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### **How the European Union Works - A Guide to EU Decision-Making**

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**Report Highlights:**

This report is a guide on how the EU works. It explains the role of the European Commission, the European Parliament and the Council in EU decision-making, highlights the changes introduced by the Lisbon Treaty and explains in detail how the ordinary legislative procedure and comitology procedures work.

## HOW THE EUROPEAN UNION WORKS

The European Union (EU) is a political and economic partnership between [28 Member States](#). Unlike the United States, the EU is not a federal state because its Member States remain sovereign independent states. They join forces by taking joint decisions through the shared institutions they created: the European Parliament (EP) which is directly elected by EU citizens, the European Council and the Council of the European Union which both represent the national governments. The Member States delegate some of their decision-making powers to these institutions to take decisions on matters of joint interest at EU-level. They decide on the basis of legislative proposals from the European Commission which represents the interests of the EU as a whole.

The EU is based on the rule of law, which means that every action taken by the EU is founded on Treaties. The Treaties set out the objectives of the EU, the powers of the EU institutions, how decisions must be made and the relationship between the EU and its Member States. Treaties are amended when new Member States join, to reform the EU institutions and to introduce new areas of responsibility. The latest amending treaty is the Lisbon Treaty which entered into force on December 1, 2009.

### KEY EU INSTITUTIONS

#### Who does what in the EU?

##### European Council

The European Council is composed of the Heads of State or Government of the EU's Member States. It defines the general political direction and priorities of the EU but does not exercise legislative functions. The European Council is headed by a President appointed by the Member States for a period of two and a half years, renewable once.

##### European Commission

The European Commission is the EU's executive and represents the interests of the EU as a whole. It is composed of 28 Commissioners, one from each Member State, who are approved by the European Parliament for five-year terms. Commissioners are supposed to work on the general interests of the entire EU and not on the interests of their own Member State. The European Commission has the sole right of legislative initiative in most policy areas and monitors the Member States' application and implementation of EU legislation. In the event of any violation of EU law, it institutes infringement procedures or refers matters to the European Court of Justice. It represents the EU in international organizations. The European Commission is divided into several departments known as "Directorates-General" (DGs). EU Agencies such as the European Food Safety Authority (EFSA) are independent legal entities set up under EU law. Their role is to provide technical and scientific advice to the European Commission but they have no formal role in the decision-making process.

##### Council of the European Union

The Council of the European Union is a separate entity from the European Council which represents the

national governments of the 28 EU Member States. Ministers from each Member State defend their national interests in “sectoral” Council meetings, including agriculture. The main priority of the Council is to pass legislation based on proposals presented by the European Commission, in most cases jointly with the European Parliament. The Presidency of the Council rotates among the 28 Member States every six months. FAS/USEU prepares a GAIN report on the priorities of each new Presidency. The Council also concludes agreements with third countries or international organizations.

### European Parliament

The European Parliament (EP) is the only directly elected EU institution. The EP is a multinational parliamentary assembly representing over 500 million EU citizens from 28 Member States. The EP consists of 751 members (750 members + 1 President) who are elected for five-year terms. The last elections took place in May 2014 (see the section below, “Why were the 2014 European elections so important?”). Each Member State has a number of seats allocated on the basis of “digressive proportionality” which means that the allocation of seats is roughly proportional to the size of the Member State’s population although smaller Member States have more seats than strict proportionality would imply. Members of the European Parliament (MEPs) form “union-wide” political groups according to ideologies rather than nationality. The EP elects the European Commission President and approves the full College of Commissioners. It shares legislative power with the Council to adopt legislative proposals under the “ordinary legislative procedure” (co-decision) and its consent is needed to conclude international trade agreements. It also decides on the allocation of the EU budget jointly with the Council. Major debates on legislative work take place in the monthly “plenary sessions” attended in principle by all MEPs while the preparatory work is done in 20 specialized committees, including agriculture. The Parliamentary Committees meet once or twice a month in Brussels. Plenary meetings are held once a month in Strasbourg. For more information on the 2014-2019 legislature see “Historic European Elections”.

