



THE EU TREATIES

THE ORDINARY LEGISLATIVE PROCEDURE

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WHAT TYPES OF LEGISLATION ARE THERE?

- ❑ **Regulation:** applicable and binding in all Member States directly.
- ❑ **Directive:** binding on Member States, or a group of Member States. Usually, directives must be transposed into national law to become effective.
- ❑ **Decision:** can be addressed to Member States, groups of people, or even individuals. It is binding on addressees in its entirety.
- ❑ **Recommendations and opinions** have no binding force.





THE TREATY PROVIDE LEGAL BASIS AND SETS OUT PROCEDURE

- ❑ Every European law is based on a specific treaty article, referred to as the 'legal basis' of the legislation. This determines which legislative procedure must be followed.
- ❑ The treaty sets out the decision-making process, including Commission proposals, successive readings by the Council and Parliament, and the opinions of the advisory bodies. It also lays down when unanimity is required, and when a qualified majority is sufficient for the Council to adopt legislation.
- ❑ The great majority of EU legislation is adopted using the ordinary legislative procedure. In this procedure, the Parliament and the Council share legislative power.





HOW IS LEGISLATION PASSED?

- ❑ The ordinary procedure starts with the Commission submitting a legislative proposal to the European Parliament and the Council. OLP covers the majority of the EU's areas of competence.
- ❑ The "right of initiative" lies with the European Commission. However, Parliament and Council, as well as other institutions in well-defined cases, may ask the Commission to submit proposals.
- ❑ A Commission proposal may also follow a European Citizens' Initiative.





FROM CONSULTATION TO PROPOSAL

- ❑ The Commission's proposal is the result of an extensive consultation process.
- ❑ A consultation process is also launched among the different Commission departments (inter-service consultation).
- ❑ The Commission's proposal is adopted by the College of Commissioners through either a written or an oral procedure.
- ❑ The Commission submits its proposal to the European Parliament and the Council, to all EU national parliaments and, where applicable, to the Committee of the Regions and the Economic and Social Committee.





THE ROLE OF NATIONAL PARLIAMENTS

- ❑ National Parliaments ensure respect of subsidiarity.
- ❑ Eight weeks to issue a reasoned opinion if draft legislation does not comply with the principle of subsidiarity. Each has two votes.
- ❑ Yellow card: 1/3 or more of NP are of the opinion that the draft legislation does not comply with the subsidiarity principle. (1/4 if proposal submitted on judicial cooperation in criminal matters and police cooperation). Yellow card review may lead to Commission maintaining, amending or withdrawing proposal.
- ❑ Orange card: simple majority of NP are of the opinion that proposal does not comply with subsidiarity principle. If Commission keeps the proposal it must justify its position and EP and Council must consider subsidiarity issue before first reading.





ADVISORY BODIES

- ❑ The Economic and Social Committee (ESC) and the Committee of the Regions (CoR) must be consulted by the Commission and the Council on certain issues or when the Council considers it appropriate. For example, the ESC must give its opinion on economic and social policy and the CoR must be consulted on environment, education and transport. The Council or Commission can set a time limit for the submission of opinions. The European Parliament also has the option of consulting the two Committees. In addition, the Committees can issue opinions on their own initiative.





FIRST READING





FIRST READING IN THE EUROPEAN PARLIAMENT

- ❑ A lead committee is designated which appoints a rapporteur from among its members.
- ❑ Commission may be invited to defend its proposal.
- ❑ Committees (lead, associate, opinion-giving) and MEPs can table amendments. Once the report is adopted in the lead committee, it is placed on the plenary agenda (where further amendments may be tabled).
- ❑ EP adopts a legislative resolution stating whether it approves or rejects the proposal or amends it and, if so, includes the proposal as amended and approved by Parliament.
- ❑ The resolution is forwarded to the Council and the Commission, which may adopt an amended proposal.



