



## Comparing the EU and UK legislative processes

We often hear complaints that the EU decision-making process is too complex for ordinary mortals to understand. The implication - or one of them - is that the national system is so much simpler. Oh that it were so. Unfortunately, legislative processes tend to be complex and it's our experience that most people - certainly in the UK - understand the workings of their 'own' system no better than those of the EU.

To illustrate the complexity of both the EU and UK systems, the following table shows the various stages for two pieces of legislation: Directive 2007/60/EC 'on the assessment and management of flood risks' and the Education and Skills Act 2008.

Whilst these examples serve to illustrate the stages involved in the different systems, it is important to remember that processes can vary. In the illustration used for the EU system, the legal basis of the proposal required the use of the 'Codecision procedure' involving Parliament and Council on equal terms. Other legal bases (e.g. Assent, Consultation) would produce different decision-making processes.

In the UK, a Bill can be introduced in either Commons or Lords. The number of a Bill can change as the legislative process proceeds - when it is referred to the other House and following amendments made at Committee Stage. Although the text of a Bill must usually be agreed by both Houses of Parliament in order to become law, there are exceptions - including one allowing the Commons to pass the same Bill in two successive years, in which case it can become law without the Lords agreeing to it.

Interestingly - according to Justis Parliamet in [The legislative process of the United Kingdom Parliament](#) - 'approximately 70% of legislation initiated by governments is not voted on when it comes to the second readings of Bills' and much UK legislation is passed 'with little or no scrutiny.' So not only is the UK system far from simple, it is arguably less effective than that of the EU!

Thanks to the internet, it is now relatively easy to follow the progress of draft legislation in both systems. For the EU, [Prelex](#) and [OEIL](#) show the stages reached and offer a variety of texts, including explanatory documents (press releases, summaries etc).

The UK Parliament's [Bills and Legislation](#) pages give dates of readings, reports etc and the texts of amended versions of a Bill, plus explanatory notes (but no press releases - those are issued by the relevant Government department, which in the case of the Education and Skills Act is the Department for Children, Schools and Families, which issued [Press Notice 2007/0225](#) on 29 November 2007).

## EU Directive

*Main actors: European Commission, Council of Ministers, European Parliament*

18.01.2006: **Commission submits** to the Council Proposal for a Directive ... on the assessment and management of floods

**Council forwards proposal** to the European Parliament (EP) and the European Economic and Social Committee

**Parliament's First Reading**; on the basis of an EP Report, Parliament holds a debate and vote, and adopts its first reading Opinion

**Economic and Social Committee issues** its Opinion

**Council reaches political agreement** (Common Position)

**Commission issues its comments** on the Council's Common Position

**Council adopts the Common Position**; the text is forwarded to the EP for Second Reading

**Parliament adopts Second Reading Opinion**

**Commission gives its Opinion** on Parliament's amendments to the Council's Common Position

18.09.2007: **Council adopts Directive**

Directive 2007/60/EC ... on the assessment and management of flood risks published in the Official Journal of the European Union

Progress of the proposal can be tracked via the PreLex Dossier and OEIL Procedure file

From Commission's submission of proposal to Council's adoption involved some 10 main stages over 20 months

## UK Act

*Main actors: House of Commons, House of Lords*

28.11.07: **House of Commons First Reading** of Education and Skills Bill 2007-08 (no debate)

**House of Commons Second Reading** (general debate)

**House of Commons Committee Stage** (detailed examination, debate, amendments)

**House of Commons Report Stage** (amendments)

**House of Commons Third Reading** (debate)

**House of Lords First Reading** (no debate)

**House of Lords Second Reading** (general debate)

**House of Lords Committee Stage** (detailed examination, debate, amendments)

**House of Lords Report Stage** (further amendments)

**House of Lords Third Reading** (debate, amendments)

Note that each House considers amendments made by the other, and that a Bill can go between the two until agreement is reached

26.11.08: **Royal Assent**

Education and Skills Act 2008 published in print by Her Majesty's Stationery Office and on the Office of Public Sector Information website.

Progress of the Bill, including links to debates, can be tracked via the UK Parliament website

From First Reading to Royal assent involved some 11 main stages over 12 months