

16

Policy-making in the European Union

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Reader's Guide

This chapter provides an overview of how policy is made in the European Union (EU), focusing on the main procedures involved and the varying roles of the EU institutions. It begins by describing the range of powers that have been given to the EU by the member states in different policy areas, and the multiple modes of governance that are involved. The concept of the policy cycle is used as a framework to explain the stages in EU law-making. The ordinary legislative procedure is presented in some detail, and a case study illustrates the whole cycle from problem definition to implementation. The roles of the institutions in other kinds of policy process are then presented. Policy coordination is explained, with particular attention to economic governance and the European Semester. Finally, the chapter looks at external relations and the common foreign and security policy.

16.1 Introduction

Policy-making in the European Union (EU) works in many different ways. There is no single 'Union method' today that we can neatly identify and contrast with other forms of policy-making, either within or between countries. According to the policy area concerned, the EU has different powers, the EU institutions follow different procedures, and the outcome ranges from the harmonization of national laws to the financing of student exchanges. The key question is how far the member states have chosen to limit their own autonomy in policy-making in order to benefit from collective action, and to delegate powers to common bodies to help make the system work. At one end of the spectrum, member states have agreed to act as the EU or not at all. At the other end, the EU only supports or coordinates what member states do. This chapter compares the different kinds of policy-making in the EU in this light. How far have the EU member states agreed in each case to limit their own powers and discretion? How do the EU institutions and member states work together in the different policy areas according to the kind of competence that the EU has been given?

16.2 EU competences and modes of governance

The Treaty on the Functioning of the European Union (TFEU) lists the categories of EU **competences**—that is, the powers that have been given to the EU—and indicates the policy areas in which these apply (see Table 16.1). In the case of 'exclusive' competences, autonomous action has been renounced completely and irreversibly: member states act together or not at all. Member states cannot conclude bilateral trade agreements with a non-EU country, for example, even if there is no agreement in place between the EU and that country. When decisions are taken on monetary policy for the euro area, moreover, it is the independent European Central Bank that decides.

By contrast, where competence is 'shared', member states agree that the EU may act to help achieve common objectives. This action may take the form of supranational law, including harmonization of national laws and regulations. However, EU decisions to act are not automatic; they have to be justified

in terms of **subsidiarity** (the principle that the EU should only act where this is necessary, either because of the nature of the issue or because the objectives can be better achieved at the level of the EU than by the member states) and must be negotiated among the EU institutions before they affect the freedom to act of the member states. For example, different national policies in transport continued to operate until common measures were taken at EU level. While member states are required to stand back so long as the EU is acting, moreover, they would recover their freedom of action were the EU to cease exercising competence. The treaty states that this principle, known as 'pre-emption' does not apply, however, in the areas of research, technological development, space, development cooperation, and humanitarian assistance. In these policy areas the fact that the EU is acting does not prevent member states from doing so. These areas are often referred to as 'parallel competences'.

In the case of 'supporting, coordinating, and supplementary' competences, the EU only provides finance or 'incentive measures' to support what member states do. In these cases, member states retain full legislative competence, and the harmonization of national laws and regulations is explicitly excluded. For example, the EU cannot adopt measures that would oblige member states to shape their national cultural policy in any particular way.

Finally, 'policy coordination' means that the EU provides the arrangements by which member states coordinate their national policies around common objectives and guidelines, for example, in employment policy.

The operation of the common foreign and security policy is indicated separately in the TEU (see Chapter 19).

Starting with the EU's formal competences does not prevent us from looking at how things work in other terms. In the first place, it should be borne in mind that, in this untidy EU system, the same procedures and even the same instruments can be used for quite different purposes.

EU laws have different degrees of precision. At one extreme, a law may create a rule that is directly applicable (it comes into force in all member states without any action on the part of member states), uniform (it must be applied in the same way in all member states), and exhaustive (it covers all possible aspects of the matter concerned). For example, an EU regulation may explicitly lay down 'identical rules'

Table 16.1 EU competences category

	Definition	Areas of application
Exclusive competences	Only the EU may legislate and adopt legally binding acts.	<ul style="list-style-type: none"> • customs union • common commercial policy • competition (for internal market) • monetary policy (euro area) • protection of marine biological resources • international agreements
Shared competences	Member states shall exercise their competence to the extent that the Union is not exercising its competence. * Member states may exercise their competences even if the EU is acting.	<ul style="list-style-type: none"> • internal market • social policy • economic, social, and territorial cohesion • agriculture and fisheries • environment • consumer protection • transport • trans-European networks • energy • area of freedom, security, and justice • common safety concerns in public health • research * • technological development * • space * • development policy * • humanitarian aid *
Supporting, coordinating, or supplementary competences	The Union may act without superseding member states' competences. Harmonization of national laws and regulations is excluded.	<ul style="list-style-type: none"> • protection and improvement of human health • industry • culture • tourism • education, vocational training, youth, and sport • civil protection • administrative cooperation
Policy coordination		<ul style="list-style-type: none"> • economic policy • employment policy • some social policy

for, say, determining the characteristics of EU fishing vessels in order to 'unify conditions' for fishing under the Common Fisheries Policy. However, EU law may also take the form of a framework law, typically in the form of a directive, which allows some diversity in the national measures that are adopted to ensure the effectiveness of the specific results that are legally binding. Harmonization is often limited to 'essential requirements' of health and safety with which manufacturers must comply by adhering to some recognized standard, while other product characteristics are subject to **mutual recognition** of national norms.

Some instruments that we refer to as 'laws' (because it is a legal requirement to put them into effect) do not create specific duties that can be enforced by courts. A regulation may serve as the legal basis for EU financing of common programmes in areas in which the EU does not have the power to harmonize member states' laws or regulations (for example the 'Erasmus+' regulation in the area of education). Or it may shape a general legislative framework for other methods, such as policy coordination, that do not employ legally binding instruments for their operation.

There have been multiple proposals for classifying EU policy-making in terms of different modes of governance. Wallace and Reh (2020) identify five 'policy modes': the classical Community method, the EU regulatory mode, the EU distributional mode, policy coordination, and intensive transgovernmentalism. Others categorize different modes as being hierarchical as compared to comprising bargaining or learning; as having different levels of discretion and obligation; or as reflecting different combinations of binding or non-binding legal instruments with rigid or flexible implementation (see Treib et al., 2007). It is not always possible to make simple distinctions between 'hard law', defined as legal obligations that can be enforced by courts, and 'soft law', in the sense of measures such as guidelines that are purely indicative. It may now be more appropriate to think of a matrix with different combinations of hardness and softness with respect to the two dimensions of 'obligation' and 'enforcement' (Terpan, 2015). This chapter will use many of these concepts to describe policy-making in the different spheres.