FIRST READING IN THE COUNCIL

- ❑ Council decisions are prepared within working parties, which report to Coreper. Coreper prepares Council decision.
- ❑ Council may take a "general approach" or "political agreement" prior to EP's 1st reading position.
- ❑ After EP's 1st reading, four possible scenarios appear:
 - a. EP adopts no amendments and Council does not wish to change the Commission's proposal: Adoption
 - b. EP amends, Council approve all the amendments: Adoption
 - c. Council rejects the Commission proposal as a whole (not explicit in the Treaty)
 - d. Council does not adopt all Parliament's amendments or introduces its own changes: 1st reading position.



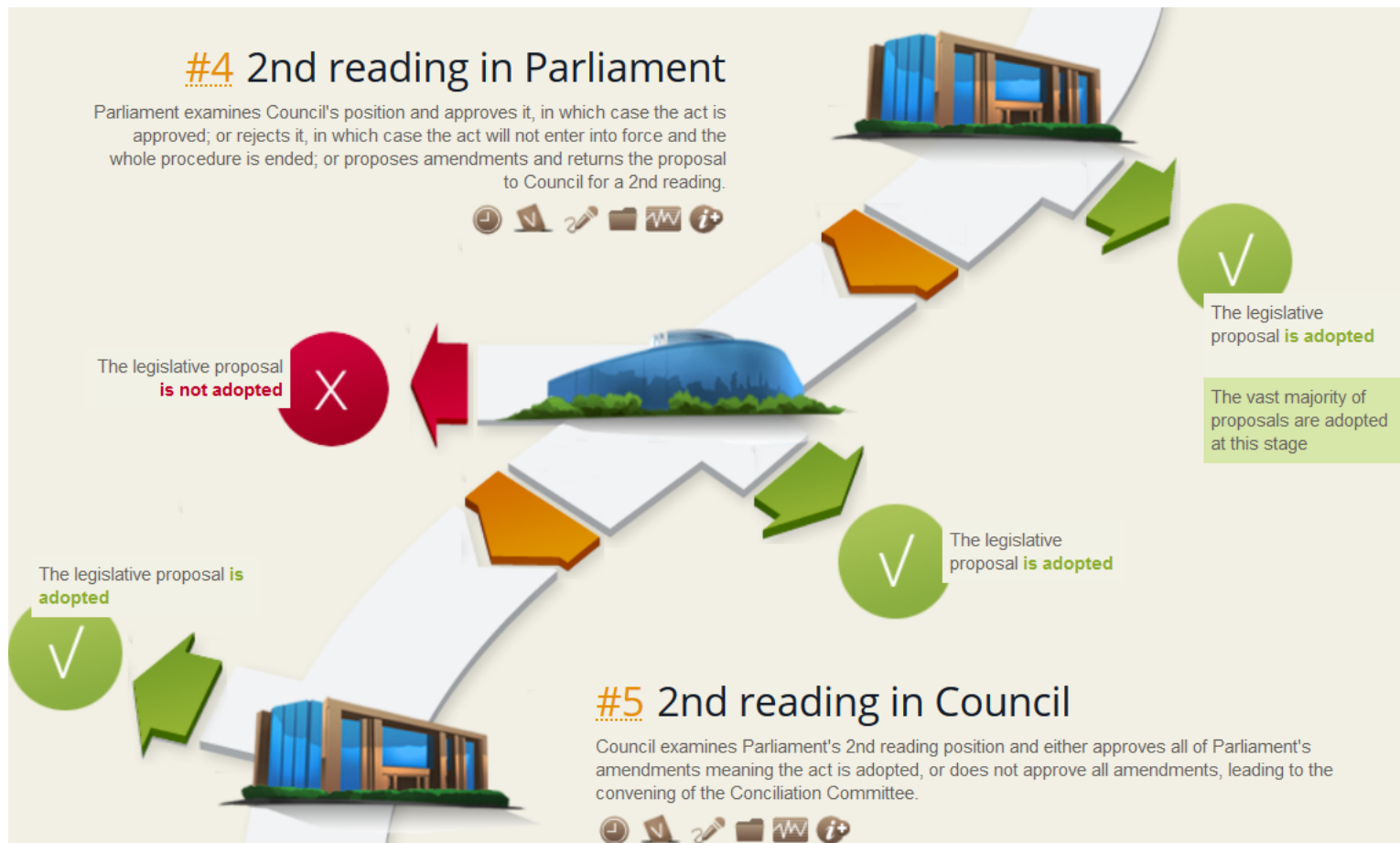


TRILOGUES DURING FIRST READING

- ❑ The Treaty does not set any time limit for Parliament's 1st reading.
- ❑ Co-legislators may attempt a 1st reading agreement. Informal meetings, called "trilogues", are organized with representatives of the Parliament, the Council, and the Commission.
- ❑ The aim is to ensure that the Parliament amendments adopted in plenary are acceptable to Council. The Commission frequently plays a mediating and editorial role in respect of these compromise texts.



SECOND READING





SECOND READING IN THE EUROPEAN PARLIAMENT

- ❑ The European Parliament has 3 (with a possible extension to 4) months to examine Council's position.
- ❑ The Council position goes first to the responsible committee, which prepares a recommendation for Parliament's 2nd reading.
- ❑ Plenary votes on the recommendation including possible albeit limited amendments.
- ❑ There are 4 possible outcomes to a 2nd reading:
 - a. Parliament approves Council's position and the act is adopted;
 - b. Parliament fails to take a decision within the time limit, in which case the act is adopted as amended by Council in its 1st reading;
 - c. Parliament rejects Council's 1st reading position, in which case the act is not adopted and the procedure is ended;
 - d. Parliament proposes amendments to Council's 1st reading position and forwards its position to Council for a 2nd reading.





SECOND READING IN THE COUNCIL

- ❑ Council has 3 (with a possible extension to 4) months to examine Parliament's 2nd reading position. It is also informed about the European Commission's position on Parliament's 2nd reading amendments.

- ❑ The Council either:
