annulment of the Council Decision on the grounds that the Council had infringed:

- Article 145 by not according the Commission the institutional role envisaged by the Single Act;
- Parliament's rights;
- an essential procedural requirement.

In its judgment of 27 September 1988 (Case 302/87), the Court of Justice, without pronouncing on the substance, declared Parliament's action inadmissible on the grounds that the Treaty does not allow Parliament to initiate proceedings for the annulment of Community acts.<sup>1</sup>

#### MAIN DIFFICULTIES ENCOUNTERED SINCE JULY 1987

17. Following adoption of the framework decision of 13 July 1987 laying down procedures for the exercise of implementing powers conferred on the Commission, the Council's willingness to delegate powers to the Commission varied from case to case (see Annex II). There are two reasons for the Council's reluctance which has sometimes resulted in a decision not to delegate powers:

- (a) firstly, a concern to ensure that it retains sole decision-making power in sensitive areas (in essence, health issues);
- (b) secondly, a willingness to delegate powers only if these are matched by a mechanism allowing it to block a Commission decision - the safety net

<sup>1</sup> The Commission, through its President, indicated that it considered that Parliament did have the right to seek the annulment of Council decisions.

("contrefilet") - and a determination not to delegate any powers rather than abandon this mechanism. In certain cases, given the Commission's objections to the safety net ("contrefilet") procedure, the Council found it easier to reach agreement on retaining implementing powers itself.

#### Sector-by-sector analysis

A look at the main areas in which delegation of executive powers raises problems (research, banking, the veterinary, food and plant health sectors, and the environment) reveals that the situation is as follows:

(a) On banking and the environment, the Council has clearly shown that it is wary of delegating powers to the Commission.

- (i) In the banking sector, it has on occasion reserved executive powers for itself for a transitional period (the "own funds" Directive) or conferred limited executive powers on the Commission despite the fact that there was a blocking mechanism ("contrefilet") (the "solvency ratio" Directive). These limitations relate not only to a field of application but also, and more importantly, to the time element (only three months for the decision on the approval of third country subsidiaries).
- (ii) On the environment, the two biotechnology Directives raised much the same problem as the banking Directives. Here too, although the powers delegated were subject to a blocking mechanism ("contrefilet"), the field of application was very limited, the Council reserving to itself the right to adapt the Annexes on the definition of genetic manipulation techniques. What is more, the Council made any future decisions subject to unanimity. In mitigation it must be admitted that the health risks presented by biotechnology are quite new and potentially serious.

(b) As far as research is concerned, the Council in the case of the RACE and ESPRIT II programmes opted for the safety net ("contrefilet") procedure for adaptation of the annual programme, derogations from the general rules and extension to third countries. The argument here was that the ESPRIT work programme had been adopted by the Council itself in the past.

(c) The situation is somewhat different as far as the veterinary, plant health and food sectors are concerned. Here a qualified majority could have been mustered for extensive delegation of powers subject to a blocking mechanism ("contrefilet"). Because the Commission refused to accept the safety net ("contrefilet") procedure, thereby making a majority decision impossible, the Council quite simply abandoned the delegation of powers because it could not secure the unanimity required to introduce the safety net ("contrefilet"). This was sometimes done with the Commission's agreement where the decision was important and a qualified majority was the only possibility. An example would be certain directives on the new approach to foodstuffs. It is also worth noting that the impossibility of a majority decision was an important factor in prompting the Council to "split" the Commission's proposals in the veterinary and plant health sectors. It must be recognized, however, that in certain instances the Council agreed to accept the regulatory committee procedure with net ("filet") for certain executive powers, side by side with the safety net ("contrefilet") procedure or the retention of implementing powers. This approach would seem to be dictated by a concern to follow precedents rather than a desire to share executive responsibility depending on the sensitivity of a given act.

#### Advisory Committee/Regulatory Committee

19. Since the July 1987 decision recourse to the advisory committee procedure has been the exception rather than the rule, despite the fact that the Council confirmed the Intergovernmental Conference's declaration in its minutes:

(a) as far as matters covered by Article 100a are concerned, the Council has used the advisory committee procedure on three occasions only. For internal market proposals as a whole,



the Council opted for the advisory committee procedure for six of the 22 proposals adopted since July 1987;

(b) in other words, the Council has stuck to the status quo in the sense that it has almost systematically replaced the advisory committee proposed by the Commission by a regulatory committee, not only in sensitive areas such as foodstuffs but also in areas such as standardization where the Commission has very little discretionary power.

#### Safety net ("contrefilet")

20. As we have seen above, the Council has tended to opt for the safety net ("contrefilet") procedure not only in areas where it had become customary (the veterinary and plant health sectors) but in other areas too (research, banking and the environment).

21. In the veterinary and plant health sectors covered by Article 43, the Council has opted for the safety net ("contrefilet") procedure on 14 occasions since July 1987. In these areas the Council's approach was justified by the need to deal with existing anomalies (research), by the fact that the special status of the sector had been recognized in a declaration attached to the July 1987 decision (banking), or by serious health risks (biotechnology Directives in the environment sector).

