

Matura 2015/16 - WIRE Aufgabenstellungen

Autor: Daniel Melichar

Klasse: 5AHITM

Grundzüge des österreichischen Rechtssystems: EU Gesetzgebung

The legislative European Union develops laws that also affect Austria. The procedure behind it has been created specifically for the Union.

Describe the necessary steps in the European Union's law development process.

Ordinary Legislative procedure (See attachment1.pdf)

The ordinary legislative procedure is the main legislative procedure by which directives and regulations are adopted. The procedure was introduced with the Maastricht Treaty as the codecision procedure.

Main elements of the procedure:

1. The European Commission submits a proposal to the Council and the European Parliament
2. The Council and the Parliament adopt a legislative proposal either at the first reading or at the second reading
3. If the two institutions do not reach an agreement after the second reading a conciliation committee is convened
4. If the text agreed by the conciliation committee is acceptable to both institutions at the third reading, the legislative act is adopted

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

Analyse which other procedures are possible and when they are being used

Special legislative procedures: The treaties have provision for special legislative procedures to be used in sensitive areas.

- Consultation procedure

Under this procedure the Council, acting either unanimously or by a qualified majority depending on the policy area concerned, can adopt legislation based on a proposal by the European Commission after consulting the European Parliament. While being required to consult Parliament on legislative proposals, the Council is not bound by Parliament's position. In practice the Council would frequently ignore whatever Parliament might suggest and even sometimes reach an agreement before receiving Parliament's opinion

- Consent procedure

In the consent procedure (formerly assent procedure), the Council can adopt legislation based on a proposal by the European Commission after obtaining the consent of Parliament. Thus Parliament has the legal power to accept or reject any proposal but no legal mechanism exists for proposing amendments. Parliament has however provided for conciliation committee and a procedure for giving interim reports where it can address its concerns to the Council and threaten to withhold its consent unless its concerns are met

- Commission acting alone

In a few limited areas, the Commission has the authority to adopt regulatory or technical legislation without consulting or obtaining the consent of other bodies. The Commission can adopt legislation on its own initiative concerning monopolies and concessions granted to companies by Member States and concerning the right of workers to remain in a Member State after having been employed there.

Interprate which possible issue or challenge the standard legislative procedure can have

Under the ordinary legislative procedure, the European Parliament has the right to propose amendments to the proposals for new laws that come from the Commission. Commission proposals, Parliament's amendments and the Council's common position are then considered in a so-called "trialogue" meeting with representatives from the three institutions who seek to negotiate an agreement or a compromise. It is often not known what goes on behind the doors.