### Other Institutions

Other institutions that play a key role in the EU include the Court of Justice (highest court in matters of EU law), the Court of Auditors (audits EU financial management) and the European Central Bank (manages the EU monetary policy).

### Inter-Institutional Agreements

The European Commission and European Parliament (EP) have signed a [Framework Agreement](#) in order to facilitate and organize their cooperation. This agreement defines the procedures for their political collaboration and includes provisions for concluding international agreements. Inter-institutional agreements are binding on the institutions that signed them. The European Commission’s 2015 work plan includes a proposal for an inter-institutional agreement on better law-making. The objective of the proposal is to update and strengthen the common understanding with the EP and Council on better law-making.

## **THE LISBON TREATY**

### **Why is the Lisbon Treaty so important?**

The Lisbon Treaty was adopted to reform the EU institutions and their decision-making processes in order to enable an enlarged Union to function more efficiently. It considerably increased the power of the European Parliament (EP) in EU trade policy, especially when compared to its very limited formal role in the pre-Lisbon era. For a long time, Member States and trade policy experts opposed an enhanced role for the EP arguing that trade policy is too technical and that the involvement of the EP would hinder efficient negotiations.

### EU Procedures

The Lisbon Treaty, which entered into force on December 1, 2009, greatly increased the EP's power in the EU's legislative process. It gives the EP the same rights as the Council of EU Ministers to accept, amend or reject legislative initiatives under the "ordinary legislative procedure" (co-decision). The Lisbon Treaty roughly doubled the EP's co-decision right to almost 80 policy areas, including agriculture. The Lisbon Treaty also changed the so-called "comitology" rules to adopt measures for the execution of provisions set out in framework legislation (e.g. the authorization of GMOs, updating positive lists of additives, approving PRTs, changing definitions). The Lisbon Treaty introduced a distinction between "implementing" and "delegated" acts to replace the comitology rules. Under the new system of "delegated acts," the EP now shares equal veto rights with the Council where before the EP could only veto under certain conditions. The EP and Council do not have a formal role in the adoption of "implementing acts."

The EP is now also required to give its consent by a simple "yes" or "no" vote to approve the conclusion of trade agreements negotiated by the European Commission with third countries. The EP has no formal role in the negotiations but without the EP's consent, trade agreements such as T-TIP cannot enter into force. In 2012, the EP demonstrated it would use its enhanced powers when it rejected the Anti-Counterfeiting Trade Agreement (ACTA).

With the entry into force of the Lisbon Treaty, the EP also gained the right to decide on the allocation of the entire EU budget together with the Council. Pre-Lisbon, the EP only had a say in the allocation of "non-compulsory" expenditures (e.g. development aid) while the Council made final decisions on "compulsory" expenditures (e.g. agriculture). The Lisbon Treaty eliminates the distinction between "non-compulsory" and "compulsory" expenditures which means that the EP gained more control over agricultural spending which accounts for approximately 40 percent of the entire EU budget.

### Election of the European Commission President

The Lisbon Treaty also directly links the selection of a new European Commission President to the outcome of elections for a new European Parliament. The EP gained power over the Commission President because an absolute majority of Members of European Parliament (MEPs) is now needed to elect the Commission President which makes him/her directly accountable to the EP.

### Council of the European Union Voting Rules

The Lisbon Treaty also introduces new rules for qualified majority voting in the Council of the European Union (see section below, "Voting Systems").

## **HISTORIC EUROPEAN ELECTIONS**

### **Why were the 2014 European elections so important?**

The Lisbon Treaty limits the total number of MEPs to 750 plus one President. The May 2014 elections for a new EP were significant not only because they were the first since the entry into force of the Lisbon Treaty but also because the Treaty directly links the selection of a new European Commission President to the outcome of the elections.