#### OPERATION OF COMMITTEES

22. Virtually none of the committees set up by acts adopted after 13 July 1987 are operational because the relevant acts have yet to enter into force. The situation as regards the internal market and agriculture is as follows:

##### (a) Regulatory Committees (procedure IIIa and IIIb)

- in the vast majority of cases (98%), the Commission secures a favourable opinion from the committee (approximately 800 decisions in the veterinary, animal health and plant health sectors dealt with by DG VI);

- in the remaining 2% of cases where the matter is referred to the Council in the absence of a favourable opinion from the committee (that is to say, either no opinion or a negative opinion), a decision is virtually always taken within the time allowed;
- cases of the Council failing to take a decision, and, consequently, of the Commission actually using the net ("filet"), are extremely rare;
- since the number of cases referred to the Council is extremely small and since a decision has virtually always been taken, recourse to the safety net ("contrefilet") has not proved necessary.

(b) Management Committees

Statistics for the period 1962 to 1978 show that 16 248 votes were taken by the agricultural management committees, of which:

- 15 094 favourable opinions
- 1 156 failures to give an opinion
- 8 negative opinions.

When the proposals subject to a negative opinion were referred to the Council, it only modified the Commission's decision on two occasions. This pattern is confirmed by more recent statistics, although no negative opinions have been delivered for several years now. Of the 1 792 votes taken in 1988, there were 1 665 favourable opinions and 127 failures to give an opinion. Of the 1 931 votes taken in 1987, there were 1 787 favourable opinions and 144 failures to give an opinion.

CONCLUSIONS

23. In political terms, the findings of this factual analysis can be summed up as follows:

24. Although the Community is well on the way to attaining the other main institutional objectives of the Single Act, the same cannot be said of the objective of making the delegation of executive powers to the Commission the general rule. However, this objective must be attained in the lead-up to the single European market if tasks are to be efficiently shared between the Council and the Commission, the Council concentrating essentially on its legislative function and shedding executive tasks which are better left to the Commission.

25. In the first place, there are often limits to the Council's willingness to confer executive powers on the Commission. Its reluctance seems to stem from a concern for efficiency, but the manner in which the Commission has acquitted itself hitherto in the exercise of executive powers provides no objective justification for this attitude.

26. In the second place, when the Council does confer executive powers on the Commission, the strings attached are either incompatible with undertakings given in connection with the Single Act or fail to ensure that a decision will actually be taken. In practice the Council has virtually ignored the undertaking given by the Member States at the Intergovernmental Conference - subsequently confirmed by the Council itself - to give a predominant place, in areas closely linked to the single European market, to the delegation of powers procedure which would guarantee speed and efficiency in the decision-making process (namely, the procedure whereby the Commission is assisted in the exercise of its powers by a committee of representatives of the Member States whose role is purely advisory). Furthermore, far from disappearing, the tendency to make the delegation of powers to the Commission subject to a blocking mechanism which allows the Council to prevent a decision being taken has become more common since the Single Act came into force.

27. An analysis of the many cases in which the Commission has exercised executive powers for many years now reveals no abuse whatsoever on the Commission's part. On the contrary, it demonstrates that the Commission has always been able to secure the backing of experts representing the Member States on the various committees.

M

28. Consequently, instances of the Commission having to refer proposed measures to the Council in the absence of support from national experts are virtually non-existent and the Council has never had to use the blocking mechanism designed to prevent the Commission intervening in the event of the Council failing to take a decision, .

29. There is therefore no objective basis for the Council's insistence on a blocking mechanism to prevent the Commission abusing the executive powers conferred upon it.

30. By contrast, the Council's unwillingness to honour undertakings given and to comply with the spirit of the Single Act has led to deadlock on many proposals with inevitable consequences for progress.

31. For this reason the Commission recently proposed to the Council that something should be done to improve the situation, without challenging the committee system as a whole, at a time when progress towards the single European market is vital. The short communication sent to the Council on 10 July 1989 (SEC(89)1143 final) is in no way a substitute for the present report, but rather a paper designed to back the Commission's representations to the Council.

32. In it the Commission suggested that cooperation between the Council and the Commission could be improved along the following lines:

- the delegation of executive powers should be assessed in the light of the need to increase efficiency and cut down on red tape
- the advisory committee procedure should no longer be an exception in areas covered by Article 100a but should be given a "predominant place" as required by the Intergovernmental Conference's declaration
- recourse to the regulatory committee procedure could be justified in areas with a bearing on health issues, recognized by the Commission as being of major importance to the Member States

- except in exceptional circumstances, there should be no further recourse to the safety net ("contrefilet") procedure since it incorporates an element of uncertainty for the business world which needs a clear view of measures adopted for the application of Council decisions
  
- twice a year the Council (General Affairs) would review committee procedure problems arising within the specialized Councils and in the day-to-day operation of a given committee.