 - a. approves all Parliament's amendments, in which case the legislative act is adopted, or
 - b. it does not approve all the amendments, in which case the President of the Council, in agreement with the Parliament President, convenes a meeting of the Conciliation Committee.





CONCILIATION





CONCILIATION

- ❑ Within 6 (with a possible extension to 8) weeks of the Council's refusal to adopt Parliament's 2nd reading position, the Presidents of the Council and European Parliament convene the Conciliation Committee, with equal numbers of MEPs and Council representatives.
- ❑ The Conciliation Committee has 6 weeks (with a possible extension to 8) to decide on a joint text based on the 2nd reading positions of Parliament and Council.
- ❑ If the Conciliation Committee does not approve a joint text, the proposed legislative act falls and the procedure is ended. If the Conciliation Committee approves a joint text, the text is forwarded for a 3rd reading to the European Parliament and the Council.





THIRD READING IN THE EUROPEAN PARLIAMENT AND THE COUNCIL

- The joint text is sent simultaneously to Parliament and Council for approval. There is no specific order in which the co-legislators must decide. They have 6 (or 8 if jointly agreed) weeks to decide and they cannot modify the text.
- In Parliament, the vote on the joint text is preceded by a debate in plenary. If Parliament and Council approve the joint text, the legislative proposal is adopted.
- If one or both rejects it, or does not respond in time, the legislation falls and the procedure is ended. It can only be restarted with a new proposal from the Commission.





THIRD READING IN THE EUROPEAN PARLIAMENT AND THE COUNCIL

Proposal adopted

Once both European Parliament and Council have approved the final text of a legislative proposal, it is jointly signed by the Presidents and Secretaries General of both institutions. After signature, the texts are published in the Official Journal and become official.

- Regulations are directly binding throughout the EU as of the date set down in the Official Journal.
- Directives lay down end results to be achieved in every member state, but leaves it up to national governments to decide how to adapt their laws to achieve these goals. Each directive specifies the date by which the national laws must be adapted.
- Decisions apply in specific cases, involving particular authorities or individuals and are fully binding.



