

Better regulation impact on EU Law-Making

Giorgio Gallizioli

Free researcher at Nanterre Network
Square Ambiorix 32/34, B 1000 Brussels
Phone: +32 473915085
E-mail: <giorgio.gallizioli@skynet.be>

This paper aims to analyse these new rules introduced by the EC. The purpose is to evaluate whether or not these changes have altered the original institutional design significantly and to assess its impact on the “Community method”, in other words on the EC prerogative to initiate the law-making machinery.

Keywords: EU Institution, EU law-making process, the draft of legislative proposals, better regulation, the Regulatory Scrutiny Board, public consultations, the European citizens’ initiative, the erosion of the right of initiating legislation.

Geresnio reglamentavimo poveikis ES teisėkūrai

Straipsnyje siekiama išanalizuoti naujas EB nustatytas taisykles. Tikslas yra įvertinti, ar šie pokyčiai reikšmingai pakeitė pradinę institucinę struktūrą, ir įvertinti jų poveikį „Bendrijos metodui“, kitaip tariant, EB prerogatyvai inicijuoti įstatymų leidybos sistemą.

Pagrindiniai žodžiai: ES institucija, ES įstatymų leidybos procesas, teisėkūros pasiūlymų projektai, geresnis reglamentavimas, Reguliavimo kontrolės taryba, viešosios konsultacijos, Europos piliečių iniciatyva, įstatymų iniciatyvos teisės panaikinimas.

1. The law-making rules under the EU Treaties

The rules describing the procedure leading to the adoption of the EU legal texts (directives, regulations, decisions) are laid down in the Treaties of the European Union. These rules are fundamentally unchanged since the signature of the Rome Treaty, with the exception of the modifications enabling the European Parliament to become co-legislator together with the Council. In a nutshell, the legislative mechanism built into the Treaty foresees the (exclusive) right conferred upon the European Commission (EC) to initiate the legislative process, *i.e.* to assess, elaborate and propose those pieces of legislation deemed to be needed in order to achieve the political objectives incorporated in the Treaties establishing the European Union. The so-called “Community method” is perhaps the most *sui generis* aspect of this supranational legislative machinery. At the outset of the setting up of the European project it was justified as the European Parliament (EP), or the Assembly as it was called at that time, was not elected directly by the citizens. This rule remains still justified

Received: 02/10/2019. Accepted: 22/01/2020

Copyright © 2020 Giorgio Gallizioli. Published by Vilnius University Press

This is an Open Access article distributed under the terms of the Creative Commons Attribution Licence, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

