

## EU LEGISLATION



The European Union is based on the rule of law. This means that everything that it does is derived from treaties, which are agreed on voluntarily and democratically by all Member States. Previously signed treaties have been changed and updated to keep up with developments in society.

The main treaties are the following:

### *Treaty of Lisbon*



The [Treaty of Lisbon](#) was signed on 13 December 2007. It will have to be ratified by all 27 Member States before it can enter into force, which is hoped to be before the next European Parliament elections in June 2009. Its main objectives are to make the EU more democratic, meeting the European citizens' expectations for high standards of accountability, openness, transparency and participation; and to make the EU more efficient and able to tackle today's global challenges such as climate change, security and sustainable development.

The agreement on the Treaty of Lisbon followed the discussion about a [constitution](#). A "Treaty establishing a constitution for Europe" was adopted by the Heads of State and Government at the Brussels European Council on 17 and 18 June 2004 and signed in Rome on 29 October 2004, but it was never ratified.

### *Treaty of Nice*

The [Treaty of Nice](#), signed on 26 February 2001, entered into force on 1 February 2003. It dealt mostly with reforming the institutions so that the Union could function efficiently after its enlargement to 25 Member States. The Treaty of Nice, the former Treaty of the EU and the Treaty of the EC have been merged into one consolidated version.

### *Treaty of Amsterdam*

The [Treaty of Amsterdam](#), signed on 2 October 1997, entered into force on 1 May 1999. It amended and renumbered the EU and EC Treaties. Consolidated versions of the EU and EC Treaties are attached to it. The Treaty of Amsterdam changed the articles of the Treaty on European Union, identified by letters A to S, into numerical form.

## *Treaty on European Union*



The [Treaty on European Union](#), which was signed in Maastricht on 7 February 1992, entered into force on 1 November 1993.

The Maastricht Treaty changed the name of the European Economic Community to simply "the European Community". It also introduced new forms of co-operation between the Member

State governments - for example on defence, and in the area of "justice and home affairs". By adding this inter-governmental co-operation to the existing "Community" system, the Maastricht Treaty created a new structure with three "pillars" which is political as well economic. This is the European Union (EU).

## *Single European Act (SEA)*

The [Single European Act \(SEA\)](#), signed in Luxembourg and the Hague, and entered into force on 1 July 1987, provided for the adaptations required for the achievement of the Internal Market.

## *Merger Treaty*

The [Merger Treaty](#), signed in Brussels on 8 April 1965 and in force since 1 July 1967, which provided for a Single Commission and a Single Council of the then three European Communities.

## *Treaty of Rome*

The [Treaty of Rome](#), establishing the European Economic Community (EEC), signed in Rome on 25 March 1957, and entered into force on 1 January 1958. The Treaty establishing the European Atomic Energy Community (Euratom) was signed at the same time and the two are therefore jointly known as the Treaties of Rome.

## *Treaty establishing the European Coal and Steel Community*

The [Treaty establishing the European Coal and Steel Community \(ECSC\)](#), which was signed on 18 April 1951 in Paris, entered into force on 23 July 1952 and expired on 23 July 2002.

Moreover, the founding treaties have been amended on several occasions, in particular when new Member States acceded in 1973 (Denmark, Ireland, United Kingdom), 1981 (Greece), 1986 (Spain, Portugal), 1995 (Austria, Finland, Sweden) and 2004 (the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia).

Based on the Treaties, EU institutions can adopt legislation, which is then implemented by the Member States.

There are three basic types of EU legislation: regulations, directives and decisions: Regulation are similar to national laws with the difference that they are applicable in all EU countries.

Directives set out general rules to be transferred into national laws by each country as they deem appropriate.

Decision only deals with particular issues and specifically mentioned persons or organizations.

Green Papers are documents published by the European Commission to stimulate discussion on given topics at European level. They invite the relevant parties (bodies or individuals) to participate in a consultation process and debate on the basis of the proposals they put forward. Green Papers may give rise to legislative developments that are then outlined in White Papers.

White Papers are Commission documents containing proposals for Community action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. When a White Paper is favourably received by the Council, it can lead to an action programme for the Union in the area concerned.

### *Decision-making in the European Union*

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.

In general, it is the European Commission that proposes new legislation, but it is the Council and Parliament that pass the laws. In some cases, the Council can act alone. Other institutions also have roles to play.

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. This determines which legislative procedure must be followed. The three main procedures are 'consultation', 'assent' and 'co-decision'.

#### *1. Codecision*

This is the procedure now used for most EU law-making. In the codecision procedure, Parliament does not merely give its opinion: it 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.

## **2. Assent**

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.

## **3. Consultation**

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.

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*.