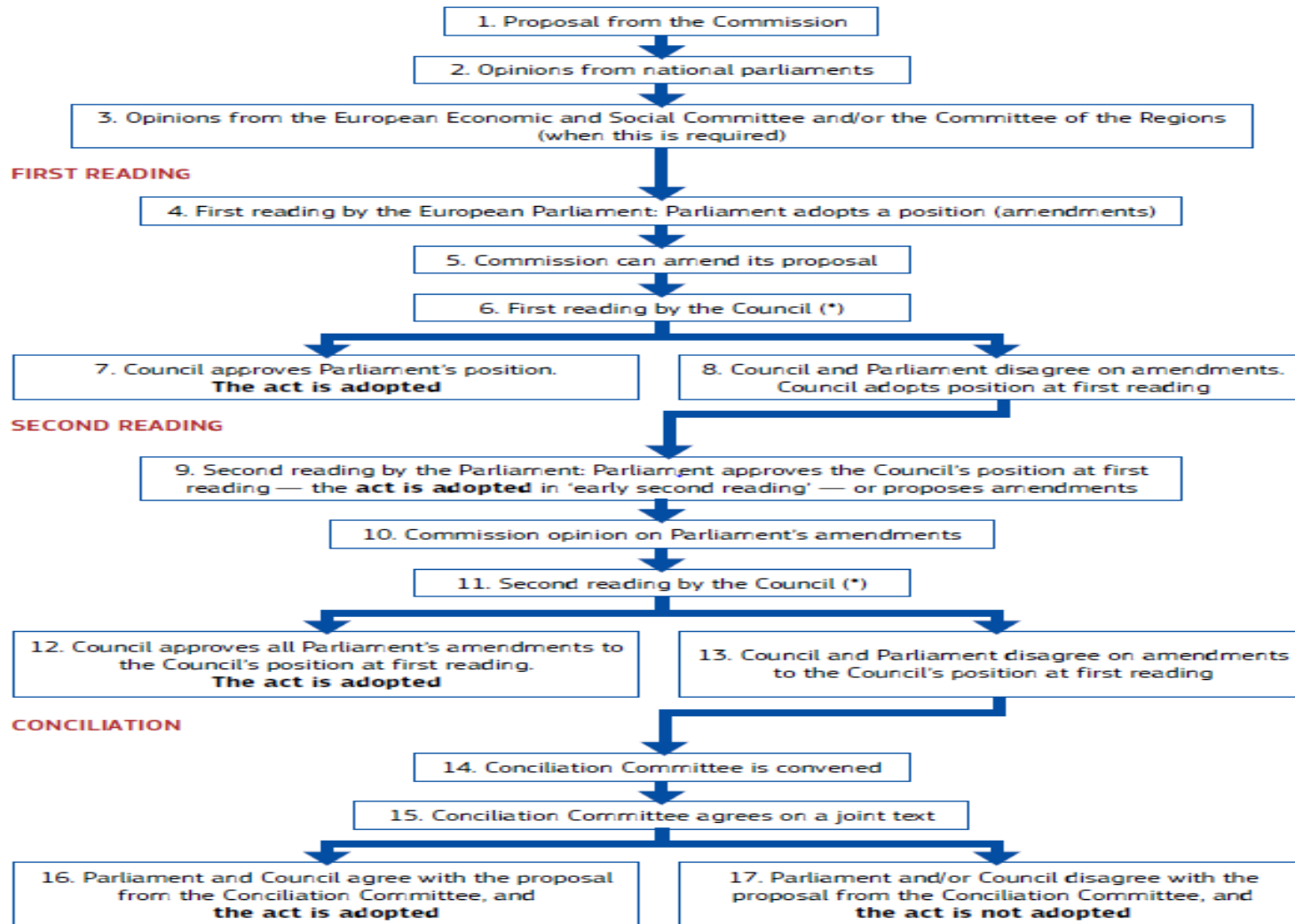
Proposal not adopted

If a legislative proposal is rejected at any stage of the procedure, or the Parliament and Council cannot reach a compromise, the proposal is not adopted and the procedure is ended. A new procedure can start only with a new proposal from the Commission.





ORDINARY LEGISLATIVE PROCEDURE





THANK YOU FOR YOUR ATTENTION!

NEXT SEMINAR

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