



How are laws made and passed in the EU?

First, the European Commission drafts a legislative proposal. The scope of the law is defined based on information from roadmaps and/or impact assessments on the topic, as well as from different sources of feedback:

- **Roadmap:** Roadmaps describe the problem to be tackled and objectives to be met, explain why EU action is needed, outline policy options and describe the main features of the consultation strategy.
- **Impact assessment** (type of roadmap): Sometimes the potential impact of a law or policy on the economy, environment or society is so great that an impact assessment is required. In that case, the roadmap is replaced by an inception impact assessment, which goes into greater detail. The aim of this assessment is to analyse in more detail the issue to be addressed, whether action should be taken at EU level and the potential economic, social and environmental effects of the different solutions outlined.
- **Feedback:** Anyone can provide feedback on EU law-making as it evolves – from the preparation phase through to proposals for new laws and evaluations of how existing laws are performing. Feedback can be given through open public consultations and other online tools. The Commission may also seek expertise in a given area and target specific stakeholder groups.



The European Commission then submits a **legislative proposal** to the European Parliament. This is called a **proposal for a regulation (or directive or decision)**. See below for the difference between these types of legislation.

The proposal is reviewed by the European Parliament, and then by the European Council. It needs to be approved by both parties to become a binding law. This review process is also called a ‘reading’, and there can be as many as two readings to incorporate any amendments needed.

If the European Parliament and Council approve the proposal and any amendments made, the legislative proposal is adopted and becomes a regulation, directive, or a decision. The difference between these is that:

- **Regulations** are legal acts that apply automatically and uniformly to all EU countries as soon as they enter into force, without needing to be transposed into national law. They are binding in their entirety on all EU countries.
- **Directives** require EU countries to achieve a certain result but leave them free to choose how to do so. EU countries must adopt measures to incorporate them into national law (transpose) in order to achieve the objectives set by the directive. National authorities must communicate these measures to the European Commission. Transposition into national law must take place by the deadline set when the directive is adopted (generally within 2 years).
- **Decisions** apply in specific cases, involving particular authorities or individuals and are fully binding.

If the proposal is rejected at any stage of the procedure, or the Parliament and the Council cannot reach a compromise, the proposal is not adopted.

References:

European Commission (n.d.) “Planning and proposing law,” online: https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law_en#where-eu-laws-and-policies-come-from, viewed August 2021.

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