#### Election of a new European Parliament

With only 42.5 percent of EU citizens voting, the 2014 election turnout was the lowest ever. Due to the EU's financial and economic crisis and consequential austerity measures, Euroskeptic and extremist parties came out as the big winners. Despite the considerable gains for these parties, the main center-right and left groups still hold the majority of seats in the EP. All mainstream, centrist, pro-EU parties - European People's Party (EPP), Progressive Alliance of Socialists and Democrats (S&D), Alliance of Liberals and Democrats (ALDE), Greens/ European Free Alliance (EFA) –lost seats to anti-EU parties both on the far-left and far-right. The center-right EPP remains the largest political group in the EP but with a much narrower majority over the center-left S&D. The relatively moderate Euroskeptic group of European Conservatives and Reformists (ECR) became the third largest group after it convinced newcomers to the EP elected on far-right platforms to join. This forces the two largest parties, EPP and S&D, to form a “grand coalition” as they are no longer able to rely on center-right or center-left voting coalitions. In the previous legislature, the liberal ALDE group held the role of “kingmaker.” ALDE was often a crucial partner for both the EPP and S&D to reach voting majorities on legislative proposals. The number of political groups in the new EP remained unchanged after hardcore Euroskeptics failed to form a new political group. There are still seven political groups in the EP as well as a number of “non-attached” MEPs whose views are so extreme that no other political groups wants them as a member.

#### Political groups in the 2014-2019 EP

- European People's Party (EPP): 221 seats (center-right)
- Progressive Alliance of Socialists and Democrats (S&D): 191 seats (center-left)
- European Conservatives and Reformists (ECR): 70 seats (right-wing/euroskeptics)
- Alliance of Liberals and Democrats (ALDE): 67 seats (centrist)
- European United Left/Nordic Green Left (GUE-NGL): 52 seats (far-left)
- Greens/European Free Alliance (Greens-EFA): 50 seats
- Europe of Freedom and Direct Democracy (EFDD): 48 seats (far-right/euroskeptics)
- Non-attached: 52 seats (extremists not belonging to any of the political groups)

#### Election of the European Commission President

The Lisbon Treaty gave the EP an additional responsibility: electing the European Commission President. According to the Treaty, the Commission President must be elected on the basis of a European Council proposal “taking into account the results of the European elections.” The EP took this very literally and for the first time the main political groups in the EP nominated a candidate for Commission President. Despite losing seats, the EPP remained the largest group in the EP and insisted its candidate should be nominated Commission President. In July 2014, the EP confirmed the nomination of the former Luxembourg Prime Minister Jean-Claude Juncker as Commission President for the next five years (2014-2019). The EP elected Juncker on the basis of his political strategy outlined in [“My agenda for Jobs, Growth, Fairness and Democratic Change”](#) which included a review of the EU’s GMO authorization process. The fact that the Commission President directly owes his position to the EP increases the power the EP has over the Commission President.

### New structure of the European Commission

In October 2014, the EP formally approved the full College of Commissioners proposed by Commission President Juncker for the period November 1, 2014 to October 30, 2019. Before being elected, Juncker told the EP that he wanted “an EU that is bigger and more ambitious on big things and smaller and more modest on small things.” The new architecture of his Commission, which centralizes power with six Vice-Presidents and a High Representative for Foreign Affairs, is intended to make this possible. For the first time, the Commission no longer has a horizontal decision-making structure with individual Commissioners developing legislation within their own DGs and then proposing them to the full College but a more vertical structure with the Vice-Presidents coordinating and supervising the work of other Commissioners. Under the new Commission structure, Vice-Presidents supervise project teams (clusters) consisting of Commissioners responsible for specific policy areas. All Vice-Presidents have the power to stop any initiative, including legislative initiatives, of individual Commissioners on their project teams and prevent proposals from being debated in the College. The objective of the new structure is to ensure that legislative proposals are in line with Juncker’s political guidelines (see section above, “Election of the European Commission President”). Legislative proposals now need the approval of the Commissioner and a Vice-President before being presented to the full College of Commissioners (proposals must have the support of the full College before being presented to the EP and/or Council). The team of Vice-Presidents is also hierarchically structured, with a First Vice-President (Frans Timmermans) who is responsible for Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights. All Commissioners have to work in coordination with the First Vice-President.