These proposals reflect the Commission's concern to see the Council abandoning an approach which it, like Parliament, sees as diluting the spirit of the Single Act.

## COMMITTEES

## ADVISORY COMMITTEE 1

## MANAGEMENT COMMITTEE 2

<u>Variant 2a:</u> CAP <u>Opinion</u> (qualified majority)		<u>Variant 2b:</u> Areas other than CAP <u>Opinion</u> (qualified majority)	
Favourable or none   Measures adopted by Commission	Negative   Measures adopted by Commission and notified to Council <u>No suspensive effect</u> Time limit for qualified majority decision	Same as 2a	Negative   Referral to Council <u>Suspensive effect</u> Time limit for qualified majority decision Measures adopted by Commission in absence of Council decision

## REGULATORY COMMITTEE 3

<u>Variant 3a:</u> Net ("filet") <u>Opinion</u> (qualified majority)		<u>Variant 3b:</u> Safety net ("contrefilet") <u>Opinion</u> (qualified majority)	
Favourable   Measures adopted by Commission	Negative or none   Referral to Council <u>Suspensive effect</u> Time limit for qualified majority decision   Measures adopted by Commission in absence of a Council decision	Same as 3a	Negative or none   Referral to Council Same as 3a   Measures adopted by Commission unless Council decides against them by a simple majority
"filet"		"contrefilet"	

## SAFEGUARD CLAUSE 4

<u>Variant 4a</u>	<u>Variant 4b</u>
Measures adopted by Commission   Referral to Council at the request of one Member State <u>No suspensive effect</u> Time limit for qualified majority decision <u>Measures stand in absence of a Council decision</u>	Same as 4a   <u>Measures lapse</u> in absence of a Council decision

SEPTEMBER 1989

COMMITTEE PROCEDURES IN ACTS ADOPTED BY THE COUNCIL  
SINCE ENTRY INTO FORCE OF THE SINGLE ACT<sup>\*</sup>

Comparative table of procedures proposed by the Commission  
and procedures adopted by the Council

\*Acts published in the Official Journal up to 14 July 1989

COMMITTEE PROCEDURE

Proposed by Commission

Adopted by Council

TOTAL - INTERNAL MARKET

I	Advisory committee	23	6
II a	Management committee, variant a	1	1
III a	Regulatory committee with net ("filet")	16	23
III b	Regulatory committee with safety net ("contrefilet")	5	14
IV a	Safeguard procedure, variant a	1	2
	Technical standards committee 83/189	5	5
	Total committee procedures	51	51
	Total measures	47	47

OF WHICH MATTERS COVERED BY ARTICLE 100a

I	Advisory committee	13	3
II a	Management committee, variant a	1	1
III a	Regulatory committee with net ("filet")	8	19
III b	Regulatory committee with safety net ("contrefilet")	0	0
IV a	Safeguard procedure, variant a	0	0
	Technical standards committee 83/189	4	4
	Total committee procedures	25	27
	Total measures	24	24



COMMITTEE PROCEDURE

		<u>Proposed by Commission</u>	<u>Adopted by Council</u>
<b>TOTAL - AREAS OTHER THAN THE INTERNAL MARKET</b>			
I	Advisory committee	26	26
II a	Management committee, variant a	26	27
II b	Management committee, variant b	0	2
III a	Regulatory committee with net ("filet")	18	21
III b	Regulatory committee with safety net ("contrefilet")	0	2
	Other (revised ESF, Codest)	2	2
	Number of committee procedures	72	80
	Number of measures	70	70

**GRAND TOTAL INCLUDING THE INTERNAL MARKET**

I	Advisory committee	49	32
II a	Management committee, variant a	27	28
II b	Management committee, variant b	0	2
III a	Regulatory committee with net ("filet")	34	44
III b	Regulatory committee with safety net ("contrefilet")	5	16
IV a	Safeguard procedure, variant a	1	2
	Other (revised ESF, Codest, 83/189)	7	7
	Total committee procedures	123	131
	Total measures	117	117

N.B.: The fact that the number of procedures proposed and adopted coincide does not necessarily mean that the Council accepted the Commission's proposal. Added to which more than one type of procedure has been adopted within the framework of the same act.

Attached is a technical annex available in French only.

17

## ANNEXE TECHNIQUE

DOCUMENT	TITRE	TYPE DE COMITE			
		Prop. de la Commission		Décision du Conseil	
	Marché intérieur -----				
100 A	COM (86) 273 Mesures à prendre contre les émissions de gaz polluants provenant des moteurs diesel destinés à la propulsion des véhicules (Dir. 88/77)	I	16/06/86	III a	03/12/87
100 A	COM (84) 489 COM (85) 514 Aliments surgelés destinés à l'alimentation humaine (Dir. 89/108)	III a	22/10/87	III a	21/12/87
100 A	COM (83) 323 COM (86) 541 COM (87) 467 COM (88) 220 Sécurité des jouets (Dir. 88/378)	83/189 *	13/04/88	83/189	03/05/88
100 A	COM (86) 777 COM (88) 226 Modification de la directive 74/150 - réception des tracteurs agricoles ou forestiers à roues (Dir. 88/297)	I	14/04/88	—	03/05/88
100 A	COM (85) 364 COM (87) 39 COM (87) 633 Classification, emballage et étiquetage des préparations dangereuses (Dir. 88/379)	I	24/11/87	III a	07/06/88
100 A	COM (86) 698 Bonnes pratiques de laboratoire pour les essais non-cliniques sur les produits chimiques (Dir. 88/320)	I	03/12/86	III a	09/06/88
100 A	COM (83) 626 COM (85) 79 COM (88) 227 Solvants d'extraction utilisés dans la fabrication des denrées alimentaires et de leurs ingrédients. (Dir. 88/344)	III a	20/04/88	III a	13/06/88

