

**Third Training Session,  
"EU DECISION MAKING"**

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ICTtrain, Warsaw, Poland

01/07/2008

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July 2008

# TRAINING COURSE OUTLINE

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- **EU DECISION MAKING**
  - Topic- 1: CO-DECISION
  - Topic- 2: ASSENT
  - Topic- 3: CONSULTATION

# EU DECISION MAKING SYSTEM

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- ❑ Decision-making at European Union level involves various European institutions, in particular
  - the European Commission,
  - the European Parliament (EP),
  - the Council of the European Union.
  
- ❑ European Commission proposes new legislation
- ❑ Council and Parliament that pass the laws.
- ❑ In some cases, the Council can act alone.
- ❑ Other institutions also have roles to play.

# EU DECISION MAKING SYSTEM

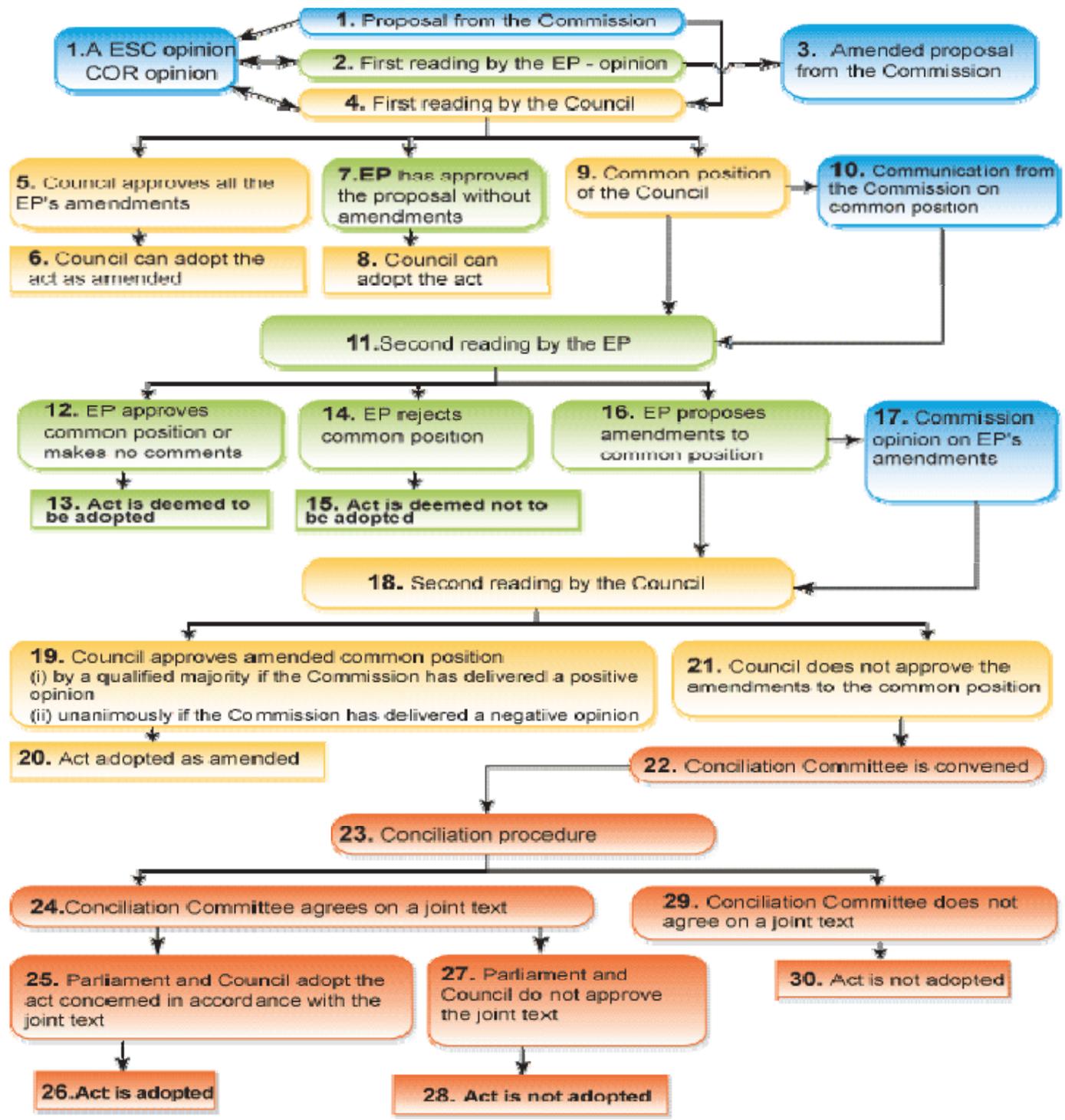
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- The main forms of EU law are directives and regulations.
- The rules and procedures for EU decision-making are laid down in the treaties.
- Every proposal for a new European law is based on a specific treaty article, referred to as the 'legal basis' of the proposal.
  - determines which legislative procedure must be followed.
  - three main procedures
    1. 'consultation'
    2. 'assent'
    3. 'co-decision'.