For detailed information on the new project teams see the European Commission’s website:

[http://ec.europa.eu/commission/2014-2019\\_en](http://ec.europa.eu/commission/2014-2019_en).

[European Commission 2015 Work Program](#)

Following the 2014 elections, the EP approved Juncker’s nomination on the basis of his political priorities for the 2014-2019 term outlined in [“My agenda for Jobs, Growth, Fairness and Democratic Change”](#). When Juncker presented his 2015 Work Program to the EP in December 2014, he insisted it translates his political guidelines into concrete actions. Juncker, who promised to be “more political” than his predecessor, included a review of the EU’s GMO authorization process in the 2015 work program. See also [GAIN Report “European Commission 2015 Work Program”](#).

## **EU PROCEDURES**

### **How is Legislation Adopted?**

#### Impact Assessments

Before the European Commission proposes new initiatives, it must assess the economic, social and environmental impact of legislative proposals included in the European Commission's Annual Work Program. A Commission Impact Assessment must follow a standard format: it must define the problem, explain why action may be needed, set out possible policy options and analyze the potential impact of each policy option.

Detailed information on the Impact Assessment procedure can be found on the European Commission's website at [http://ec.europa.eu/smart-regulation/impact/index\\_en.htm](http://ec.europa.eu/smart-regulation/impact/index_en.htm).

#### Ordinary Legislative Procedure

Since the entry into force of the Lisbon Treaty, the "ordinary legislative procedure" (formerly known as co-decision) is the standard decision-making procedure in the EU. In this procedure, the EP and Council share legislative power. Commission proposals are forwarded simultaneously to the Council and EP and also to the Member States' national parliaments. National parliaments have eight weeks to check Commission proposals for compliance with the subsidiarity principle. "Subsidiarity" means that action at EU level can only be justified when the objectives of the proposed action cannot be achieved at national, regional or local level. The Council and EP have up to three readings to act on a Commission proposal for new or amended framework legislation, with the possibility to conclude at each reading. If no agreement is reached in first reading (without time limits), the proposal goes to second reading (with time limits). If no agreement is reached at the end of the second reading, the proposal is brought before a Conciliation Committee made up of an equal number of representatives of the Council and the EP. If the Conciliation Committee agrees on a "joint text," the text is sent to the Council and EP for a third reading. The final approval of both legislators is essential for a proposal to become law.

For more information see Annex I – The Ordinary Legislative Procedure in detail.

#### Special Legislative Procedure

The "special legislative procedure" is a collective name for a number of procedures set out in the Lisbon Treaty. They are exceptions to the "ordinary legislative procedure" and apply to specific cases defined in the Lisbon Treaty. One of the special legislative procedures is the "consent procedure" to adopt international agreements such as T-TIP. Under the consent procedure, the European Commission negotiates international agreements on a mandate from the Council but the Council cannot conclude an agreement without the consent of the European Parliament. The EU's annual budget is also adopted under a special legislative procedure (one reading).

### **What is Comitology?**

The EP and Council can delegate legislative power to the European Commission to adopt measures that are necessary to give practical effect to general principles and objectives set out in framework legislation. The Commission only holds this power if the basic legal act so provides. The objective of this delegation of power is to have a faster process than the lengthy ordinary legislative procedure to adopt measures that are often of a technical nature. Before the entry into force of the Lisbon Treaty, there was one set of rules to adopt implementation measures referred to as “comitology.” Comitology is an EU term for the process where committees composed of national experts from the Member States deliver an “opinion” on draft implementation measures. The Lisbon Treaty introduced two types of legislative delegation: “delegated acts” and “implementing acts.” Implementing acts still qualify as comitology, delegated acts do not.