\* Comité des normes techniques institué par la directive 83/189/CEE (compétence en matière de normalisation), consultatif.

<u>DOCUMENT</u>		<u>TITRE</u>	<u>TYPE DE COMITE</u>			
			<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
	COM (80) 286 COM (82) 166 COM (88) 221	Agents aromatisants (Dir. 88/388)	III a	13/04/88	III a	22/06/88
100 A	COM (87) 194	Application de la directive 74/150 - éléments et caractéristiques des tracteurs agricoles ou forestiers à roues (Dir. 89/173)	I	30/04/87	III a	21/12/88
100 A	COM (86) 87 COM (87) 243	Additifs pouvant être employés dans les denrées destinées à l'alimentation humaine (Dir. 89/107)	I	18/05/87	III a	21/12/88
100 A	COM (86) 90 COM (87) 239 COM (88) 851	Matériaux et objets destinés à entrer en contact avec des denrées alimentaires	I	20/12/88	III a	21/12/88
100 A	COM (86) 756 COM (87) 728	Produits de construction (Dir. 89/106)	I + 83/189	23/12/87	I + III a + 83/189	21/12/88
100 A	COM (87) 527 COM (88) 548 COM (89) 107	Compatibilité électromagnétique	83/189	04/10/88	83/189	03/05/89
100 A	COM (87) 132 COM (88) 443 COM (89) 200	Protection latérale (gardes latérales) de certains véhicules à moteur et de leurs remorques (Dir. 89/297)	I	12/04/89	III a	13/04/89
100 A	COM (87) 697 COM (88) 663	Amendements aux directives 65/65, 75/318 et 75/319 - extension du champ d'application de directives relatives aux produits pharmaceutiques (Dir. 89/341)	III a	10/11/88	III a	03/05/89

15

<u>DOCUMENT</u>		<u>TITRE</u>	<u>TYPE DE COMITE</u>			
			<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
100 A	COM (87) 697 COM (88) 663	Amendements aux directives 65/65 et 75/319 - dispositions complémentaires pour les médicaments immunologiques consistant en vaccins, toxines, sérum ou allergènes (Dir. 89/342)	III a	10/11/88	III a	03/05/89
100 A	COM (87) 697 COM (88) 663	Amendements aux directives 65/65 et 75/319 - dispositions complémentaires pour les médicaments radiopharmaceutiques (Dir. 89/343)	III a	10/11/88	III a	03/05/89
100 A	COM (86) 91 COM (87) 241	Denrées alimentaires destinées à une alimentation particulière	I	18/05/87	III a	03/05/89
100 A	COM (87) 697 COM (88) 663 COM (89) 178	Amendements aux directives 65/65 et 75/319 - dispositions spéciales pour les médicaments dérivés du sang ou du plasma humain (Dir. 89/381)	III a	10/11/88	III a	14/06/89
100 A	COM (86) 89 COM (87) 242 COM (89) 223	Amendements à la directive 79/112 - étiquetage et présentation des denrées alimentaires destinées au consommateur final ainsi que la publicité faite à leur égard	I	28/04/89	III a	14/06/89
100 A	COM (87) 564 COM (88) 267 COM (88) 837	Machines (Dir. 89/392)	83/189	14/12/88	I + 83/189	14/06/89
100 A, 43	COM (82) 328 COM (86) 159	Définition, désignation et présentation des boissons spiritueuses (Règl. 1576/89)	II a (*)	10/09/86	II a + III a	29/05/89
100 A, 66, 57.2	COM (86) 679 COM (88) 354 COM (89) 141	Coordination des procédures de passation des marchés publics de travaux	I	21/03/89	I	14/06/89

(\*) transmise antérieurement à la décision de la Commission de ne pas proposer des procédures qui ne garantissent pas la prise de décision (COM (87) PV 881, point XI, A du 8.7.1987)

