**EU policy-making guidance**

**EU’s main law-making institutions**

**European Commission**: the executive body of the European Union that is composed of 28 Commissioners, one from each EU country. The day-to-day running of the Commission is taken care of by the Commission’s staff – administrators, lawyers, economists, translators, interpreters, secretarial staff, etc. organised in departments known as Directorates-General (DGs) (e.g. DG Energy, DG Climate Action). The Commission represents and upholds the interests of the EU as a whole. It oversees and implements EU policies by:

* proposing new laws to the Parliament and the Council
* managing the EU's budget and allocating funding
* enforcing EU law (together with the Court of Justice)
* representing the EU internationally, for example, by negotiating agreements between the EU and other countries.

**European Parliament**: Directly elected by EU voters every 5 years; members of the European Parliament (MEPs) represent the people. The European Parliament has three main roles:

* debating and passing European laws, with the Council
* scrutinising other EU institutions, particularly the Commission, to make sure they are working democratically
* debating and adopting the EU's budget, with the Council.

**Council of the European Union:** The institution where national ministers from each EU country meet to adopt laws and coordinate policies. The Council’s role is to:

* Pass EU laws.
* Coordinate the broad economic policies of EU member countries.
* Sign agreements between the EU and other countries.
* Approve the annual EU budget
* Develop the EU's foreign and defence policies.
* Coordinate cooperation between courts and police forces of member countries.

NB: Not to be confused with:

* European Council – another EU institution, where EU leaders meet around 4 times a year to discuss the EU’s political priorities
* Council of Europe – not an EU body at all.

**EU Treaties**

Every action taken by the EU is founded on treaties that have been approved by all EU member countries. For example, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area.

A treaty is a binding agreement between EU member countries. It sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries. Two core functional treaties are the *Treaty on European Union* (originally signed in Maastricht in 1992) and the *Treaty on the Functioning of the European Union* (originally signed in Rome in 1958 as the Treaty establishing the European Economic Community). Treaties are amended to make the EU more efficient and transparent, to prepare for new member countries and to introduce new areas of cooperation – such as the single currency. On the basis of these treaties, EU institutions can adopt legislation that is to be implemented in the member countries.

The treaties have been repeatedly amended since they were first signed in 1958, the latest being the *Treaty of Lisbon* which came into force in 2009 and brought along more power for the European Parliament, change of voting procedures in the Council, citizens' initiative, a permanent president of the European Council, a new High Representative for Foreign Affairs, a new EU diplomatic service.

**Decision-making procedure**

**Drafting EU law**

Before the Commission proposes new initiatives it assesses the potential economic, social and environmental consequences that they may have. It does this by preparing *'Impact assessments*' which set out the advantages and disadvantages of possible policy options.

The Commission also consults interested parties such as non-governmental organisations, local authorities and representatives of industry and civil society. Groups of experts give advice on technical issues. In this way, the Commission ensures that legislative proposals correspond to the needs of those most concerned and avoids unnecessary red tape.

Citizens, businesses and organisations can participate in the consultation procedure via *Public consultations.*

National parliaments can formally express their reservations if they feel that it would be better to deal with an issue at national rather than EU level.

**Review and adoption**

The EU’s standard decision-making procedure is known as *Ordinary legislative procedure* (formerly known as ‘Codecision’). This means that the directly elected European Parliament has to approve the EU legislation together with the Council. The procedure goes as follows: The Commission submits a legislative proposal to the Parliament and Council. At the first reading Parliament adopts its position. If the Council approves the Parliament's wording then the act is adopted. If not, it shall adopt its own position and pass it back to Parliament with explanations. The Commission also informs Parliament of its position on the matter. At the second reading, the act is adopted if Parliament approves the Council's text or fails to take a decision. The Parliament may also reject the Council's text, leading to a failure of the law, or modify it and pass it back to the Council. The Commission gives its opinion once more. If the Commission rejects the Parliament’s amendments in its opinion, the Council must act unanimously rather than by majority. If, within three months of receiving Parliament's new text the Council approves it, then it is adopted. If it does not, then the Council President, with the agreement of the Parliament President, convenes the Conciliation Committee composed of the Council and an equal number of MEPs (with the attendance as moderator of the Commission). The Committee draws up a joint text on the basis of the two positions. If the members of the Committee cannot reach agreement on a common text within six weeks, then the act fails. Otherwise, if the joint draft is successfully finalised, this is then sent to the Council and to the Parliament for approval. In a third reading both bodies (acting by majority) must approve the legislation proposal. If either fails to do so, the act is not adopted.

