



BRUSSELS EXPLAINED

IMPLEMENTING & DELEGATED ACTS

31 JANUARY 2023

IMPLEMENTING ACTS: BASICS

OBJECTIVE

These acts generally cover essential implementing measures of an EU legislative act and are used to guarantee harmonisation.

PROCEDURE OF ADOPTION

European Commission consults a committee where all EU Member States are represented – Comitology.

CONSULTATIONS

Citizens and other stakeholders can provide feedback for four weeks before the relevant committee votes to accept or reject the act.

THERE ARE TWO TYPES OF COMMITTEES THAT THE EUROPEAN COMMISSION CAN CONSULT.

THE TYPE OF COMMITTEE CONSULTED IS LAID DOWN IN THE LAW FOR WHICH AN IMPLEMENTING ACT IS REQUIRED

1. The advisory committee – A simple majority is sufficient, and the vote is not binding for the European Commission.
2. The examination committee – A qualified majority is needed. In case of positive vote, the implementing act is adopted. In case of negative vote, the European Commission can amend the proposal and submit it to the committee again or the European Commission can present the implementing act to an appeal committee formed by the Deputy Representatives of Member States.



DELEGATED ACTS: BASICS

OBJECTIVE

Amend or supplement specific elements of legislative acts that are not essential.

LEGAL BASIS

Delegation is granted to the European Commission by the Council or the European Parliament in the text of a legislative act.

CONSULTATIONS

Citizens and other stakeholders can provide feedback during a four-week public consultation.

DELEGATED ACTS: PROCEDURE

THE PROCEDURE FOR THE ADOPTION OF A DELEGATED ACT FEATURES THE FOLLOWING MAIN STEPS:

1. The European Commission drafts the delegated act.
2. 4-week open public consultation launched.
3. European Commission consults expert groups composed by representatives of Member States.
4. Adoption of the delegated act by the European Commission.
5. The European Parliament and Council can veto the adoption of the delegated act within two months. In this case, the delegated act is revoked.



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