

Ordinary Legislative Procedure



Handbook

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İktisadi ve İdari Bilimler Fakültesi B Binası Zemin Kat

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I. Getting Ready

Members of the European Parliament (MEPs) and Ministers of the Council of the EU shall be debating upon two legislative proposals put forward by the European Commission—which is the EU body with the sole power of initiative; in other words, it is the only organ that can propose legislation. MEPs and Ministers **will not** be writing these legislative proposals themselves and will only be delivering amendments to the proposals, as is the procedure in the actual European Parliament and Council of the EU.

Regulations are completely binding in terms of their objectives as well as how those objectives will be achieved. It gives rights and obligations to those whom it concerns, and Member States need to apply it in its entirety. Once they are passed and enter into force, they are automatically applied in the national legal systems of all Member States (without having to be passed as a national law by the Member States) and are done so in the same way throughout the Union as well.

Directives, on the other hand, are only binding in terms of their objective. Put in other words, a directive requires all Member States to reach a specific outcome, but it does not force them to use the same method to do that. Thus, Member States are given the freedom to decide what is suitable for them depending on their national circumstances to reach a goal as the entire EU. It also does not automatically have legal effects like regulations, so Member States need to pass national laws to outline how they will reach this specific goal.

A. How to Read the Legislative Proposals

1. First, there is the “Explanatory Memorandum” which will give you more in-depth information on the background of the proposal. Reading this can help you understand the proposal.
2. Following this section comes the “Preamble” wherein the objectives of the proposal are outlined. It provides an overview of the previous legislation on which this legislative text is based. Useful information can be found here to grasp the logic of the Commission behind proposing this text.
3. Afterward comes the main section of the legislative text: The Articles. These state the legally binding stipulations that this legal proposal would introduce, if adopted. Not all articles are equally controversial, and you do not need to know everything in detail, but it

is important to go over all of these at least once to have an idea of all the different provisions this proposal contains. Keep in mind that we have summed up some of the most contentious articles in the Study Guides, so pay special attention to these articles as well.

4. The final part of the legislative texts is the Annexes. You will mostly try to amend the articles mentioned in the previous part, but you will also be able to amend the Annexes. While you definitely don't need to study these in detail, it is a good idea to have a look at them and to know what they contain.

II. Institutions and Role Descriptions

A. European Commission

The European Commission functions as the executive branch of the European Union, holding the sole right to propose EU legislation, administer the EU budget, and act as a 'guardian of the treaties' by initiating legal procedures against Member States who violate their treaty obligations.

The Commission has what is called the *power of initiative*. This means that in the majority of cases, it is only the Commission that can propose a legislative text to be discussed by the other two institutions. The Commission is sometimes described as the executive body of the EU. It is meant to act in the interest of the whole EU and is composed of one Commissioner from each Member State, who is given a specific policy area (like trade, environmental policy, the internal market, migration, etc.). Despite the allocation being on the basis of which country a Commissioner is from, they are not supposed to consider their national interests but the Union-wide interest, in favour of 'ever-closer union'. The Commission changes every five years, with the current College of Commissioners (which is how the President of the Commission alongside the other Commissioners is referred to) is the von der Leyen Commission, so-called due to its President: Ursula von der Leyen.

The Commissioners will be simulated by the Academic Team and will be defending the interests of the Union as a whole.

European Parliament

Members of the European Parliament (MEPs) are directly elected to represent the citizens of the 27 EU Member States. One of the MEPs' most important tasks is debating proposals drafted by the European Commission and texts delivered by other EU institutions.

As they are not national delegates but democratically elected representatives from different national parties, clear divisions can be seen amongst them based on nationality and political affiliation. Political groups are composed of MEPs from different national parties, but there may be some difficulty in forming a common position. During debates, MEPs are often expected to align themselves with the common position of their political group, but this is not mandatory, and some examples prove the opposite of it.

MEPs are elected in EU Member States that they are from, with each country having a set number of MEPs based on the size of its population. MEPs, despite being elected in their respective Member States, are not placed into nationality-based groups but are separated according to their political affiliation. Thus, for example, MEPs who are affiliated with Green parties in their own countries are then grouped into the political group of Greens/EFA in the Parliament; MEPs who are in social democratic parties in their home country are placed in the Progressive Alliance of Socialists and Democrats (S&D).

The differences in positions in the European Parliament are called “cleavages” and there are two major cleavages: East/West, where Eastern and Western countries share certain goals and priorities due to geopolitical and historical reasoning, and Left/Right on the ideological spectrum, which tends to be reflected in political group affiliation.

The task of all participants assigned the role of an MEP is to work together with their colleagues and to find a common position within their political groups, the EP, and, finally, consensus between the EP and the Council.