Special legislative procedures:

In special legislative procedures, the Council of the EU is, in practice, the sole legislator. The European Parliament is simply associated with the procedure. Its role is thus limited to consultation or approval depending on the case. For example in the case of the revision process of energy taxation, the Parliament was merely consulted.

**Related glossary:**

*Leading committee/committee responsible*: committee responsible for preparing the report, the Parliament’s position. The choice of committee depends on the subject-matter covered by the proposal. The committee appoints the ‘rapporteur’.

*Rapporteur*: The MEP responsible for preparing a report containing suggested amendments to the Commission’s proposal and a statement of reasons explaining the proposed amendments.

*Shadow rapporteurs:* MEPs who monitor a dossier for political parties other than that of the rapporteur.

*Opinion giving committees:* Other parliamentary committees having an interest in the subject matter may deliver their 'opinion' to the committee responsible. Also opinion-giving committees appoint a ‘rapporteur’ who is in charge of preparing the opinion.

*COREPER*: The Permanent Representatives Committee or COREPER is responsible for preparing the work of the Council. It consists of representatives from the Member States with the rank of Member States’ ambassadors to the European Union and is **chaired by the Member State which holds the Council Presidency***.* It carries out preliminary scrutiny of the dossiers on the Council agenda (proposals and drafts for acts tabled by the Commission). It seeks to reach agreement at its own level on each dossier. COREPER works in two configurations:

* COREPER I, consisting of the deputy permanent representatives, deals with technical matters;
* COREPER II, consisting of the ambassadors, deals with political, commercial, economic or institutional matters.

COREPER deals with all areas of the Council's work apart from agricultural issues, for which Agriculture Council dossiers are prepared by the Special Committee on Agriculture (SCA). Various **working parties do the preparatory work for COREPER.** While some of them are set up on a temporary basis to deal with a particular dossier, about a hundred groups cover a given sector and meet regularly.

*Attaché*: officials of EU countries’ Permanent Representations contributing to coordination and working out of national positions, representing those positions, and preparing and attending relevant (Council and comitology) meetings.

*Trialogue*: informal tripartite meetings attended by representatives of the European Parliament, the Council and the Commission. Owing to the ad-hoc nature of such contacts, no “standard” format of representation has been laid down. However, as a general rule, they involve the rapporteur (accompanied where necessary by shadow rapporteurs from other political groups), the chairperson of COREPER I or the relevant Council working party assisted by the General Secretariat of the Council and representatives of the Commission (usually the expert in charge of the dossier and his or her direct superior assisted by the Commission’s Secretariat-General and Legal Service). *The purpose* of these contacts is to get agreement on a package of amendments acceptable to the Council and the European Parliament. The Commission’s endorsement is particularly important, in view of the fact that, if it opposes an amendment which the European Parliament wants to adopt, the Council will have to act unanimously to accept that amendment. Any agreement in trialogues is informal and "ad referendum" and will have to be approved by the formal procedures applicable within each of the three institutions.

**Sources and useful links**

European Parliament: Ordinary legislative procedure explained and illustrated: <http://www.europarl.europa.eu/external/appendix/legislativeprocedure/europarl_ordinarylegislativeprocedure_howitworks_en.pdf>

European Union: How the EU works: <http://europa.eu/about-eu/index_en.htm>

Europa: “Summaries of EU legislation”: everything you want to know about European legislation: <http://europa.eu/legislation_summaries/index_en.htm>

**Questions/comments?**

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