KEY POINTS

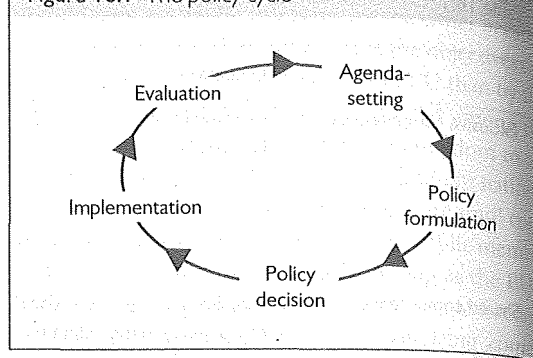
- The EU only has powers that have been given to it by the member states.
- The EU's powers vary greatly: at one extreme, only the EU can act; at the other, the EU only supports or coordinates what member states do.
- The different forms of EU policy-making can also be analysed in terms of the modes of governance that are involved.

16.3 The policy cycle and EU law

The 'policy cycle' is a useful framework for understanding how EU law-making works. Five stages are often identified in a typical public policy cycle (see Figure 16.1 and Box 16.1).

- *agenda-setting*: identifying a problem and agreeing to do something to address it;
- *policy formulation*: defining the problem and its drivers, assessing options and elaborating specific proposals;
- *decision*: adopting the final decision;
- *implementation*: putting the decision into effect;
- *evaluation*: reviewing actual outcomes and identifying possible modifications, which may

Figure 16.1 The policy cycle



be the final stage and/or the beginning of a new cycle.

The centrepiece of the *agenda-setting* process when it comes to legislation is the Commission Work Programme (CWP). The Commission has the last word in deciding whether or not to present a proposal. However, its programme is based on prior consultation with the other institutions, as well as on the political priorities of the Commission itself. Since the 2016 Interinstitutional Agreement on Better Law-Making (IABL), an agreement involving the European Parliament (EP), the Council, and the Commission, the annual cycle is as follows: first, the Commission President gives the State of the Union speech in the EP in mid-September and presents to the President of the EP and the Council Presidency a Letter of Intent for the following year. Next, the CWP is presented in the EP in late October. The three institutions then agree on a Joint Declaration of legislative priorities for the following year.

Policy formulation, in the context of EU law, mainly refers to the elaboration of proposals for legislative acts. This is almost always in the hands of the European Commission as part of that institution's 'right of initiative'.

Decision in this context means the adoption of basic rules affecting a particular policy area. These are 'legislative acts' adopted on the basis of treaty articles by the Council and the EP, usually acting jointly under the 'ordinary legislative procedure'. Legislative acts may take the form of regulations that are directly applicable in all member states following publication; directives that have to be transposed by a deadline into national laws and regulations; or decisions that are used for individual purposes and for specific cases.

Implementation of EU policies has to be seen on (at least) two levels and involves several forms of interaction between the European Commission and the

member states. National authorities are primarily responsible for doing what is necessary to make things work through practical implementation in terms of resources, surveillance, and enforcement, as well as by means of the **transposition** of EU directives into national laws where appropriate. The task of the Commission is to assist member states and stakeholders. It is only as a last resort that the Commission will initiate infringement proceedings before the Court of Justice, if it concludes that a member state is not applying or enforcing legal obligations, for example by failing to notify measures incorporating directives into national law, or transposing directives incompletely or incorrectly. That said, EU policies often require 'uniform conditions' of application across the EU in order to be effective: for example, they may require EU-wide marketing authorizations for food additives; financing decisions for EU research programmes; or common data-reporting formats for accidents in the offshore oil and gas industry. In such cases, the Commission is empowered in an individual legislative act to adopt binding decisions which apply the basic rules laid down in the legislative act (which is therefore often referred to as the 'basic act'). Since the Lisbon Treaty came into force, these decisions of the Commission are known as '**implementing acts**'. These acts also take the form of regulations, directives, or decisions. The Commission must first consult the member states in what are known as '**comitology committees**'. These committees (around 320 active in early 2021) are created by the 'EU legislator' (that is, the institutions that adopt an EU legislative act, which usually means the Parliament and Council acting jointly, and sometimes only the Council) in the basic act and are chaired by the Commission. Implementing acts have no impact on the basic act itself, unlike 'delegated acts' (see Box 16.2; see also Chapter 10).

The importance of the *evaluation* of EU policies has been increasingly recognized across the EU institutions and has acquired ever greater importance in the Commission's Better Regulation agenda, which seeks to ensure that new initiatives are prepared on the basis of the best evidence available and with ample stakeholder consultation, and that existing rules are reviewed to check whether they are still 'fit for purpose'. In late 2017, the Commission could indeed assert that 'its approach . . . is based on the "evaluate first principle". Before revising legislation or introducing new legislation the Commission has made a commitment to evaluate what already exists to identify the potential for simplification and cost reduction' (European Commission, 2017b: 8).

KEY POINTS

- There are five stages in a typical policy cycle.
- Agenda-setting, policy formulation, and decision involve the proposal, elaboration, and adoption of legislation.
- Implementation and evaluation entail putting the legislation into effect as well as assessing it.

16.4 Legislative procedures

This section explains how 'legislative acts' are adopted in the EU.

16.4.1 The Commission's proposal

The first stage in the adoption of legislative acts is the elaboration of a proposal by the European Commission. Stakeholder consultation is carried out in various ways, including through Commission expert groups, public online consultations, and targeted stakeholder meetings. These feed into the **impact assessment** that must be carried out in most cases. The Commission has to explain why there is a problem that requires an intervention; why this is a problem that the EU should address, as compared to member states or international bodies (subsidiarity); what objectives the Commission hopes to achieve; which options are available to pursue those objectives, in terms of both forms of action and policy mixes; the impact that those options can be expected to have, particularly in economic, social, and environmental terms; how those options compare and which option is recommended; and how monitoring and evaluation is to be assured. The final version of the proposal is adopted by the College of Commissioners after a final round of interservice consultation (see also Chapter 10).

16.4.2 Examination of the proposal in Council and Parliament

The second stage in the adoption of a legislative act is the examination of the proposal in parallel within each of the EU's two co-legislators: the EU Council and the European Parliament.

