The Ordinary Legislative Procedure

1st reading
- European Commission proposal
- European Parliament 1st reading
  - Amendments
  - Council 1st reading
    - Council does NOT approve EP's 1st reading (Council position)
      - Act is adopted
      - Act is adopted
    - Amendments
      - Act is adopted
      - Act is adopted

2nd reading
- Council position
- European Parliament 2nd reading
  - Amendments
  - Council 2nd reading
    - Council does NOT approve EP's 2nd reading (Council position)
      - Act is adopted
      - Act is adopted
    - Amendments
      - Act is adopted
      - Act is adopted

3rd reading
- Conciliation Committee (38+8 members + Commission)
- Agreements in case not found
- Act adopted
- Act adopts
- Act fails

Ordinary Legislative Procedure
EU Decision-Making:
Ordinary Legislative Procedure & Trilogues

András Baneth
abaneth [at] pac.org
www.pac.org/europe
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Brussels, September 2014
Number of co-decision files 1993-2013
Ordinary Legislative Procedure

- 1st reading
- Early 2nd reading
- 2nd reading
- Conciliation procedure
Hierarchy of EU legal norms

Soft law (recommendations, guidelines, inter-institutional agreements, rules of procedure, code of conduct)

Implementing & Delegated Acts (Regulation, Directive, Decision)

Legislation (Regulation, Directive, Decision)

Treaties (TEU, TFEU, as amended by ToL)

Treaty on European Union, Treaty on the Functioning of the European Union, Treaty of Lisbon
Ordinary Legislative Procedure

Number of co-decision files 1993-2013

Ordinary Legislative Procedure

- 1st reading
- Early 2nd reading
- 2nd reading
- Conciliation procedure
The Ordinary Legislative Procedure

1st reading
- European Commission proposal
- European Parliament 1st reading
- Council 1st reading
  - Act is adopted
  - Act is amended
  - Act is rejected
  - Act is shelved

2nd reading
- Council position
- European Parliament 2nd reading
  - Act is adopted
  - Act is amended
  - Act is rejected

3rd reading
- Conciliation Committee (18-18 members + Commission)
  - Agreement is found
  - Act adopted
  - Act fails
- No agreement

- European Parliament 3rd reading
  - Act is adopted
  - Act is amended
  - Act is rejected

Ordinary Legislative Procedure
European Commission proposal

Opinions by the 28 National Parliaments (8 weeks):
- Yellow card (1/3 of them)
- Orange card (1/2 of them)

Opinion by EESC and CoR when required

European Parliament 1st reading

No amendments
- Reject the proposal (only in EP's RoP)

Council starts deliberations (Working Groups)

Trilogues

Commission amended proposal (GRI)

EP amendments

Commission position on EP amendments

Council 1st reading
1st reading

European Commission proposal
European Parliament 1st reading

Council starts deliberations (Working Groups)

Commission amended proposal (GRI)

Trilogues

Commission position on EP amendments

EP amendments

Council 1st reading
Trilogues

The logic...
- What is the official position of each of the three institutions?
- Where do they converge?
- How can the final positions be reconciled?

Negotiations
- As many rounds as needed
- Until an agreement is reached (or lack of it)
- Once agreed, Presidency sends letter of assurance via COREPER
- IF EP votes on it (first the EP Political Groups, then in relevant Committee)
- After vote in Plenary, Council adopts it as an A point (that is, without debate)

How does it start?
- The committee responsible reaches a decision by absolute majority before negotiation
- First negotiation (Round 1)
- Opening of negotiations
- Involvement of Rapporteurs and Shadows
- Reporting back, amendments, booklet prepared in minority, etc., etc.
- Negotiations to be based on the earlier draft document

In practice...
- Informal trilogues: EP delegation may not have such a clear-cut mandate
- Reinforces the role of Rapporteurs and Shadows
- The practice of reporting back can vary from one committee to another
- Council Presidency wants to close files fast and in 1st reading
- Close coordination with EP at the beginning of Presidency on COD files
- Presidency can get info from their MEPs in the EP (i.e. MEPs coming from the country of the Presidency, especially if a large Member State is holding it)

The Four-Column Document
- Procedure in the EP
- Procedure in the Council

Zoomable, detailed version available only for PAC members
The logic...

1. What is the official position of each of the three institutions?
2. Once the position is finalized internally, it needs to be mandated.
3. How can the three positions be reconciled?
4. When all three have 'cleared' it, it needs political approval.
5. When both (de facto all three) have 'cleared' it, the act is adopted
Delegations

- Presidency (chair of Working Group)
- Or: COREPER chair
- Council Secretariat (Policy Unit + Legal Service + Co-Decision Unit)
- Rapporteur
- Shadow rapporteurs (or staff from political groups)
- EP Secretariat
- Head of Unit or Director
- Secretariat General
- Legal service
Negotiations

- As many rounds as needed
- Until an agreement is reached (or lack of it)
- Once agreed, Presidency sends letter of assurance via COREPER
- If EP votes on it (first the EP Political Groups, then in relevant Committee)
- After vote in Plenary, Council adopts it as an A point (that is, without debate)
COUNCIL OF
THE EUROPEAN UNION

Brussels, 13 February 2014
(OR. en)

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PROVISIONAL AGENDA

Subject: 2485th meeting of the PERMANENT REPRESENTATIVES COMMITTEE (Part 1)
Date: 14 February 2014
Time: 14.30
Venue: Brussels

ADDENDUM N° 1 to the REVISED PROVISIONAL AGENDA

The Committee will continue with the examination of the following item:

II

31. Remunerations (First reading) (Legislative deliberation)
   a) Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2011 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto
   b) Proposal for a Regulation of the European Parliament and of the Council adjusting with effect from 1 July 2012 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto
   – Presidency debriefing on the outcome of the informal trilogue

This item will be taken in restricted session
How does it start?