### **What is the Difference Between “Delegated Acts” and “Implementing Acts?”**

Before the Lisbon Treaty came into force, there was only one legal basis for the delegation of legislative power to the Commission in the Treaty. Now there are two legal bases: Article 290 for “delegated acts” and Article 291 for “implementing acts.” The procedure to adopt delegated acts is entirely set out in Article 290 of the Treaty while the procedure to adopt implementing acts is set out in a new comitology regulation ([European Parliament and Council Regulation 182/2011](#)). Delegated acts are used to supplement or amend non-essential elements of framework legislation whereas implementing acts are more essential because they dictate how to implement provisions set out in framework legislation. For the adoption of implementing acts, the Commission has to act in accordance with the opinion of a specific committee of Member State experts and is therefore still referred to as comitology. For the adoption of delegated acts, the formal opinion of a committee of national experts is not required. The EP and/or Council can veto delegated acts but not implementing acts. As the EP has more power in the delegated acts procedure and Member States have more power in the implementing acts procedure, deciding on which procedure should be used in new legislation is often more a political discussion than a strictly legislative one.

#### Delegated Acts

Delegated acts are used to supplement or amend non-essential elements of framework legislation or in other words, issues of **general** scope. On a case-by-case basis, the EP and Council set the conditions for the delegation of power: objectives, content, scope and duration of the delegation are defined in each basic legal act. The Council and/or the EP may revoke this delegation and a delegated act adopted by the European Commission can only enter into force in no objection has been raised by one of the legislators within a time period set by the basic act.

Example: In the EU’s Food Information to Consumers Regulation 1169/2011, the Council and EP delegate to the Commission, for a period of 5 years, the power to adjust and adapt the definition of engineered nanomaterials to technical and scientific progress. In December 2013, a European Commission delegated act amending the definition of engineered nanomaterials was rejected by the EP and could therefore not enter into force.

#### Regulatory Procedure with Scrutiny

Basic legal acts, adopted before the entry into force of the Lisbon Treaty, needed to be aligned to the new distinction between delegated and implementing acts. Although the “regulatory procedure with

scrutiny” covers the same type of measures as delegated acts, there was no automatic alignment. EU legislators were not able to align pre-Lisbon framework legislation to the new procedures by July 2014 (in time for the new European Parliament and Commission) as originally scheduled. This means that the regulatory procedure with scrutiny is provisionally maintained. The alignment is now included in the European Commission’s 2015 Work Plan and will be addressed in a new inter-institutional agreement on better regulation.

Example: The regulatory procedure with scrutiny applies to the authorization of PRTs such as lactic acid.

A flow chart explaining the regulatory procedure with scrutiny is available on the FAS/USEU website at <http://www.usda-eu.org/wp-content/uploads/2012/10/Regulatory-Procedure-with-Scrutiny-HB-Chart.pdf>.

### Implementing Acts

Implementing acts are used for routine implementation of framework legislation and cover issues of **general OR individual** scope. [Comitology Regulation 182/2011](#) sets out two comitology procedures: the “advisory procedure” and the “examination procedure.” The Council and European Parliament have no formal role in these procedures.

Example: The authorization of GMOs is done on a case-by-case basis and is therefore an issue of **individual** scope. Each new authorization is adopted as an implementing act. Fixing the standard import values to calculate the entry price for imports of fruits and vegetables from third countries is an issue of **general** scope. The standard import values are published as implementing acts.

### Examination Procedure

Under the examination procedure, the Commission may only adopt a draft implementing measure if the relevant committee such as for example the Standing Committee on Plants, Animals, Food and Feed (PAFF) delivers a positive opinion. If a negative opinion and in certain cases if no opinion is delivered, the European Commission may either propose an amended version of the draft measure or refer the matter to an “Appeal Committee.” With the entry into force of [Comitology Regulation 182/2011](#), draft measures are no longer referred to the Council but to an Appeal Committee composed of high-level Member State officials with a political mandate. Where the Appeal Committee delivers a positive opinion, the Commission SHALL adopt the draft measure; where the Appeal Committee delivers a negative opinion, the Commission SHALL NOT adopt the draft measure; where the Appeal Committee does not deliver an opinion, the Commission MAY adopt the draft measure.