<u>DOCUMENT</u>		<u>TITRE</u>	<u>TYPE DE COMITE</u>	
			<u>Prop. de la Commission</u>	<u>Décision du Conseil</u>
100 A, 43	COM (86) 688 COM (88) 319	Amendement à la directive 75/726/CEE - jus de fruits et certains produits similaires	I 18/12/86	III a 14/06/89
100, 213	COM (87) 52 COM (87) 607	Procédure d'information dans le domaine des normes et réglementations techniques (Dir. 88/152)	I + 83/189 23/11/87	I + 83/189 22/03/88
87	COM (84) 72 COM (86) 328	Transport aérien : application de l'article 85.3 CEE à des catégories d'accords et de pratiques concertées dans le domaine des transports aériens (Régl. 3976/87)	I (☆) 18/06/86	I 14/12/87
84.2	COM (81) 396 COM (84) 72 COM (86) 677	Transport aérien : répartition de la capacité en sièges et accès au marché (Déc. 87/602)	IV a (☆) 20/11/86	IV a 14/12/87
75.3	COM (83) 340 COM (86) 595 COM (87) 729	Transport routier : organisation du marché (Régl. 1841/88)	I -- (☆☆) 23/12/87	IV a 21/06/88
57.2	COM (86) 169 COM (88) 15 COM (89) 208	Fonds propres des établissements de crédit (Dir. 89/299)	III a 15/01/88	-- (☆☆☆) 17/04/89
54	COM (80) 893 COM (82) 441	Conditions d'établissement, de contrôle et de diffusion du prospectus à publier en cas d'offre publique de valeurs mobilières	I (☆) 09/07/82	I 17/04/89

(☆) transmise antérieurement à la décision de la Commission de ne pas proposer des procédures qui ne garantissent pas la prise de décision (COM (87) PV 881, point XI, A du 8.7.1987)

(☆☆) consultation des Etats membres

(☆☆☆) retention provisoire des compétences par le Conseil

DOCUMENT	TITRE	TYPE DE COMITE					
		Prop. de la Commission		Décision du Conseil			
43	COM (86) 555	Eradication de la peste porcine classique (Dir. 87/486, 487 & 489, Déc. 87/488)		III a (*)	20/10/86	III b	22/09/87
43	COM (84) 295 COM (85) 157 COM (85) 607 COM (85) 832	Utilisation de substances à effet hormonal dans la production animale (Dir. 85/358, 85/649 remplacée par 88/146)		III b (*)	17/12/85	III b	09/03/88
43	COM (87) 207	Système de contrôle sanitaire des importations en provenance des pays tiers aux postes de contrôle frontaliers (projet Shift) (Déc. 88/192)		I	08/05/87	III a	28/03/88
43	COM (86) 532	Problèmes sanitaires en matière d'échanges intra- communautaires de viandes fraîches (Dir. 88/289)		— (*)	03/10/86	III b	03/05/88
43	COM (86) 532	Problèmes sanitaires et de police sanitaire lors de l'importation d'animaux des espèces bovine et porcine et de viandes fraîches en provenance de pays tiers (Dir. 88/288)		III b (*)	03/10/86	III b	03/05/88
43	COM (85) 782	Certification des semences et catalogue commun des variétés des espèces de plantes agricoles (Dir. 88/380)		III b (*)	18/12/85	III b	13/06/88
43	COM (83) 512 COM (86) 657	Exigences de police sanitaire applicables au sperme surgelé d'animaux de l'espèce bovine (Dir. 88/407)		III b (*) I + III a	14/11/86	III b	14/06/88
43	COM (84) 288	Amendements à la directive 77/93 - mesures de protection contre l'introduction dans les Etats membres d'organismes nuisibles aux végétaux ou produits végétaux (Dir. 88/572)		III b + III b (*)	26/03/84	III b + III b	14/11/88

(\*) transmise antérieurement à la décision de la Commission de ne pas proposer des procédures qui ne garantissent pas la prise de décision (COM (87) PV 881, point XI, A du 8.7.1987)

<u>DOCUMENT</u>		<u>TITRE</u>	<u>TYPE DE COMITE</u>			
			<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
43	COM (86) 613	Confitures, gelées, marmelades et crème de marrons (Dir. 88/593)	I (*)	20/11/86	III a	18/11/88
43	COM (87) 658 COM (88) 760	Exigences relatives à la production et aux échanges de viandes hâchées et similaires (Dir. 88/657)	III a	09/12/87	III b	14/12/88
43	COM (85) 678	Amendements à la directive 77/99 - produits à base de viande (Dir. 88/658)	III b (*) III a	29/11/85	III b	15/12/88
43	COM (79) 785 COM (86) 659	Normes zootechniques applicables aux animaux de l'espèce porcine reproducteurs (Dir. 88/661)	III a I (*)	14/11/86	III a	19/12/88
43	COM (88) 797	Eradication de la pleuro-pneumonie contagieuse des bovins (PPCB) au Portugal (Déc. 89/145)	III a	09/12/88	III b	20/02/89
43	COM (84) 530 COM (86) 658 COM (88) 760	Importation de produits à base de viande en provenance de pays tiers (Dir. 89/227)	III b (*) I + III a	14/11/86	III b	21/03/89
43	COM (87) 591	Animaux des espèces ovines et caprines, reproducteurs de Race pure (Dir. 89/361)	I	24/11/87	III a	30/05/89
43	COM (87) 46 COM (88) 646	Problèmes sanitaires relatifs à la production et à la mise sur le marché des ovoproduits	III a	03/02/87	III b	19/06/89
43	COM (88) 170	Amendements à la directive 77/93 - mesures de protection contre l'introduction dans les Etats membres d'organismes nuisibles aux végétaux ou produits végétaux	III a	25/03/88	III b	26/06/89