Inside the Council, files are dealt with in one of the 150 or so Working Parties. Working Parties are mostly chaired by the rotating presidency of the Council (see Chapter 11), and bring together representatives of the member states (usually the attachés posted in

Brussels and specialists who come in from the home governments as required) for technical discussion of the proposal. The Commission is represented by the lead department responsible for the file. The Working Party reports to the respective part of the Committee of Permanent Representatives (Coreper), which is made up of the top national officials based in Brussels, who prepare Council decisions.

Inside the European Parliament, one of the 20 standing committees is usually recognized as the 'committee responsible' for the file. Other committees may be invited to give an opinion on the text. Committees may also be 'associated', which means they should agree on a division of labour over different parts of the proposal that come under their respective competences. In some cases, committees act jointly. Within the committee, the file is given to one of the political groups (each committee is composed of members from each political group in the same proportions as the whole, each set of group members being led by a Coordinator) (see Chapter 12). That group nominates the rapporteur (the MEP responsible for the committee Report) for that file. The other groups nominate shadow rapporteurs.

16.4.3 Other actors

All legislative initiatives must be submitted to the national parliaments at the same time as to the Council and the EP for 'subsidiarity control'. Within eight weeks a national chamber may send a 'reasoned opinion' to the Commission if it believes the proposal does not respect the principle of subsidiarity—in other words, they consider that this matter does not need to be dealt with at EU level. If one third of the total votes (two per country) are against the initiative, a 'yellow card' of warning is held to have been issued, and the Commission must review its proposal.

The two Advisory Bodies, the European Economic and Social Committee (EESC) and the European Committee of the Regions (CoR), are also usually consulted, though their opinions are not binding.

16.4.4 Decision by the legislator

The way in which decisions are taken depends on which kind of legislative procedure is specified in the treaty article that is being used as the legal basis. In most cases the treaty now states that the 'ordinary

legislative procedure', under which the Council and the EP have to agree, should be used. This procedure was first introduced by the Maastricht Treaty in 1993 and has now become the dominant method for adopting EU legislation. It was followed in 434 of the 494 legislative acts that were published between July 2014 and June 2020.

The other 'special legislative procedures' are set out in the treaty. The main procedure of this type, known as 'the consultation procedure', reflects the way in which legislative decisions were taken when the Community was set up—the original 'Community method'. The Council must request, and wait for, an Opinion from the EP before acting, but that Opinion is not binding. In most cases, the Council must act by unanimity. This procedure is mainly used in the area of tax, and in a few other areas of high sensitivity such as family law with cross-border implications or consular protection of EU citizens in third countries. In a very few cases the Council must request the EP's 'consent' before it can adopt a legislative act. This procedure, usually required for ratification of international agreements, was used for the EU's seven-year 'multiannual financial framework' in 2020 and the creation of the European Public Prosecutor's Office in 2017. The annual budget is approved using an ad hoc special legislative procedure.

16.4.5 The ordinary legislative procedure

The ordinary legislative procedure can be summed up through the following twin principles: the Council acts by qualified majority (see Box 16.3), and the EP and the Council have to agree. There are up to three readings of legislation in this procedure, meaning that there are four successive moments at which the two institutions can come to an agreement.

'First reading agreements' are reached when the EP and the Council find a compromise through informal negotiations (trilogues) (see Box 16.4) on the basis of the Commission's proposal. The mandate on the Council side may be given by Coreper to the (Council) Presidency or take the form of a General Approach endorsed by ministers. The Council is normally represented by the Chair of Coreper, supported by the Chair of the Working Party and officials from the Council Secretariat. The EP team is under the authority of the relevant Committee Chair, who may be represented

Table 16.2 Trilogues: how compromises are reached

Commission Proposal doc. 5899/13	EP Amendments (first reading)	Council's General Approach doc. 17004/13	Comments
AMD 65 Article 3—para 6			
6. The Commission shall evaluate the national policy frameworks and ensure that there is coherence at EU level. It shall forward to the European Parliament the report on the evaluation on the national policy frameworks within one year from the reception of the national policy frameworks.	6. The Commission shall evaluate the national policy frameworks, especially in terms of their efficacy for the achievement of the national targets referred to in paragraph 1 , and ensure that there is coherence at Union level. It shall forward to the European Parliament the report on the evaluation on the national policy frameworks within one year from receipt of the national policy frameworks.	6. The Commission shall assist Member States through the reporting on the national policy frameworks with a view to assess their coherence and in the cooperation process set out in paragraph 2.	Presidency compromise proposal acceptable to EP: 6. The Commission shall assist Member States in the reporting on the national policy frameworks by means of guidelines referred to in Article 10(3), assess their coherence at EU level and assist Member States in the cooperation process set out in paragraph 2.

Source: Report from General Secretariat of the Council to Permanent Representatives Committee (Part I), Proposal for a Directive of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, Preparation for the third informal trilogue. Council document 6649/14 of 25 February 2014.

BOX 16.1 CASE STUDY: THE ALTERNATIVE FUELS INFRASTRUCTURE DIRECTIVE

The EU's 2014 Directive on the Deployment of Alternative Fuels Infrastructure (European Parliament and Council, 2014a) illustrates the way in which the EU's ordinary legislative procedure operates, relating the steps involved in the actual practice of policy-making to the stages in the classic policy cycle. The case goes round the whole cycle from problem definition in 2011, through adoption of the directive in 2014 and assessment of its implementation, to evaluation in 2019 and a revision starting in 2021.

The problem

The strategic goals of reducing Europe's dependence on imported oil and cutting carbon emissions in transport have been proclaimed since 2010. The increased use of vehicles powered by 'alternative fuels' (especially electricity, hydrogen, Compressed Natural Gas (CNG), and Liquefied Natural Gas (LNG)) is a specific objective intended to contribute to that goal. One obstacle, however, has been identified as low consumer confidence in the distance range of 'green vehicles' as

well as in the availability and technical compatibility of recharging facilities. The result is a 'chicken-and-egg' problem: 'alternative fuel infrastructure is not built as there is an insufficient number of vehicles and vessels; the manufacturing industry does not produce them at competitive prices as there is insufficient consumer demand; and consumers in consequence do not purchase them' (European Commission, 2013). How could EU action help to break this deadlock?

Agenda setting

In line with the Europe 2020 strategy for jobs and smart, sustainable, and inclusive growth adopted by the European Council, the Commission in March 2011 presented a new White Paper on Transport. The list of specific initiatives within that document included a sustainable alternative fuels strategy comprising the appropriate infrastructure and guidelines and standards for refuelling infrastructures. The Commission had also submitted a separate Communication on clean and energy-efficient vehicles. These plans were generally endorsed in EU

(continued)


BOX 16.1 CASE STUDY: THE ALTERNATIVE FUELS INFRASTRUCTURE DIRECTIVE *(continued)*

Council Conclusions and a Resolution of the European Parliament.