Example: The preamble (point 15) of [Commission Implementing Decision 2012/81/EU authorizing the marketing of products containing/consisting of/produced from genetically modified soybean A5547-127](#) describes how the Commission adopted this decision after the Standing Committee and subsequently the Appeal Committee did not deliver an opinion within a set deadline.

A flow chart explaining the examination procedure in detail is available on the FAS/USEU website at <http://www.usda-eu.org/wp-content/uploads/2012/10/Flow-Chart-Examination-Procedure-HB-2012-08->

[14.pdf](#).

## VOTING SYSTEMS

### Council of the European Union Voting Rules

The Lisbon Treaty introduces new rules for qualified majority voting in the Council of the European Union. Since November 1, 2014, decisions requiring a qualified majority vote in the Council of Ministers are adopted by “double majority.” The double majority system requires the approval of 55% of Member States (16), representing at least 65 percent of the EU’s population (percentages of each Member State’s population are published in [Annex III to the Council’s Rules of Procedure](#)). A blocking coalition must include at least four Member States representing at least 35 percent of the EU’s population. Until March 31, 2017, any Member State can request, on a case-by-case basis, that the old weighted voting system be applied. Under the weighted voting system, each Member State has a number of votes based on the size of its population though adjusted so that smaller Member States are relatively over-represented. A qualified majority under the weighted voting system requires 260 out of 352 votes (= 74%); a blocking minority requires 93 votes.

### European Parliament Voting Rules

The European Parliament either votes by “simple majority” (majority of the votes cast) or by “absolute majority (majority of the component members, in plenary this is currently 376 out of 751 votes).

## ANNEX I: THE ORDINARY LEGISLATIVE PROCEDURE IN DETAIL

The ordinary legislative procedure (OLP), still commonly referred to as co-decision, starts with a proposal from the European Commission. The Commission submits the proposal simultaneously to the European Parliament (EP) and Council but the EP always acts first.

Flow charts explaining the OLP step-by-step and applicable time limits can be found on our website at <http://www.usda-eu.org/eu-basics-questions/how-is-eu-legislation-adopted/>.

### **First Reading**

The Treaty does not set time limits for the EP and Council to conclude their first reading of a Commission proposal.

#### European Parliament (EP)

Within the EP, the President refers the proposal to a committee that will be responsible for examining the proposal. The choice of committee depends on the subject-matter dealt with in the proposal but may be challenged by other parliamentary committees. When the competence of a committee is challenged, a “joint committee” or “associated committees” may be appointed. Within the committee responsible, the coordinators of the political groups appoint a “rapporteur” whose task it is to lead the proposal through the different stages of the OLP. Other political groups may appoint a “shadow rapporteur” to monitor the work of the rapporteur and to ensure that their views are being considered. Other relevant parliamentary committees are invited to deliver an “opinion” to the committee responsible. The rapporteur and any other member of the relevant committees may propose amendments to the

Commission proposal. These amendments together with those of the opinion-giving committees are voted on, by simple majority, in the committee responsible. When the committee responsible has adopted the report prepared by the rapporteur, it is put on the agenda of the plenary session. In plenary, additional amendments may be tabled by the committee responsible, a political group or by at least 40 Members of the EP. The EP, voting by simple majority, then delivers its first reading position on the Commission proposal.

### European Commission

The Treaty allows the European Commission to submit an amended proposal incorporating the EP's amendments in order to facilitate an agreement between the legislators.

### Council of the European Union

The Council's position is prepared within working parties composed of Member State experts and chaired by the Member State holding the six-monthly presidency of the Council. The preparatory work in the Council runs in parallel with the EP's scrutiny of the proposal but the Council's position can only be adopted after the EP has acted. The Council's position is based on the Commission's proposal and, if applicable, on the EP's first reading amendments.

The Council can act in the following ways:

- It can accept the Commission proposal, which the EP has not amended, and the proposal can be adopted.
- It can fully accept the EP's amendments and the proposal can be adopted.
- It can reject the outcome of the EP's first reading and adopt its own first reading position.