(\*) transmise antérieurement à la décision de la Commission de ne pas proposer des procédures qui ne garantissent pas la prise de décision (COM (87) PV 881, point XI, A du 8.7.1987)

DOCUMENTTITRETYPE DE COMITEProp. de la CommissionDécision du ConseilStatistique

COM (88) 176	Harmonisation de l'établissement du PNB au prix du marché	I	30/03/88	II b	13/02/89
	I Comité consultatif	1			
	II b Comité de gestion, variante b			1	
	Total nombre de procédures comités	1		1	
	Nombre de mesures concernées	1		1	

Relations extérieures

COM (87) 567	Régime d'exportation de déchets et débris de métaux non-ferreux	III a	13/11/87	III a	21/12/87
COM (87) 701	Régime d'importation de certains produits textiles	III a	18/12/87	III a	02/02/88
COM (87) 695	Régime d'importation de textiles originaire de Yougoslavie	III a	16/12/87	III a	02/02/88
COM (87) 714	Régime d'importation de produits textiles originaires de la république populaire de Chine	III a	21/12/87	III a	02/02/88



DOCUMENTTITRETYPE DE COMITE

DOCUMENT	TITRE	TYPE DE COMITE	
		<u>Prop. de la Commission</u>	<u>Décision du Conseil</u>
COM (88) 44	Régime à l'importation de certains produits originaires de certains pays tiers non membres du GATT	II a 15/02/88	II a 26/04/88
COM (88) 112	Défense contre les importations qui font l'objet d'un dumping ou de subventions de la part de pays non membres de la CEE	I 22/03/88	I 11/07/88
	I Comité consultatif	1	1
	II a Comité de gestion, variante a	1	1
	III a Comité de règlementation avec "filet"	4	4
	Total nombre de procédures comités	6	6
	Nombre de mesures concernées	6	6

Concurrence  
-----

COM (84) 72	Application des règles de concurrence aux transports aériens	I 22/02/84	I 14/12/87
	I Comité consultatif	1	1
	Total nombre de procédures comités	1	1
	Nombre de mesures concernées	1	1

DOCUMENTTITRETYPE DE COMITEProp. de la CommissionDécision du ConseilAffaires sociales

COM (87) 544	Programme HELIOS	I	07/11/87	I	18/04/88
COM (88) 412	Soutien financier en faveur de la Grèce	I	20/07/88	II a	17/12/88
COM (86) 296 COM (87) 535	Protection des travailleurs : exposition à des agents chimiques, physiques et biologiques pendant le travail	III a		III a	
COM (88) 73 COM (88) 802 COM (89) 281	Amélioration de la sécurité et de la santé des travailleurs au travail	III a	07/06/89	III a	12/06/89
	I Comité consultatif	2		1	
	II a Comité de gestion	0		1	
	III a Comité de réglementation avec "filet"	2		2	
	Total nombre de procédures comités	4		4	
	Nombre de mesures concernées	4		4	

Education / Jeunesse

COM (86) 52 COM (87) 76	Programme "yes pour l'Europe" pour promouvoir les échanges de jeunes de la Communauté	I	02/03/87	I	16/06/88
COM (88) 429 COM (88) 738	Programme COMETT II (coopération Université - entreprise)	I	05/12/88	I/II a	16/12/88

DOCUMENT	TITRE	TYPE DE COMITE	
		Prop. de la Commission	Décision du Conseil
COM (87) 342 COM (87) 342	Programme en faveur des handicapés	I	I 18/04/88
	I Comité consultatif	3	3
	II a Comité de gestion	0	1
	Total nombre de procédures comités	3	4
	Nombre de mesures concernées	3	3
	<u>Politique de l'agriculture</u>		
COM (88) 46	Importation de patates douces et de féculé de manioc	II a	II a
COM (87) 245	Enquêtes sur la structure des exploitations agricoles 88/97	II a	II a
COM (88) 125	OCM viti-vinicole : octroi prime d'abandon définitif	II a/II a	II a/II a
COM (88) 183	Aide spécifique Irlande : développement des statistiques agricoles	II a	II a
COM (88) 120	Prix des pommes de terre 88/89	II a	II a
COM (86) 398	Distillation des vins et sous-produits	II a	II a 28/07/86 26/07/88
COM (87) 166 COM (88) 272 COM (89) 61	Aides transitoires au revenu agricole	II a	II a 06/02/89 21/03/89
COM (87) 166	Encouragement à la cessation de l'activité agricole	II a	II a 03/06/87 25/04/88