It should be noted that since participants who will be simulating MEPs are representing individuals, they can use first-person pronouns.

i. Political Groups

A political group is a collective of MEPs from different countries and parties that have formed a group to pursue a common agenda and gain collective influence. Political groups are usually divided according to ideological affiliation. A political group in Parliament that formally qualifies for parliamentary recognition gains certain rights, including additional funding, more speaking time, and more seats in parliamentary committees. For instance, the European People’s Party group has MEPs from 27 member states’ 50 political parties—the German Christian Democratic Union and Christian Social Union of Bavaria are under the same group.

ii. Political Group Meetings

Political group meetings serve as internal debates amongst MEPs of one political group with the objective of forming a joint position. MEPs will attend political group meetings throughout the conference chaired by the Group Leaders or the Group Secretary, to debate and set the political group's position on proposals.

iii. Group Leader

Groups Leaders shall be elected by their respective political groups during the first group meeting, on the very first day of EUROsimA 2024, following the presentation of the Commissioner on the legal proposal. Every MEP can stand for nomination.

With the help of Group Secretaries, Group Leaders shall organise and coordinate the work of their political groups during EUROsimA 2024. They should represent the political groups' positions during the debates. At the beginning of the debate on each legislative proposal in the Parliament, they shall deliver an opening statement, in which they present their group's position—this opening statement shall be drafted by the political group as a whole, not only the Group Leader. Moreover, the Group Leaders should cooperate with the Group Secretary when it comes to internal organisation: they shall chair the meetings of their political group and organise the drafting of amendments to the legislative proposals.

iv. Group Secretary

Group Secretaries are second in command and it is highly recommended to elect one, in particular for the bigger political groups of the EP. They shall be elected during the first meeting of each political group. It is however not compulsory for a political group to have a secretary. Every group member may run for this position. Their role shall be to assist Group Leaders in their work by carrying out administrative tasks within the political groups, such as the drafting and management of amendments, coordinating the internal communication and positions, and chairing the political group meetings with the Group Leader. The secretary, therefore, has a more supportive and coordinating role but will have to replace Group Leaders in case of their absence and determine the common position of the group.

C. Council of the European Union

The Council of the European Union is composed of the Ministers of the 27 Member States who represent their respective national interests. It meets in ten different formations, based on

the policy area.

These formations are:

- The Agriculture and Fisheries Council,
- The Competitiveness Council,
- The Economic and Financial Affairs Council,
- The Education, Youth, Culture and Sport Council,
- The Employment, Social Policy, Health and Consumer Affairs Council,
- The Environment Council,
- The Foreign Affairs Council,
- The General Affairs Council,
- The Justice and Home Affairs Council, and
- The Transport, Telecommunications and Energy Council.

Ministers from Member States sit on the Council depending on these policy areas; for example, the Ministers of the Environment for each Member State would be found in the Environment Council, the Ministers of Foreign Affairs for the Foreign Affairs Council, etc.

At EUROsimA 2024, the Transparency and Targeting of Political Advertising proposal will be discussed by the Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO) where participants play the role of Ministers responsible for employment, social affairs, health, and consumer policy from all EU Member States. The proposal on Substantiating Green Claims will be discussed in the Environment Council configuration (ENVI) and feature the Ministers of Environment of all EU Member States.

As the Council is small compared to the Parliament, the votes of its individual members carry more weight, and forming alliances is crucial. Therefore, Ministers need to have in-depth knowledge not only of the policies of their own country but also of those of the other Member States.

i. Qualified Majority Voting

The voting method used in the Council for substantive votes (i.e., adopting amendments and proposals) is Qualified Majority Voting (QMV). For procedural votes, such as changing the

speaker's time, a simple majority is used.

In a system of qualified majority, a measure is adopted when at least 55% of the Member States' votes, representing at least 65% of the EU population, are in favour. This means that big Member States wield relatively more power because they represent a bigger percentage of the population. It is possible for a coalition of at least four Member States representing more than 35% of the EU population to form a blocking minority. As such, they can prevent the adoption of a measure under QMV. When the Council votes on a proposal by the Commission, a qualified majority is reached if two conditions are met:

1. 55% of Member States vote in favour (which, in practice, equates to 15 out of 27 Member States), and
2. The proposal is supported by Member States representing at least 65% of the total EU population.

For further details and a practical tool for calculations during the Conference, the following Voting Calculator website developed by the Council can be used:

<https://www.consilium.europa.eu/en/council-eu/voting-system/voting-calculator/>

D. Lobbyists

Lobbyists are professional advocates who seek to influence legislation in favour of a specific interest or cause. They play an important role in politics at all levels and are a legitimate part of the democratic process. As lobbying is a key channel for influencing policy formulation and decision-making processes, it is widely exploited by several different actors. Lobbyists represent a variety of interests, including companies and trade associations, non-governmental organisations such as trade unions and environmental groups, and so-called public interest groups e.g., local governments and public agencies. Lobbyists provide expertise from several perspectives, thus helping policymakers take decisions on sometimes very complex issues.

III. The Ordinary Legislative Procedure

The **ordinary legislative procedure (OLP)** is the most frequently used legislative process in the EU. It is also sometimes referred to as the 'co-decision procedure' due to the way in which it grants equal standing to the **Council of the European Union** and to the **European Parliament**; both EU institutions are able to vote on and propose changes to the proposed

law. However, only the **European Commission** can start off the procedure by proposing a law.