# Topic - 1: CO-DECISION

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- This is the procedure now used for most EU law-making.
- Parliament does not merely give its opinion
- EP shares legislative power equally with the Council.
- If Council and Parliament cannot agree on a piece of proposed legislation, it is put before a **conciliation committee**, composed of equal numbers of Council and Parliament representatives.
- Once this committee has reached an agreement, the text is sent once again to Parliament and the Council so that they can finally adopt it as law.
  - Conciliation is becoming increasingly rare.
- Most laws passed in co-decision are, in fact, adopted either at the first or second reading as a result of good cooperation between the three institutions.



# Topic - 1: CO-DECISION

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## 1. COMMISSION PROPOSAL

- ❑ The Commission monopoly of legislative initiative in codecision Opinions of the Committee of the Regions and the Economic and Social Committee
- ❑ The European Parliament (EP) also has the option of consulting the two Committees.

## 2. European Parliament (EP) First reading

- ❑ The European Parliament delivers an opinion at first reading. This opinion, prepared by a rapporteur, is discussed and amended within the relevant parliamentary committee, then debated in plenary session, where it is adopted by a simple majority.

## 3. Amended Commission proposal

- ❑ the Commission has the authority to alter its legislative proposal, enabling it to incorporate European Parliament amendments which, in its view, improve the initial proposal and/or are likely to facilitate an agreement.

# Topic - 1: CO-DECISION

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## 4. Council first reading

- The Council finalises its position on the basis of the Commission's proposal, amended where necessary, acc. To EP 1st reading and resultant amendments.
- There are three possible scenarios:
  1. the **Council accepts** without alteration the Commission's proposal, which the European Parliament has not amended, and the act can be adopted
  2. the **Council accepts all the EP amendments** which the Commission has incorporated into its amended proposal; the act can be adopted
  3. in all other cases, the **Council adopts a common position**.

## 5. The Council approves all the EP amendments

## 6. The Council can adopt the act as amended

- Submitted European Parliament and Council
- Published in the Official Journal
- The procedure is ended.

# Topic - 1: CO-DECISION

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## 7. The EP has approved the proposal without amendment

- If the European Parliament has not adopted any amendments, and if the Council does not wish to alter the Commission's proposal, it can adopt the act on that basis by a qualified majority – (with exceptions).

## 8. The Council can adopt the Act

- The legislative act is submitted directly for the signature of the Presidents and Secretaries-General of the European Parliament and of the Council, and is published in the Official Journal.
- The procedure is ended.

## 9. Council common position

- When the Council does not share the views expressed by Parliament, it adopts a **common position**, which is forwarded to the European Parliament together with a statement of reasons.
- Where the European Parliament has approved the Commission's proposal without amendment, but the Council wishes to make changes to it, the Council will again adopt a **common position**.

# Topic - 1: CO-DECISION

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## 10. Commission communication on the common position

- In this document, which is forwarded to the European Parliament in tandem with the common position, the **Commission explains why it has decided to support or oppose the common position**. The Commission also comments on the Council's reaction to the EP amendments which it had supported in plenary at the first reading.

## 11. EP second reading

- The adoption procedure is broadly similar to that at first reading.

