

EU Law Making Process

European Union

The European Union (EU) is built upon a unique institutional system. The origins can be traced back to the 1957 Treaty of Rome, which created the then European Economic Community (EEC). The Treaty of Rome was primarily concerned with stimulating economic growth by creating a common market for the movement of goods, people and services between the member states. Since then the political, economic and legislative powers have greatly extended and the current European Union, built upon the "*institutional triangle*" of Commission, Council and Parliament, directly influences all our lives. References to the "*common market*" are now replaced by references to the "*single market*".

The Commission

The European Commission is the administrative driving force of the EU. The President and other members of the Commission are appointed by the member states after they have been approved by the European Parliament.

The Commission:

- is the Union's executive body, it is responsible for implementing legislation (directives, regulations, decisions), budgets and programmes adopted by Parliament and the Council
- has the right to initiate draft legislation by presenting legislative proposals to Parliament and the Council
- acts as guardian of the Treaties and, together with the Court of Justice, ensures that Community law is properly applied
- represents the Union on the international stage and negotiates international agreements, chiefly in the field of trade and cooperation
- is divided into a number of Directorates General, of which those of DG Environment (DG ENV), [DG Growth](#) and [DG Transport](#) are the most significant for chemicals issues.

The Council

The Council of the EU is the EU's main decision-making body. It is the embodiment of the Member States, whose representatives are brought together regularly at ministerial level. Council meetings are prepared by the Committee of Permanent Representatives which is made up of ambassadors to the Union from Member States' own governments. These ambassadors act as a link between the Member States & the EU. Their preparatory work and the agreements they make on non-contentious proposals mean that when the ministers meet much has been agreed and only matters still in dispute need to be negotiated.



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The Council:

- is the EU's legislative body, (exercising that power in co-decision with the Parliament)
- coordinates the economic policies of the member states
- concludes, on behalf of the EU, international agreements with other states or international organisations
- shares budgetary authority with Parliament
- develops the EU's common foreign and security policy, on the basis of general guidelines established by the Council
- coordinates the activities of member states and adopts measures in the field of police and judicial cooperation.

The European Parliament

The European Parliament is directly elected (every five years) by citizens.

It has three functions, it:

1. shares with the Council the power to legislate, i.e. to adopt European laws (directives, regulations, decisions), and thereby ensures the democratic legitimacy of the texts adopted
2. shares budgetary authority with the Council and can therefore influence EU spending
3. exercises democratic supervision over the Commission. It approves the nomination of Commissioners and has the right to censure the Commission. It also exercises political supervision over all the institutions.

The European Union's Treaties

The EU's treaties give authority to the institutions of the Union, to operate together to create law. There are two main treaties. These can be accessed at: <http://eur-lex.europa.eu/collection/eu-law/treaties.html>.

Treaty on the Functioning of the European Union (TFEU)

This deals mainly with the elimination of trade barriers and other trade issues. Most EU regulations and directives affecting chemical hazards are made under one or other of the articles of this treaty. This is why they now include the letters "EU" in them, or "EC" if made under the former "Treaty establishing the Europeans Community" (TEC), or "EEC" if made under the precursor "European Economic Community" treaty.

E.g. REACH is Regulation (EC) No. 1907/2006 and was made under Article 95 of the TEC, which deals with "*Approximation of Laws*" (now article 114 of the TFEU).

Treaty on the Functioning of the European Union (TEU)

This deals mainly with political and monetary union.

Law Making

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Law-making in the European Union is usually now the result of interaction between the "institutional triangle" (Parliament, Council and Commission).

The rules for their decision-making are laid down in the Treaties and cover every area in which the European Union acts.

The main procedure used is the "ordinary legislative procedure", formerly known as the:

- co-decision procedure. The ordinary legislative procedure involves the "joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission". This procedure is defined in Article 294.

Most of the law that interests CHCS (for example amendments to REACH and CLP) are now made using the ordinary procedure. This provides for two successive readings, by Parliament and the Council, of a Commission proposal and the convocation, if the two co-legislators cannot agree, of a "conciliation committee", composed of Council and Parliament representatives, with the participation of the Commission, to reach an agreement. This agreement is then submitted to Parliament and the Council for a third reading with a view to its final adoption. Conciliation is very rarely needed.

Arising from these processes, there are three 'categories' of European law that have binding force:

1. **Regulations** - For issues of general application these apply directly and ensure uniform application throughout the Union. Regulations are binding on Member States and require no national measures for implementation. REACH is a regulation. They do however normally need MS legislation to specify the applicable Competent and Enforcement Authority(ies) and to set penalties for non compliance.
2. **Directives** - Indicate the required results to be achieved but leave the detail to the individual Member States. These only take effect when they are embodied in the national legislation. Member States are given a transposition deadline by which date they must introduce their own legislation. This is usually between 18 months and 3 years. Differences in national interpretation can lead to uneven implementation of Directives.
3. **Decisions** - These may be applicable to a Member State, an organisation or an individual within the Union. These are only binding upon the individual or institution to which they are addressed.

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A Plain Language Guide To Eurojargon

If you want to know what *comitology* is, or what the official languages of the EU are, then "[A Plain Language Guide To Eurojargon](#)" may be the answer.



CHCS Training

CHCS offers Modular Training Courses on the writing of Safety Data Sheets (SDSs), and related issues such as classification, labelling and other documentation.

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- [European](#)
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