In the above described scenarios, the Council acts by qualified majority. If the Council wants to amend the Commission proposal it has to act unanimously.

### Trilogues

Trilogues are informal meetings between representatives of the EP, the Council and the Commission and can take place at any stage of the OLP, often before first reading. The objective of trilogue meetings is to find compromise on a package of amendments, acceptable to both the EP and Council. The Commission's opinion on these amendments is important because it determines how the Council has to vote. If the Commission opposes amendments that the EP wants to adopt, the Council will have to act unanimously if it wants to accept the EP amendments. Agreements reached in informal trilogues still need to be approved under the three institutions' formal procedures.

### **Second Reading (with time limits)**

In the second reading stage of the OLP, a three-month time limit - which may be extended by one month - applies. The three-month deadline starts to run on the day following formal receipt of the Council's first reading position.

## European Parliament (EP)

In second reading, the EP can either, accept, reject or amend the Council's first reading position. If the EP does not act within the set deadline, the proposal is deemed to be adopted in accordance with the Council's first reading position. The "recommendation for second reading" is normally prepared by the same rapporteur in the committee responsible. Opinion-giving committees are not consulted in second reading except in specific cases. Amendments may be tabled but should include amendments adopted at first reading but not accepted by the Council or amendments to the Council's first reading position. After the committee responsible adopts its recommendation for second reading by simple majority, it is put on the agenda of the EP plenary. Again, additional amendments may be tabled in plenary by the committee responsible, a political group or by at least 40 individual Members of the EP.

Approving the Council's first reading position without amendments only requires a simple majority vote and ends the OLP. Rejecting the Council's first reading position requires an absolute majority vote and also ends the OLP. Amendments to the Council's first reading position must be adopted by absolute majority.

## European Commission

The Treaty requires the Commission to deliver an opinion on the outcome of the EP's second reading vote. If the Commission gives a negative opinion on an amendment adopted by the EP, the Council has to adopt that amendment by unanimity.

## Council of the European Union

Once the EP has concluded and referred its second reading position to the Council, the Council has three months – may be extended by one month – to conclude its second reading. The Council may adopt the EP's second reading amendments by qualified majority or by unanimity where the Commission delivered a negative opinion. If the Council cannot accept all amendments, a "Conciliation Committee" is convened.

## Trilogues

In second reading, trilogue meetings (see "First Reading") are held in order to seek compromise between the three institutions and avoid a third reading possibly resulting in failure.

## **Conciliation and Third Reading**

### Convening the "Conciliation Committee"

A "Conciliation Committee" must be convened within six weeks – may be extended by two weeks – of the Council formally concluding its second reading. The purpose of the Conciliation Committee is to reach agreement in the form of a "joint text". The Conciliation Committee is composed of one

representative of each Member State (relevant Ministers or their representatives) and an equal number of representatives of the EP delegation, as well as the Commissioner responsible. Three Vice-Presidents of the EP are permanent member of the Conciliation Committee. The Commission plays an advisory role proposing compromises in order to reconcile the positions of the EP and Council. The first meeting of the Conciliation Committee triggers the six-week, or if extended the eight-week deadline, to reach agreement on a joint text.

### Third Reading

If the Conciliation Committee reaches agreement on a joint text, the EP and Council have six weeks – may be extended by two weeks – for a third reading. No amendments may be tabled to the joint text. The EP votes by simple majority and the Council by qualified majority to adopt the joint text. If either of the two legislators fails to adopt the joint text within the set deadline, the proposal cannot become law. If the Conciliation Committee does not find agreement on a joint text, the proposal be adopted and only the Commission can restart the process with a new legislative proposal. Very few proposals reach the conciliation stage. The proposed revision of the novel foods regulation presented in January 2008 is one of the few examples that went through each stage of the ordinary legislative procedure and ultimately failed when the EP and Council could not find a compromise on labeling requirements for food from cloned animals. For more information see the FAS/USEU website <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/novel-foods/>.