<u>DOCUMENT</u>	<u>TITRE</u>	<u>TYPE DE COMITE</u>			
		<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
COM (88) 367	Système du prix minimal à l'importation pour certaines cerises transformées	II a	24/06/88	II a	17/10/88
COM (88) 422	Ecoulement d'alcool vinique	II a	19/07/88	II a	12/12/88
COM (87) 91 COM (87) 652	Elaboration et commercialisation des vins de liqueur produits dans la Communauté	II a	17/03/87	II a	21/12/88
COM (88) 458	Contingent tarifaire commun pour les viandes bovines de haute qualité, fraîches, réfrigérées ou congelées	II a	12/09/88	II a	19/12/88
COM (88) 458	Contingent tarifaire communautaire pour la viande de buffle congelé	II a	12/09/88	II a	19/12/88
COM (88) 458 COM (88) 781	Ouverture, répartition et mode de gestion d'un contingent tarifaire communautaire pour la viande bovine congelée	II a	05/12/88	II a	19/12/88
COM (88) 465	Fixation d'un seuil d'intervention pour les clémentines en Espagne pour la campagne 1988/89	II a	08/09/88	II a	18/10/88
COM (89) 75	Transfert vers l'Italie de 300.000 tonnes d'orge détenues par l'organisme d'intervention espagnol	II a	24/02/89	II a	06/03/89
COM (88) 163	Projet pilote de télédétection appliquée aux statistiques agricoles	—	21/04/89	I	26/09/88
COM (88) 284 *	Action commune d'urgence en faveur des zones agricoles des régions de Valence et Murcie (Espagne)	II a	07/06/88	II a	17/10/88
COM (88) 284 *	Action commune visant à la reconstitution des oliveraies endommagées par le gel dans certaines régions grecques en 1987	II a	07/06/88	II a	17/10/88

-----  
\* Autre DG chef de file : DG XXII

DOCUMENTTITRETYPE DE COMITE

		<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
COM (88) 832	Mesure spécifique en faveur de certaines légumineuses à grains	II a	14/12/88	II a	20/03/89
COM (89) 39					
COM (89) 185	Prix des pommes de terre 1989-1990	II a	16/02/89	II a	03/05/89
	I Comité consultatif	0		1	
	II a Comité de gestion	21		21	
	III a Comité de réglementation avec "filet"	0		0	
	avec "contrefilet"	0		0	
	Total nombre de procédures comités	21		22	
	Nombre de mesures concernées	21		21	

Politique de développement

COM (87) 492	Modification du règlement n° 3972/86 concernant la politique et la gestion de l'aide alimentaire	II a/I	14/10/87	III a	
COM (88) 158 COM (88) 448	Actions de co-financement d'achats de produits alimentaires ou semences effectuées par les OI et ONG	I	29/07/88	III a	04/08/88

DOCUMENTTITRETYPE DE COMITECOM (88) 119  
COM (88) 453Mise en oeuvre de programmes de stockage et de  
systèmes d'alerte (aide alimentaire)Prop. de la CommissionDécision du ConseilI  
III a                    02/08/88                    III a                    04/08/88

I	Comité consultatif	2	0
II a	Comité de gestion	1	0
III a	Comité de réglementation avec "filet"	1	3
	Total nombre de procédures comités	4	3
	Nombre de mesures concernées	3	3

Environnement  
-----

COM (86) 729

Actions communautaires pour l'environnement

I                    12/12/86                    I                    23/07/87

COM (88) 58

Règles communes applicables à certains produits  
appauvrissant la couche d'ozone

II a                    24/03/88                    II a                    14/10/88

I	Comité consultatif	1	1
II a	Comité de gestion	1	1
	Total nombre de procédures comités	2	2
	Nombre de mesures concernées	2	2

DOCUMENTTITRETYPE DE COMITEProp. de La CommissionDécision du ConseilRecherche et technologie  
-----

COM (85) 590 COM (87) 144	Coordination et promotion de la recherche dans le secteur de la pêche	I	30/03/87	I/II a	19/10/87
COM (87) 360 COM (88) 312	Développement d'un marché des services de l'information	--	20/07/87	I	26/07/88
COM (86) 547 COM (87) 379 COM (87) 460 COM (87) 618	Programme RACE (technologie des télécommunications)	III a	24/11/87	III a/III b	14/12/87
COM (87) 313 COM (87) 666	Programme ESPRIT (technologie de l'information)	I/III a	01/12/87	I/III a/III b	11/04/88
COM (87) 353 COM (88) 166	Programme DELTA (technologie de l'apprentissage)	III a	22/03/88	III a	29/06/88
COM (87) 352 COM (88) 315 - SYN 95 -	Programme AIM (technologies de l'information appliquée à la santé et des télécommunications)	III a	27/05/88	III a	04/11/88
COM (88) 358 - SYN 99 -	Programme SCIENCE (plan de stimulation des coopérations internationales et des échanges nécessaires aux chercheurs européens)	Codest (*)	20/06/88	Codest	29/06/88
COM (87) 351 COM (88) 167 COM (88) 360	Programme DRIVE (technologie de l'information et des télécommunications appliquée aux transports routiers)	III a	16/06/88	III a	29/06/88
COM (89) 51	Programme ECLAIR	I	07/02/89	I	23/02/89

(\*) Comité de développement européen de la science et de la technologie institué par la décision 82/835/CEE, consultatif.

