

Legislative and Regulatory Approaches



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Introduction

- ▶ Overview of Irish Legal System
- ▶ European Union Legal Acts
- ▶ Council consideration of Commission Proposal
- ▶ Trilogue discussions of Commission Proposal
- ▶ Harmonisation of Irish and EU Legislation
- ▶ Influencing EU Policy



Irish Legal System

- **Common Law Jurisdiction**
 - “innocent until proven guilty”
- **Irish Constitution sets out separation of powers and how we make law:-**
 - Dáil Éireann, Oireachtas, Judicial System
- **Dualist Legal System**
 - 27/1972 European Communities Act



European Union Legal Acts

- ▶ **Treaty of Lisbon**
 - ▶ Reduced the number of legal instruments
 - ▶ Enabled Commission to adopt Delegated Acts
 - ▶ Strengthened the implementing powers of the Commission through Implementing Acts
- ▶ **EU Legal Acts are legislative or non-legislative**



European Union Legal Acts

- Legal Instruments reduced from 14 to 5 types of act:-

Binding

- Regulation
- Directive
- Decision

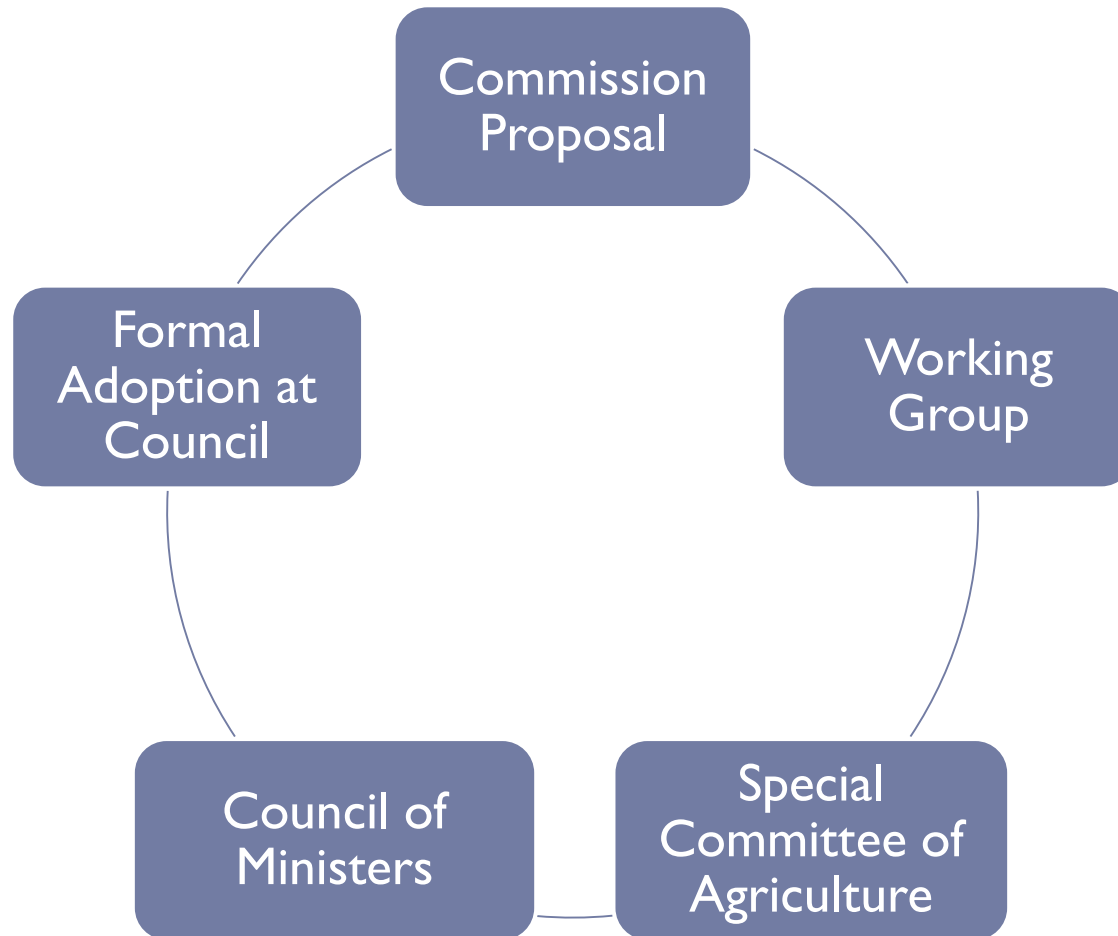
Non-binding

- Recommendation
- Opinion

- Delegated Acts
- Implementing Acts



Council consideration of Commission Proposal



Commission Proposal Procedure

Trilogue discussions take place between the European Parliament, European Council and Commission

1st Reading

- EP Reading, no amendments – Act is adopted
- EP Reading, amendments – returned to Council
- Common position adopted

2nd Reading

- EP Reading, approves/rejects common position – Act is adopted/not adopted
- EP Reading adopts common position, approved/rejected by Council – Act is adopted/not adopted

3rd Reading

- Council approves / doesn't approve EP amendments – Act adopted / referred to Conciliation
- Successful / unsuccessful conclusion to Conciliation – Act adopted / not adopted
- EP/Council unable to adopt joint text – Act not adopted



Harmonisation of Irish and EU Legislation


- EU Law must be recognised in national legislation
- Government Ministers are empowered to make regulations through:-
 - Statutory Instruments (secondary legislation but with statutory effect) with clear linkages to the relevant EU Act
- Commission is notified when EU law has been given effect in Irish law



Influencing EU Policy

- ▶ Clear prioritisation of goals / objectives
- ▶ Early engagement
- ▶ Perm Rep staff have a key role
- ▶ Maintain/foster new relationships with Commission officials, MEP's (AGRI Committee)
- ▶ Develop alliances with Other Member States
- ▶ Secure placements in the EU Institutions





Thank you
Questions ??



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