Policy formulation

Within the Commission the process was led by DG MOVE (Transport and Mobility), which chaired an inter-service group together with the Commission's Secretariat-General. Expert Groups were consulted and online consultation also took place. The Commission's impact assessment identified three main policy options alongside the baseline scenario of 'no change': recommendations setting out only basic criteria and indicative targets in all cases; basic criteria plus binding targets for electricity and LNG for waterborne transport and indicative targets for the rest; and basic criteria plus binding targets for all fuels. The Commission preferred the third option mainly on the grounds that only binding targets would provide the kind of credible commitment that was required for consumers and producers to change their behaviour. The Commission adopted its legislative proposal on 24 January 2013. It would mean that each member state would have to adopt a national policy framework (NPF) through which it would guarantee minimum levels of coverage for all fuels by the end of 2020.

National parliaments received the draft and the EU advisory bodies were consulted.

Policy decision

In the EP the file was sent to the Committee on Transport and Tourism (TRAN) as the committee responsible. The Committee on Industry, Research and Energy (ITRE) gave an opinion. Within TRAN, the file went to the European People's Party (EPP) Group, the centre-right political group in Parliament. On 26 November 2013, TRAN voted on the report and on the decision to enter into negotiations ahead of the first reading.

Meanwhile, in the Council the file went to the Working Party on Transport, Intermodal Questions and Networks. The Council Presidency submitted a compromise text to Coreper on 27 November 2013. The Council endorsed an amended version as a General Approach on 5 December 2013.

Four trilogues, as well as technical meetings, took place. A provisional agreement was reached on 26 March. This was confirmed in Coreper and in TRAN, adopted by the EP and the Council, and signed on 22 October 2014.

The result was a typical compromise package of trade-offs between dates, figures, review clauses, and supporting measures, facilitated by creative drafting. In the case of electricity, the Commission's proposal was that each member state would have to assure a specified minimum number of

recharging points by the end of 2020, of which 10 per cent would have to be publicly accessible. The EP considered that only the publicly accessible recharging points should be subject to EU law, and also reduced the minimum numbers of these points that would be mandatory. The Council preferred only to stipulate 'an appropriate number' of recharging points (in other words, each member state would decide what was required), and to extend the deadline to the end of 2030. The final compromise followed the Council in referring to an 'appropriate number' but the deadline was kept as 2020. The numbers included in the national plans would be justified by each member state with regard to the number of electric vehicles estimated (by each member state) to be registered by the end of 2020, as well as in best practices and recommendations issued by the Commission. The level of attainment of these targets by the member states would be subject to evaluation by the Commission, which would submit a report on application of the directive to the EP and Council by November 2020. If progress was insufficient, the Commission could submit a proposal to amend the directive, taking into account the development of the market in order to ensure that an additional number of recharging points accessible to the public would be put in place in each member state by 2025. In other words, the proposal had been significantly watered down by the Council, but the directive held out the possibility of a process of review and an eventual proposal which was more stringent.

The excerpt in Table 16.2 from the four-column document used in the third trilogue illustrates how compromises are drafted. The Commission's ambition to exercise influence over the national plans is strengthened by the EP, while the reluctance of a majority of member states to be subjected to Commission pressure leads to a rather weak compromise.

Implementation

The Commission promoted various measures to assist in the implementation of the directive. The Commission provided templates for national plans and a study with 'good practice examples', set up a European Alternative Fuels Observatory, and created a Sustainable Transport Forum (STF) with representatives of member states, the transport sector, and civil society. Yet the response by the member states was less than hoped for. On 8 November 2017 the Commission presented its report. It noted that 'greater efforts' were required and that the level of ambition varied significantly.

In addition to some infringement proceedings, the Commission now presented an Action Plan to assist member states through EU financing support and capacity-building. This was part of a new Clean Mobility Package including other measures to address the infrastructure problem from different angles,

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BOX 16.1 CASE STUDY: THE ALTERNATIVE FUELS INFRASTRUCTURE DIRECTIVE (continued)

including new requirements for public procurement of clean vehicles, and proposed new CO₂ emission performance standards for new passenger cars and light commercial vehicles.

Evaluation and back to agenda setting

In parallel with the assessment of national implementation, the Commission launched a formal evaluation of the directive itself in early 2019, including a public consultation, as well as a survey of stakeholders through the Sustainable Transport Forum. Meanwhile, in October 2018, the European Parliament had adopted a resolution calling on the Commission to accelerate revision of the directive, and an informal meeting of transport and environment ministers under the Austrian Presidency expressed support for a review.

The first lap round the legislative policy cycle was complete and the second had begun. Many of the problem drivers and

possible responses identified in the 2020 inception impact assessment were similar to those of 2012. However, the policy context had changed significantly. Notably, the 2019 regulation on CO₂ emission performance standards obliged carmakers to reduce the average emissions from new cars and vans, which meant increasing the share of zero- and low-emission vehicles according to benchmarks for 2020, 2021, and 2025. The effect was to increase not only the offer of electric vehicles but also pressure from carmakers for measures to ensure that there would be adequate infrastructure to support them, including binding targets for member states.

In 2019 the new Commission made the issue a legislative priority within the European Green Deal. The proposed revision was included in the dialogue with the EP and the Council in 2020, and formally announced in the Commission Work Programme for 2021. A Proposal to replace the Directive by a new Regulation was presented on 14 July 2021.

BOX 16.2 KEY DEBATES: THE TROUBLED INTRODUCTION OF DELEGATED ACTS

Basic rules may need to be updated in the light of scientific and technical progress, adapted to changes in the market or to new policy preferences. General rules may need to be followed by rules for specific product groups. In such cases, in order to avoid lengthy legislative procedures, the EU legislator (normally the Council and the Parliament) may choose to empower the Commission to adopt binding acts that 'supplement or amend' 'non-essential elements' of the basic legislative act. Since the Lisbon Treaty came into force, these are known as 'delegated acts', in contrast to the 'implementing acts' discussed earlier in this chapter.

There were two main reasons for splitting the pre-Lisbon world of comitology into these two new categories. First, where the Commission is asked to make minor changes to the law, it should be accountable to the actors responsible for adopting the law, namely the EP and Council, rather than to the actors responsible for implementing it, namely the member states. Second, this new procedure would make it possible to recognize the EP as a co-legislator exercising oversight of the Commission's executive rule-making, while maintaining the system of member state control over the Commission for implementing acts.