## 12. EP approves the common position or does not take a decision

- If EP endorses the common position as it stands, fails to adopt amendments as a result of not obtaining an absolute majority of its Members (367 votes) or does not take a decision within the stipulated time limit, the President of Parliament will declare that the common position is approved and the act is adopted in accordance with the common position.

# Topic - 1: CO-DECISION

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## 13. Act deemed to have been adopted

- The procedure is ended.

## 14. EP rejects the common position

- Rejection of the common position requires the votes of an absolute majority of the component Members of the European Parliament – The act is deemed not to have been adopted.

## 15. Act deemed not to have been adopted

- The procedure is ended.

## 16. EP proposes amendments to the common position

- EP may propose amendments to the common position, by an absolute majority of its component Members (367 votes ) and the text thus amended is forwarded to the Council and the Commission.

# Topic - 1: CO-DECISION

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## 17. Commission opinion on EP amendments

- The Treaty specifically requires the Commission to deliver an opinion on the EP amendments.
  - **The Commission's position on the European Parliament's amendments will determine the type of vote necessary in the Council:** if the Commission has given a negative opinion on at least one amendment, the Council will have to act unanimously as regards acceptance of the EP position overall.

## 18. Council second reading

- in which to approve them by a qualified majority or unanimously if the Commission has delivered a (-) opinion.

## 19. The Council approves the amended common position

- If the Council agrees to accept all the amendments of the European Parliament, the act will be deemed to have been adopted in the form of the common position thus amended.

# Topic - 1: CO-DECISION

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## 20. Act adopted as amended

- The procedure is ended.

## 21. The Council does not approve the amendments to the common position

- If, within a three-month period, the Council does not approve all the amendments of the European Parliament, the President of the Council, in agreement with the President of the EP, will convene a meeting of the Conciliation Committee within six weeks

## 22. Convening of the Conciliation Committee

- Conciliation Committee is used to prepare the work of the latter, through informal meetings between the three institutions. These informal dialogues bring together small teams of negotiators for each co-legislator, with participation by the Commission

# Topic - 1: CO-DECISION

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## 23. The conciliation procedure

- ❑ **Modus operandi:** the Commission playing a mediating role. The compromise ("joint text") resulting from the informal dialogues, which often takes the form of a "package", is submitted to the delegations for approval.
- ❑ **Decision-making:** each delegation to the Conciliation Committee must approve the joint text in accordance with its own rules: qualified majority for the Council's delegation (unanimity in cases where the Treaty specifies an exception to the qualified majority rule) and simple majority for the European Parliament's **delegation.**

## 24. The Conciliation Committee produces a joint text

- ❑ Once the negotiators have arrived at a compromise, the Conciliation Committee must give approval in the form of a "joint text".

## Topic - 1: CO-DECISION

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### **25. Parliament and the Council adopt the act in accordance with the joint text**

- The European Parliament and the Council must adopt the act within six weeks, in line with the joint text.

### **26. Act adopted**

- The procedure is ended.

### **27. Parliament and the Council do not approve the joint text**

- not adopted and the procedure is ended.

## Topic - 2: ASSENT

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- ❑ The assent procedure means that the Council has to obtain the European Parliament's assent before certain very important decisions are taken.
- ❑ The procedure is the same as in the case of consultation, except that Parliament cannot amend a proposal: it must either accept or reject it. Acceptance ('assent') requires an absolute majority of the vote cast.
- ❑ The assent procedure is mostly used for agreements with other countries, including the agreements allowing new countries to join the EU.

## Topic - 3: CONSULTATION

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- Since the introduction of the cooperation procedure and the co-decision procedure, the importance of the consultation procedure has steadily declined
- The consultation procedure is used in areas such as agriculture, taxation and competition.
- Based on a proposal from the Commission, the Council consults Parliament, the European Economic and Social Committee and the Committee of the Regions.
- Parliament can:
  - approve the Commission proposal,
  - reject it,
  - or ask for amendments.

## Topic - 3: CONSULTATION

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- If Parliament asks for amendments, the Commission will consider all the changes Parliament suggests.
  - If it accepts any of these suggestions it will send the Council an amended proposal.
- The Council examines the amended proposal and either adopts it or amends it further.
  - In this procedure, as in all others, if the Council amends a Commission proposal it must do so *unanimously*.

# THANK YOU

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