18

14.

DOCUMENTTITRETYPE DE COMITEProp. de la CommissionDécision du Conseil

COM (88) 388 COM (88) 757 COM (89) 93	Programme JOULE	I	24/02/89	I	14/03/89
COM (88) 385 COM (88) 830 COM (89) 84	Programme BRITR/EURAM	I/III a	25/05/88	I/III a	06/03/89
COM (88) 319 COM (88) 326 COM (89) 90	Accès aux grands équipements et installations scientifiques et techniques d'intérêts commun	I	24/02/89	I	14/03/89
COM (88) 426 COM (89) 105	Programme SPRINT	II a	24/02/89	II b	17/04/89
COM (87) 302 COM (88) 177	Programme de recherche et d'enseignement sur la fusion thermonucléaire	--	23/03/88	I	25/07/88
COM (88) 410 COM (89) 94	Programme DOSES (développement de systèmes en statistique)	I	09/03/89	I	20/06/89
COM (88) 386 COM (89) 104 COM (89) 270	Programme MONITOR (analyse stratégique, prévisions et évaluation en matière de recherche)	I	24/02/89	I	20/06/89
COM (88) 587 COM (89) 92 COM (89) 252	Programme MAST (technologie marine)	I	24/02/89	I	20/06/89
COM (88) 260 COM (88) 804 COM (89) 283	Programme VALUE (diffusion et utilisation des résultats de la recherche)	I	01/06/88	I	20/06/89



DOCUMENTTITRETYPE DE COMITE

COM (88) 851  
 COM (89) 77  
 COM (89) 250

Programme FLAIR  
 (technologies de l'alimentation)

		<u>Prop. de La Commission</u>	<u>Décision du Conseil</u>
		I	16/02/89
			I 20/06/89
I	Comité consultatif	11	13
II a	Comité de gestion, variante a	1	1
II b	Comité de gestion, variante b	0	1
III a	Comité de réglementation avec "filet"	6	6
III b	Comité de réglementation avec "contrefilet"	0	2
	Codest	1	1
	Total nombre de procédures comités	19	24
	Nombre de mesures concernées	19	19

Institutions financières  
 -----

COM (85) 791  
 COM (87) 422

Information à publier : acquisition ou cession de  
 participation d'une société cotée en bourse

		III a/I	04/01/87	III a/I	12/12/88
I	Comité consultatif	1		1	
III a	Comité de réglementation avec "filet"	1		1	
	Total nombre de procédures comités	2		2	
	Nombre de mesures concernées	1		1	

DOCUMENTTITRETYPE DE COMITEProp. de la CommissionDécision du ConseilEnergie

COM (88) 576 COM (89) 221	Programme d'action pour améliorer l'utilisation efficace de l'électricité	I	20/10/88	I	05/06/89
	I Comité consultatif	1		1	
	Total nombre de procédures comités	1		1	
	Nombre de mesures concernées	1		1	

Budget

COM (88) 99 COM (88) 736	Régime uniforme de perception de ressources propres TVA	I	09/03/88	I	07/06/89
	I Comité consultatif	1		1	
	Total nombre de procédures comités	1		1	
	Nombre de mesures concernées	1		1	

Affaires douanières

COM (83) 741	Régime de l'admission temporaire des moyens de transport	III a	19/12/83	III a	14/06/89
COM (84) 739 COM (85) 470 COM (89) 215	Paiement de droits résultant d'une dette douanière	—	07/01/85	III a	14/06/89

DOCUMENTTITRETYPE DE COMITE

DOCUMENT	TITRE	<u>Prop. de la Commission</u>		<u>Décision du Conseil</u>	
COM (85) 468	Entrepôts douaniers et zones franches	III a	25/09/85	III a	25/07/88
COM (85) 766	Marchandises introduites dans le territoire douanier de la Communauté	III a	19/12/85	III a	21/12/88
COM (87) 698	Définition de la notion de "produits originaires"	III a	18/12/87	III a	07/03/88
	III a Comité de réglementation avec "filet"	4		5	
	Total nombre de procédures comités	4		5	
	Nombre de mesures concernées	5		5	

Instruments structurels

COM (88) 141	Programme spécifique de développement industriel (PEDIP)	—	19/04/88	I	24/06/88
COM (88) 697	Coordination entre les interventions des différents fonds structurels et entre celles-ci et celles de la BEI et des autres instruments financiers existants	FSE révisé/ I/ II a	21/11/88	FSE rév./ I/ II a	19/12/88
	I Comité consultatif	1		2	
	II a Comité de gestion	1		1	
	FSE révisé	1		1	
	Total nombre de procédures comités	3		4	
	Nombre de mesures concernées	2		2	

22  
5