The Commission thus drafts, consults and adopts an act, and then notifies the Parliament and the Council. The latter institutions have a deadline, normally two months extendable by another two months, during which they can 'object to'—that is, veto—an individual delegated act. As of February 2021, the Council had objected six times and the EP ten times using this procedure. For example, the EP has objected over the allowable

levels of sugar in baby food, over the continued exemption for cadmium in display and lighting applications, and over the identification of high-risk third countries with regard to money laundering and terrorist financing. In principle, either Parliament or Council can also cancel the whole procedure and 'revoke' the delegation of powers to the Commission in a particular field. This had not happened as of early 2021.

Introducing this new system was not straightforward. Two main issues of contention emerged. One concerned 'delineation': whether there was any overlap between delegated and implementing acts, and any discretion for the EU legislator in choosing which kind of act to use in particular cases. The Commission argued that there was not, while the Council thought there was. After two rulings by the Court of Justice (*Biocides* in 2014 and *Visa* in 2015), the institutions have now agreed in the new Common Understanding attached to the 2016 IABL that 'It is the competence of the legislator to decide whether and to what extent to use delegated or implementing acts, within the limits of the Treaties'. In many cases the choice will be clearly dictated by what the treaty articles say, but in some cases there is room for discretion. The other issue was how the Commission would carry out consultations before adopting a delegated act. The first Common Understanding only committed the Commission to 'carry out appropriate consultations during its preparatory work, including at expert level'. Commission expert groups cannot exert control over the Commission and do not vote on drafts, in contrast to

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BOX 16.2 KEY DEBATES: THE TROUBLED INTRODUCTION OF DELEGATED ACTS (continued)

'comitology committees'. The Council became concerned that there were not sufficient guarantees that all member states' experts would be systematically consulted before delegated acts are adopted that they will have to implement or transpose. The new Common Understanding clearly states that the Commission 'will consult experts designated by each Member State in the preparation of draft delegated acts'. Moreover, both

Council and EP may be represented by their secretariats in Commission expert groups that prepare delegated acts. A basic interinstitutional agreement on non-binding criteria was reached in 2019. However, the extent to which the Commission may be empowered to adopt delegated acts continues to be one of the main sources of discussion in negotiations over new EU legislation.

BOX 16.3 BACKGROUND: QUALIFIED MAJORITY VOTING

The internal market and the core policies that complement it require some binding rules that are applied uniformly if there is to be fair competition and legal certainty. Until the early 1980s progress was held back by the requirement for unanimity in the Council. The introduction of qualified majority voting (QMV) in these areas made it possible to 'complete the internal market' in terms of the basic legislative framework by the end of 1992.

Unanimity is still required to change the treaties and in most of the 'special legislative procedures', as well as the common foreign and security policy. Simple majority continues to be used for procedural purposes but is not used for the adoption of general norms. Since the Lisbon Treaty came into force, however, QMV is the default setting. Since 1 November 2014, a qualified majority has required satisfaction of two criteria: 55 per cent of the member states ('at least 15', which means 15 out of 27 after Brexit) as well as 65 per cent of the total population of the EU. Conversely, a 'blocking minority' can be formed by either 45 per cent of the member states or at least

35 per cent of the population (representing at least four member states).

The ethos of Council decision-making, however, remains consensus-building. The implicit threat of a vote is meant to encourage compromise. As many national concerns as reasonably possible should be accommodated in order to come up with a text that almost all delegations can live with. In most cases, the pressure of qualified majority is felt mainly during the earlier stages of negotiation, including indicative votes which are not usually made public. Once the compromise is agreed, the final result is very often registered as unanimous.

Member states do record negative votes or abstentions in some 20–25 per cent of cases, and indeed have come to do so more often since around 2009. These generally reflect statements of principle or required responses to a domestic mandate. However, very sensitive decisions are now sometimes taken in a majority vote that reflects deep splits among the member states.

by a Vice-Chair, but the negotiations are led by the rapporteur, who is accompanied by the shadow rapporteurs, and supported by officials from the EP Secretariat, policy advisors from the political groups, and assistants. The process is supported by a four-column document at first reading. The first column contains the Commission's proposal, the second and third columns normally show the EP and Council's respective mandates, while the fourth column is gradually filled with comments, compromise proposals, and eventually the complete agreement. The text is voted upon by the EP as its 'position'. This is approved by the Council, and the act can then be adopted and signed. Around 90 per cent of concluded files end here.

'Early second readings' account for most of the rest of the files that are concluded under the ordinary legislative procedure. In these cases, the compromise

is reached after the Parliament's first reading. It is adopted as the Council's 'position' and approved by the Parliament without change.

'Second readings' mean that the Council's position at first reading had not been pre-agreed with Parliament. Subject to time limits of three, extendable to four months, the Parliament may adopt amendments to the Council's position that are agreed in advance and approved by the Council. Between July 2014 and June 2019, only four out of a total 401 files were concluded at this stage.

'Third readings' represent the last chance to agree. A 'conciliation committee' is convened between Council and Parliament delegations with short deadlines to agree on a 'Joint Text'. This then has to be ratified by the two institutions. There was no case of conciliation between July 2014 and June 2020.

BOX 16.4 KEY DEBATES: TRILOGUES AND TRANSPARENCY

Most EU legislative acts are agreed between representatives of the EU institutions in informal meetings known as 'trilogues'. The documents supporting these meetings are not made public while negotiations are taking place. This has led to debate as to whether this practice satisfies norms of transparency, participation and accountability, especially at first reading.

Critics argue that the process is opaque and secretive. Why should citizens and other stakeholders not have the right to know what is going on, and perhaps be able to offer their input as positions change? Moreover, it does not seem to be a very 'parliamentary' way of acting. Where is the public deliberation and open confrontation of ideas? Discussions seem to take place between a small number of people behind closed doors, while the plenary does no more than formally ratify the provisional agreement by a single vote.

Others, in contrast, consider that a reasonable balance has now been found. They argue that such meetings represent the only efficient way to manage negotiations between a 705-member Parliament and 27 member states. The arrangements have now been semi-formalized. Negotiations cannot take place without formal mandates that can be identified by citizens, and the teams are accountable to their political principals throughout the process. The Council Presidency reports back to the member states through Coreper after each meeting and the mandate

may be changed; likewise, the EP team reports back to the political groups in the committee.

The European Ombudsman conducted an inquiry in this respect in 2016. She emphasized the importance of proactively providing full information before and after the negotiations. However, she also identified the need: 'to balance the interest in having a transparent process with the legitimate need to ensure a privileged negotiating space. ... It is arguable that the interest in well-functioning Trilogue negotiations temporarily outweighs the interest in transparency for as long as the Trilogue negotiations are ongoing' (European Ombudsman, 2016: paras 30, 54).

