

EU Legislative Process

Key Features of the EU Legislative Framework

- Governs **various types of legal acts** (regulations, directives, decisions, recommendations, opinions)
- Adopts legislative acts through **Ordinary** and **Special procedures**, including co-decision, consultation, and consent
- Requires **cooperation** among the **European Commission**, the **Council of the EU (The Council)**, and the **European Parliament (EP)**
- Involves informal negotiations, such as **trilogues**, which now play a pivotal role in expediting agreements

Types of Legislative Acts



Regulations

- **Legal Effect:** Binding in its entirety, without the need for transposition into national law
- **Applicability:** Directly applicable in all Member States without national transposition; binding on institutions, Member States, and addressees
- **Example:** Regulation on Markets in Crypto-Assets (MiCA)



Directives

- **Legal Effect:** Binding to achieve certain results, with flexibility in the form and means of implementation
- **Applicability:** Not directly applicable – requires transposition into national law within a set deadline
- **Example:** Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment



Decisions

- **Legal Effect:** Binding only to whom it is addressed
- **Applicability:** Typically specific member states, companies, individuals
- **Example:** The Council's decision on allowing Croatia to adopt the Euro on 1 January 2023



Recommendations and Opinions

- **Legal Effect:** Non-binding instruments used to provide guidance or express views
- **Applicability:** Multiple entities, context-dependent
- **Example:** European Committee of the Regions Opinion on the European Green Deal

Types of Legislative Procedures



Ordinary Legislative Procedure

- **Procedure:** Usually initiated by the Commission, involves co-decision between EP and the Council. Applied to most EU regulations and directives
- **Example:** EU Digital Services Act (DSA)



Special Legislative Procedure

Consultation

- **Procedure:** The Council consults EP, which provides a non-binding opinion
- **Example:** Common System of Value-Added Tax (VAT Directive)

Consent

- **Procedure:** EP must approve Council's decision without amendments
- **Example:** International agreements e.g. EU-Canada trade agreement (CETA)



Interinstitutional Negotiations AKA "Trilogues"

- **Procedure:** Informal negotiations between the Commission, the Council and EP to expedite legislative agreements
- Trilogues can reach provisional agreements which must be formally approved by each institution
- **Example:** Since the 2004 enlargement, trilogues have been pivotal, as suggested by the 80% of legislation being decided in the first reading, up from 35.4% before ①



What is the **Ordinary Legislative Procedure (OLP)**?²

1st Reading

Commission: Drafts and submits proposal to EP and Council (out of its own initiative or on request from EU institutions/citizens)

EP: Approves without amendments

Council: Accepts EP's position ✓

EP: Submits amendments

Council: Approves EP's amendments ✓

Council: Proposes amendments to EP's position

2nd Reading

EP: Approves all amendments ✓

EP: Rejects amendments ✗

EP: Submits new amendments

Council: Accepts all EP's amendments ✓

Council: Does not approve all EP amendments

3rd Reading

Conciliation Committee (EP + Council): Mediations to create joint text

Conciliation Committee: Agreement

Conciliation Committee: No agreement ✗

EP and Council: Approve the joint text ✓

EP and Council: Reject the joint text ✗