- The committee responsible reaches a decision by absolute majority before negotiations (Rule 70, introduced in 2012)
- Opening of negotiations: broad consensus or vote for Rapporteur
- Negotiating mandate: amendments in the committee or Plenary, including priorities, time limits, general guidance or just 'orientation vote'
- Organisation: to be based on four-column document
- Feedback: delegation to report back to committee
- If there is a deal: committee to be consulted again before going to Plenary
In practice...

- Informal trilogues: EP delegation may not have such a clear-cut mandate
- Reinforces the role of Rapporteurs and Shadows
- The practice of reporting back can vary from one committee to another
- Council Presidency: wants to close files fast and in 1st reading
- Close coordination with EP at the beginning of Presidency on COD files
- Presidency can get info from 'their' MEPs in the EP (i.e. MEPs coming from the country of the Presidency, especially if a large Member State is holding it)
## The Four-Column Document

<table>
<thead>
<tr>
<th>COMMISSION PROPOSAL</th>
<th>EP Plenary Position</th>
<th>COUNCIL GENERAL APPROACH</th>
<th>Compromise</th>
</tr>
</thead>
<tbody>
<tr>
<td>COM(2013) 245 final (22 April 2013)</td>
<td>transparent decision-making in relation to the policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, in accordance with the Commission Communication &quot;An Integrated Maritime Policy of the European Union&quot;.</td>
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<td>(76) Sustained funding is needed for the implementation and further development of the Integrated Maritime Policy for the European Union as reflected in the statements of the Council, the European Parliament and the Committee of the Regions.</td>
</tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
Procedure in the EP

Procedure in the Council

Zoomable, detailed version available only for PAC members
Trilogues

**The logic...**
- When is the official position of each of the three institutions.
- When the position is final, informal, in other words.
- How are the three positions to reconcile?
- Where do the text positions be reconciled?

**Delegations**
- Each delegation has its own views and positions.
- When the delegation is a minority, the final position is the majority view.

**Negotiations**
- As many rounds as needed.
- Until an agreement is reached (or lack of it).
- Once agreed, Presidency sends letter of assurance via COREPER.
- IF EP votes on it (first the EP Political Groups, then in relevant Committee).
- After vote in Plenary, Council adopts it as an A point (that is, without debate).

**How does it start?**
- The committee responsible makes a decision by absolute majority.
- Any agreement (a minority of the voting members)
- Opening of negotiations.
- Delegations' positions are set.
- Reporting back: the rapporteur is the one responsible for the report.
- The role of rapporteurs and shadows.
- The practice of reporting back can vary from one committee to another.
- Council Presidency wants to close files fast and in 1st reading.
- Close coordination with EP at the beginning of Presidency on COD files.
- Presidency can get info from their MEPs in the EP (i.e. MEPs coming from the country of the Presidency, especially if a large Member State is holding it).

**In practice...**
- Informal trilogues: EP delegation may not have such a clear-cut mandate.
- Reinforces the role of Rapporteurs and Shadows.
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**The Four-Column Document**

Procedure in the EP

Procedure in the Council

Zoomable, detailed version available only for PAC members
European Parliament 2nd reading

Council position

Act is adopted

EP approves Council position
(or deadline passes)

Simple majority

Act rejected

EP rejects Council position

Absolute majority

EP amendments

Commission position on EP amendments

2nd reading
2nd Reading

(or deadline passes)
Simple majority

Act is adopted

3+1 month limit

EP amendments

Commission position on EP amendments

Council 2nd reading

3+1 month limit

Council does NOT approve EP's 2nd reading

Council approves all EP amendments

Act is adopted

3rd reading

Council approves all EP amendments

Act is adopted

Cannot amend the proposal
European Parliament 2nd reading

3+1 month limit

- EP approves Council position (or deadline passes)
  - Simple majority
  - Act is adopted
- EP rejects Council position
  - Absolute majority
- EP amendments
- Commission position on EP amendments

Council 2nd reading

3+1 month limit
3rd reading

Conciliation Committee
(28+28 members + Commission)

Conciliation Committee to reach agreement

Agreement is found

- EP & Council approve joint text
  6+2 weeks

  - Act adopted

- EP & Council reject joint text
  6+2 weeks

  - Act fails

No agreement

- Act fails
Conciliation Committee
(28+28 members + Commission)

EP delegation
- Chair: 1 of 3 EP VPs
- Rapporteur
- Committee chair
- 22 other MEPs

Council delegation
- Chair: Minister
  (from Presidency)
- COREPER

Conciliation Committee to reach agreement
6+2 weeks
agreement

6+2 weeks

Agreement is found

- EP & Council approve joint text
  6+2 weeks
  - Act adopted

- EP & Council reject joint text
  6+2 weeks
  - Act fails

No agreement

Act fails
3rd reading

Conciliation Committee
(28+28 members + Commission)

Conciliation Committee to reach agreement
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Agreement is found

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3rd reading
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- Agreement is found
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- Act fails
- No agreement
  - Act fails
  - Act is adopted

Ordinary Legislative Procedure...
Questions?
Comments?

abaneth@pac.org (+32) 496-201416
www.pac.org/europe