At EUROsimA 2024, the Council and the Parliament both examine the same two proposals. For practical reasons, this means that each institution will be working on different proposals simultaneously during the conference.

The Commission will submit one proposal to the Council and the other to the Parliament in order to start the OLP. After the submission of the proposals, both institutions shall enter into the first reading of the respective proposals in accordance with the course of the OLP outlined hereinafter.

1. The proposal is introduced by the Commission, followed by a Question-and-Answer session.
2. Afterward, Group Leaders (in the EP) and Ministers (in the Council) present their opening statement on the proposal before the floor is opened to the general debate.
3. During the general debate, MEPs and Ministers submit amendments to the original proposal until the amendment deadline. These amendments are then debated upon one by one.
4. At the end of the first reading, any amendment accepted during a substantive vote immediately becomes a part of the legislative proposal. After the amendments are voted upon, the institutions exchange the proposals, and the procedure is repeated.
5. In the reading of the second proposal debated by an institution, the amended version of the text that has been passed by the other institution will be used. The Commissioner then will be invited to outline the amended proposal. A question-and answer session will follow.
6. The introduction of the proposal by the Commissioner shall be followed in the Council by the opening statements of the Ministers of the Council, and in the Parliament by the opening statement of a representative of each political group.
7. The opening statements shall be followed by an ordinary course of the reading, wherein the amendments proposed are debated one by one and voted upon.
8. Once the voting on amendments is concluded, the amended proposal returns to the institution that it originally started with, to be debated in the third reading with the amendments introduced by both institutions.
9. In the third reading, the Commissioner outlines the amended proposal, and a question and-

answer session may be held.

10. Each institution debates the proposal but cannot make any further amendments, which means that this is the final version of the proposal.
11. Following the final debate, a final vote on the entirety of the two amended texts takes place in both institutions. A proposal is only considered adopted if both institutions approve it.



ORDINARY LEGISLATIVE PROCEDURE

Modified

EUROPEAN PARLIAMENT

COUNCIL OF THE EU

FIRST READING

- Commission proposes and outlines Proposal A to the Parliament
- Political Group leaders present their opening statements on Proposal A
- General debate and writing of amendments on Proposal A
- Debate on proposed amendments on Proposal A
- Voting on amendments by Simple Majority Voting

- Commission proposes and outlines Proposal B to the Council
- Ministers present their opening statements on Proposal B
- General debate and writing of amendments on Proposal B
- Debate on proposed amendments on Proposal B
- Voting on amendments by Qualified Majority Voting

SECOND READING

- Commission outlines amended Proposal B to the Parliament
- Political Group Leader present their opening statements on Proposal B
- General debate and writing of amendments on Proposal B
- Debate on proposed amendments on Proposal B
- Voting on amendments by Simple Majority Voting

- Commission outlines amended Proposal A to the Council
- Ministers present their opening statements on Proposal A
- General debate and writing of amendments on Proposal A
- Debate on proposed amendments on Proposal A
- Voting on amendments by Qualified Majority Voting

THIRD READING

- Commission presents the final amended version of Proposal A
- General debate on final version of Proposal A
- Final vote on Proposal A by Simple Majority Voting
- General debate on final version of Proposal B
- Final vote on Proposal B by Simple Majority Voting

- Commission presents the final amended version Proposal B
- General debate on final version of Proposal B
- Final vote on Proposal B by Qualified Majority Voting
- General debate on final version of Proposal A
- Final vote on Proposal A by Qualified Majority Voting

IV. Glossary

Amendment: An amendment is an addition to or modification of the existing text. It may change provisions within the text, but will be proofread by the Academic Team to ensure that it complies with formal and legal requirements.

Directive: A law passed at the EU level that binds Member States to achieve specific objectives, while the means to reach those objectives are at the discretion of the Member States to various extents. It requires transposition into national law.

Regulation: A law passed at the EU level that is directly binding after its entry into force. It does not require transposition into national law.

Competence: In EU legal language, ‘competence’ refers to the capacity of an actor or institution or Member State to carry out an activity, including introducing legislation.

Exclusive competence: This refers to areas that are reserved for the European Union. Member States are not permitted to make their own rules.

Shared competence: This refers to the areas in which the EU and EU countries are able to both legislate and adopt legally binding acts. EU countries exercise their own competence where the EU does not do so or where it has decided not to exercise its own competence.

Subsidiarity: In areas in which the European Union does not have exclusive competence, the principle of subsidiarity seeks to safeguard the ability of the Member States to take decisions and actions. It authorises intervention by the Union when the objectives of an action cannot be sufficiently achieved by the Member States but can be better achieved at the Union level, ‘by reason of the scale and effects of the proposed action’.

The Treaties: The Treaties refer to the Treaty on European Union and the Treaty on the Functioning of the European Union, as well as associated documents. They serve as a ‘constitution’ of the EU and are supreme in the EU legal order.

Qualified Majority Voting (QMV): a voting practice in the Council of Ministers where a decision can be approved by two qualified majorities. Since 1 November 2014, these rules are:

- 55% of the Member States
- 65% of the total population of the EU