The matter was also dealt with by the Court of Justice of the EU (General Court) in its 2018 *De Capitani* ruling concerning the right of access to the compromise proposals contained in the fourth column of trilogue tables while negotiations were still ongoing. The Court ruled that there can be 'no general presumption of non-disclosure' in relation to the four-column documents. If someone requests access to a trilogue table, it will now usually be granted. However, the institutions may refuse access 'in duly justified cases'. The Court also recognized the need for 'a free exchange of views' in preparatory meetings before compromise texts are inserted into the table. The ruling only concerned access to the documents drawn up in trilogues (CJEU, 2018: paras 112, 106).

KEY POINTS

- The basic rules determining EU policies take the form of 'legislative acts'.
- Legislative acts are usually adopted jointly by the Council and the European Parliament on the basis of a Commission proposal.
- These legislative acts may subsequently be adapted by the Commission through 'delegated acts', or put into effect, if uniform conditions are required, by Commission 'implementing acts'.

16.5 Policy coordination and economic governance

The EU's economic and monetary union has developed on the basis of an unstable combination of different modes of governance. Monetary policy is an exclusive competence of the EU for the euro area and decisions are taken by an independent European Central Bank. Economic policy, on the other hand, remains a matter

of national legislative competence, even for countries in the euro area. EU policy-making in matters of 'economic governance' mainly involves a set of EU frameworks for shaping national policies, usually referred to as forms of 'policy coordination' (see Chapter 22).

Since the Maastricht Treaty, the EU member states have agreed on some common goals and guidelines in economic policy and submit their programmes and their performance to review at the EU level. This has evolved on two dimensions.

One process aims to prevent the negative consequences for growth and stability across the EU that can be caused by fiscal imbalances such as excessive deficits and levels of public debt, and macro-economic imbalances such as large current account deficits and housing bubbles. The first goal has been to ensure sound public finances and price stability. This approach is embodied in the Stability and Growth Pact (SGP), originally adopted in 1997, which provides a set of rules for the coordination of national fiscal policies in the EU. Each country in the euro area must submit a 'stability programme'. The others submit a 'convergence programme'. To prevent excessive deficits, the Council may adopt

recommendations to the member state concerned, which are not legally binding. However, member states are in theory subject to financial penalties if they persist in failing to put into practice Council decisions adopted in the 'corrective' stage. The SGP was reinforced in 2011 and 2013. For a euro area member state, this has meant that failure to control deficits could result in the imposition of sanctions in the form of a fine of 0.2 per cent of GDP. Euro area countries also became obliged to submit their draft budgetary plans for comment by the Commission. A new procedure was also added to cover macroeconomic imbalances, since the origins of the global financial crisis of 2007–08 had been more than fiscal in nature. Under this Macroeconomic Imbalance Procedure (MIP) member states would be subject to surveillance using a 'scoreboard' of indicators concerning possible internal imbalances (including private indebtedness and housing markets) as well as external imbalances. Euro area countries would be subject to possible sanctions here as well.

The other dimension of economic policy coordination aimed to achieve more positive results through cooperation, peer review, and mutual learning. The Europe 2020 strategy was adopted by the European Council in 2010. It defined EU targets concerning employment, research and development, climate change and energy, education, and poverty and social exclusion. This was explicitly referred to as a 'reference framework' against which member states set their own national targets. Each country submits a 'national reform programme' every year.

The two dimensions were brought together in an annual cycle known as the 'European Semester'.

The roles of the EU institutions, the instruments used, and the modalities of obligation and enforcement, are quite different from those in the policy cycle described above. The leading role in policy coordination is that of the Council, exercising its policy-making and coordinating functions as laid down in the treaties. The Commission is the main actor responsible for analysis, coordination, and assessment. The policy coordination cycle starts in November. The Annual Sustainable Growth Survey outlines what the Commission sees as the most pressing economic and social priorities, on which the EU and its member states need to focus their attention. The Alert Mechanism Report identifies member states that require In-Depth Reviews to assess whether they are affected by macroeconomic imbalances and are in need of policy action. At the same time, the Commission gives its comments on the Draft Budgetary Plans submitted by each euro area member state. Member states submit

their plans and programmes for assessment by the Commission and by committees in the Council framework. The Commission submits its own recommendations as the basis for the Council's final recommendations. The Council adopts Country-Specific Recommendations addressed to each member state each year and may adopt measures to enforce its recommendations. The European Council must endorse first the priorities in March, and then the draft recommendations in June.

This has been an area of experimentation in EU governance, combining elements of hard and soft law. By 2020, however, the accumulation of threads in the annual cycle, and the multiplicity of rules and indicators, had produced a process that was highly complex and of questionable effectiveness.

The supposedly 'hard' elements of the SGP had come to seem inappropriate and to lack credibility. In 2015 and 2016 the Commission showed flexibility for France (and Italy), provoking comments that the Commission looked as though it was treating big countries differently from small countries. In July 2016, the Council concluded that Spain and Portugal had failed to take effective action to correct their excessive deficits and were therefore subject to sanctions. Yet the Commission then proposed dropping the fines.

The 'soft' parts, on the other hand, were seen as largely ineffectual. In 2012–19, the proportion of recommendations on which member states made 'at least some progress' declined from 71 per cent in 2012 to 39.8 per cent in 2019, and the share with 'full/substantial progress' gradually decreased from 11 per cent in 2012 to about 1 per cent in 2019 (Angerer et al., 2020: 5).

In February 2020, the Commission opened a review of economic governance, although this was overtaken by the COVID-19 pandemic. Moreover, outside the European Semester as such, the Commission had also already been introducing new governance strategies to achieve EU goals in particular sectors where there is limited EU competence and disagreement among member states. This approach has been characterized as a distinct 'harder soft' mode of governance (HSG) (Schoenefeld and Knodt, 2020). In the case of the Energy Union, this resulted in the 2018 'Governance Regulation', designed 'to help ensure that the Union meets its energy policy goals, while fully respecting Member States' freedom to determine their energy mix' (European Parliament and Council, 2018: recital 12). The EU's goals, and its commitments under the Paris Agreement, were included as binding targets. However, depending on the specific legal bases, some national targets would be binding (greenhouse gas emission

reductions and renewable energy) and others would not (energy efficiency, energy security, internal energy market, research). For these 'soft' targets, various 'hardening' elements were included. Drafts of the National Energy and Climate Plans (NECPs) would be made public in order to increase peer pressure and the involvement of civil society. The regulation obliges member states to take into account Commission recommendations and increases opportunities for 'blaming and shaming'. Mandatory templates and Commission review would exert pressure through concrete implementation practices (Knodt et al., 2020).

Second, various new steps of a broader nature had also already been taken to increase the incentives and pressures for member states to shape their national policies to EU policy objectives, and to implement national reforms in line with EU recommendations. This has not only concerned resources, with stronger links between the EU budget and the European Semester, as well as an increasingly important role for cohesion policy. It has also relied on the direct involvement of the Commission in assisting implementation on the ground through the structural reform support programme set up in 2017.

The EU's Recovery plan will see a deepening of these approaches. The EU's Recovery and Resilience Facility increases the incentives for national reforms, through its conditional offer of €312.5 billion in grants and €360 billion in loans. National plans must align with EU priorities (for example, at least 37 per cent of projects must support the Green Transition and 20 per cent the Digital Transformation) as well as address country-specific challenges in line with the recommendations made in the European Semester.

This, together with the momentous agreement in 2020 to engage in collective borrowing, may represent a critical juncture in the evolution of European economic governance, and the ways in which the EU tries to pursue European goals through national policies.

KEY POINTS

- In some areas EU member states retain legislative competence but agree to coordinate their national policies.
- EU member states are committed to respecting common objectives and guidelines in their economic policies to ensure sound finances, and to promote growth and jobs.
- There is an annual cycle known as the European Semester in which the plans and performance of member states are subject to review and recommendations at EU level.

16.6 Policy-making in external relations

Since the coming into force of the Lisbon Treaty, the EU's various forms of external relations, which range from trade and development cooperation to foreign and security policy, are all considered to fall under the umbrella of 'external action', and as such are obliged to respect the same basic objectives and values. Several steps have been taken to improve coherence and consistency between external relations policies, such as the introduction of the figure of a High Representative for Foreign Affairs and Security Policy who is now also a Vice-President in the Commission (hence the common abbreviation 'HR/VP') as well as head of the European External Action Service (EEAS). However, there continue to be important differences in the institutional roles, procedures, and instruments.

External action encompasses some areas of EU exclusive competence, notably trade and international agreements, and other areas of shared competence that are managed under EU law and often through legislative procedures set out in the Treaty on the Functioning of the European Union (TFEU) (see Chapter 17). Where the EU has exclusive competence, the Commission represents the EU on the basis of negotiating directives from the Council, but it is the Council that will conclude agreements on behalf of the EU. The Commission is also responsible for the practical management of international development cooperation and humanitarian aid. The Parliament has co-decision powers over framework decisions on trade policy and is to be kept informed about the state of negotiations in international agreements. It must also now give its 'consent' to the Council before agreements are concluded (see Box 16.5), as well as exercising indirect influence by virtue of its role as joint budget authority on development cooperation. In both trade and development policy the EP can play an important role in the EU's external relations, even if its formal powers appear more limited.

External action also covers the common foreign and security policy (CFSP), including the common security and defence policy. This area is based in the provisions of the Treaty on European Union (TEU) and does not operate through legislative acts. The main actors in these policy areas are the European Council, which defines the EU's 'strategic interests and objectives'; the Council, which takes the decisions necessary for defining and implementing the CFSP on that basis; and the High Representative. CFSP business is managed in the Council by



BOX 16.5 THE EU AND CUBA

On 1 November 2017, a Political Dialogue and Cooperation Agreement (PDCA) provisionally came into effect between the EU and Cuba. The Agreement includes chapters on political dialogue, cooperation, and sector policy dialogue as well as trade. This document was a turning point. From 1996 until 2016, EU–Cuba relations had been limited by a common position that made full cooperation with the EU conditional upon improvements in human rights and political freedom in Cuba. The EU had even imposed sanctions in 2003 in response to the arrest of 75 prominent dissidents.

The Agreement covers not only EU exclusive competences (such as trade) and shared competences, for which the European Commission would normally represent the EU and which could be adopted in the Council by qualified majority, but also the common foreign and security policy (CFSP), for which the High Representative is responsible. Since CFSP is a field in which unanimity is required for adoption of a Union act, a unanimous agreement was required before the Agreement could be signed. Moreover, this is a mixed agreement, which means it involves both EU and member state competences and has to be ratified in all EU countries.

The 1996 common position had been strongly supported by the conservative Spanish government, which favoured a policy of isolation. At the beginning of the Spanish Presidency in the first half of 2010, the socialist government proposed changing EU policy towards dialogue and even a bilateral agreement. Most countries did not favour changing the common position, however, while the European Parliament continued to be highly critical of Cuba's performance in human rights and political freedom. The EP's Sakharov prize was awarded to Cuban human rights activists in 2002, 2005, and again in October 2010. Yet, in a decision that also reflected the shift in leadership in external relations away from the rotating Council Presidency after the Lisbon Treaty, the Foreign Affairs Council in October 2010 asked the High Representative to explore possibilities on the way forward for relations with Cuba.

The High Representative held a first meeting with the Cuban Foreign Minister in February 2011. In spring 2011 the Cuban government released the last of the political prisoners sentenced in the 2003 crackdown that saw the rift with the EU. It approved economic reforms in late 2011 aimed at encouraging private

enterprise and recognizing a right to private property. It also freed 2,500 prisoners in December 2011 in advance of the visit by Pope Benedict XVI planned for the following March. Meanwhile, 16 EU member states had signed bilateral statements, agreements, or memoranda of understanding with Cuba (and by 2017 that figure numbered 20).

In April 2013, the Commission submitted a Recommendation to the Council to authorize the Commission and the High Representative to open negotiations. By January 2014, the Council Working Party on Latin America and the Caribbean was able to endorse three texts: a Council Decision authorizing the Commission and the High Representative to open negotiations on provisions within the EU's competences; a 'Decision of the Representatives of the Governments of the Member States, meeting within the Council', authorizing the Commission to open negotiations on provisions within the competence of the member states; and 'negotiating directives'.

Negotiations took place between April 2014 and March 2016, at which point the agreement was initialled. The EU delegations were led by the European External Action Service (EEAS) and included representatives of the Commission. In September 2016, the Commission and the High Representative submitted a 'Joint Proposal' for a Council Decision on the signing and provisional application of the Agreement. The Council adopted the Decision on 6 December, and the agreement was signed on 16 December 2016 in Brussels.

The final stage at EU level was the 'consent' of the EP, where concern had continued to be expressed about human rights and political freedom. The file was examined in the Committee on Foreign Affairs (AFET). A draft recommendation for the EP's consent was accompanied by a separate draft report on the Council decision in which the political concerns were reaffirmed. These were adopted with some amendments in April. On 5 July 2017 the EP adopted the two resolutions in plenary by a large majority. The PDCA could now come into effect 'provisionally' for all areas under EU competence, which covered the bulk of the agreement.

However, it would only apply after ratification by all member states for a detailed list of areas specified as coming under member state competence: anti-money laundering, consular protection, maritime transport, border security, international cooperation in taxation, and non-agricultural geographical indications.

the Political and Security Committee (PSC). The PSC is chaired by a representative of the High Representative, as is the Committee on the Civilian Aspects of Crisis Management and around half of the Council Working Parties dealing with external relations.

The Council adopts decisions by unanimity under the CFSP that are binding on the member states.

However, they cannot be enforced by the EU. As a result, measures may be adopted in two parallel forms, CFSP and EU. For example, in May 2016, the Council adopted a 'Decision (CFSP)' concerning restrictive measures against North Korea, based on a proposal from the High Representative under the TEU. This decision is updated by Council implementing acts. In

May 2020, for example, an entry was added to the list of persons and entities subject to restrictive measures in a fresh UN Security Council resolution. The annex to the 2016 Decision was consequently amended in June

2020 by a 'Council Implementing Decision (CFSP)'. To ensure that the measures can be directly enforced, the same list was also adopted simultaneously in a parallel 'Council Implementing Regulation (EU)'.

KEY POINTS

- EU external action combines those areas in which the EU has competence and in which the Commission represents the EU, with the Common Foreign and Security Policy (CFSP).
- There are no legislative acts in CFSP.
- The Council adopts the basic decisions in CFSP and the leading role is played by the High Representative and the European External Action Service.

16.7 Conclusion

As it has expanded both its scope of action and its membership, the EU has come to use a variety of methods of policy-making. The original 'Community method' rested on a hierarchical mode of governance. Member states chose to limit the exercise of their sovereign rights in order to achieve certain common objectives, mainly to do with market integration. In some cases, such as trade, they would act together or not at all. In most cases they agreed eventually also to pool sovereignty through qualified majority voting in the Council. They accepted that some enforceable common rules were necessary for the sake of credibility and legal certainty, and that these should in principle be uniformly applied. And the member states saw that it would make it easier to manage the process over time if they were to delegate powers of agenda-setting and control to two supranational bodies, the European Commission and the Court of Justice. The European Parliament played a secondary role in interest aggregation and policy legitimation. Other forms of cooperation emerged among the same member states, notably in foreign policy and internal security, but these were kept outside the Community as such.

The Maastricht Treaty brought these more inter-governmental forms of cooperation, as well as deeper forms of supranational policy-making, together under the umbrella of the new Union.

In the internal market and related policies, there has been more pooling of sovereignty and a deepening of the role of EU institutions, resulting in what one may think of as a 'Community method 2.0'. Qualified majority voting in the Council has become the rule in most areas, and the European Parliament has acquired equal powers in most legislative procedures.

Around this core, policy-making has developed in opposing directions. On the one hand, there have been

moves towards a reinforcement of policy-making at Union level. Monetary policy for the euro area is in the hands of an independent European Central Bank. Some EU agencies and supervisory authorities have also been given stronger powers in decision-making. On the other hand, most of the post-Maastricht innovations have neither followed the hierarchical mode of governance nor reinforced Union capacities for policy management. Economic policy remains a matter of national competence, subject to loose coordination under the European Semester. Likewise, foreign and security policy remains a matter of deep cooperation between national governments with no direct enforceability of CFSP measures.

This diversity may be seen as necessary in order to assure the stability of the European integration process. A hard core of uniform commitments around a common project (the 'internal market plus'), protected by a strong legal and institutional system, can hold things together. Around this, controlled flexibility in methods and in participation may be desirable in order to manage the pressures that arise when some member states face political or constitutional obstacles to joining new common arrangements.

Even this approach has come under strain, however, as the EU has faced successive crises. Acceptance of a hard and uniform core has been challenged not only by Brexit but by the deep splits that have emerged in the enlarged EU over key aspects of the internal market, as well as by the search for common responses to the migration crisis. Brexit may foster some fresh interest among the 27 to reinforce integration, and the changing international environment may also push the EU in the direction of deeper common approaches to key issues

such as climate change and security. Although initial responses to the COVID-19 pandemic seemed to show an alarmingly low level of both agreement between EU governments and solidarity between EU peoples, by early 2021 the Recovery Plan

seemed to promise a net positive impact on the 'resilience' of EU governance. Yet the public mood across the EU remains mixed and troubled; whatever they are, the next steps in EU policy-making will not come easily.



QUESTIONS

1. What are the main differences between the EU's competences?
2. What role do national parliaments play in EU policy-making?
3. How does the role of the European Parliament in policy-making vary?
4. How might the ordinary legislative procedure be simplified in the light of practice?
5. Is it acceptable that many compromises over EU law are reached through informal interinstitutional negotiations?
6. What are the main inputs and outputs of the European Semester?
7. Which entities take the lead in the common foreign and security policy?
8. How may European crises affect EU policy-making?



GUIDE TO FURTHER READING

Bergstrom, C.F. and Rittler, D. (eds) (2016) *Rulemaking by the European Commission. The New System for Delegation of Powers* (Oxford: Oxford University Press). A thorough discussion from different perspectives of the system of delegated and implementing acts introduced by the Lisbon Treaty.

Buonanno, L. and Nugent, N. (2020) *Policies and Policy Processes of the European Union*, 2nd edn (Basingstoke: Palgrave Macmillan). A comprehensive overview of the main areas of EU policy-making.

European Parliament (2020) *Handbook on the Ordinary Legislative Procedure*. <http://www.epgenpro.europarl.europa.eu/static/ordinary-legislative-procedure/en/ordinary-legislative-procedure/handbook-on-the-ordinary-legislative-procedure.html>. How the main EU legislative procedure works, with references and links to key documents.

Falkner, G. and Müller, P. (eds) (2014) *EU Policies in a Global Perspective. Shaping or taking international regimes?* (Abingdon: Routledge). A helpful discussion of how EU policy-making in many sectors has to be seen in the context of broader international frameworks.

Wallace, H., Pollack, M.A., Roederer-Rynning, C., and Young, A.R. (eds) (2020) *Policy-Making in the European Union*, 8th edn (Oxford: Oxford University Press). An excellent review of the different modes of EU policy-making, set in a theoretical and comparative perspective, but providing detailed discussion of a range of key policy areas with extensive case studies.



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