The European Commission

This is an authorised extract from

*How the EU Institutions Work*

*and...*

*How to Work with the EU Institutions*

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It is made available to illustrate the contents of the book. A complete Table of Contents for the book may be found at the end of this extract. Further information may also be found on the website www.europesparliament.com
Section 1

How the EU Institutions Work
The European Commission (the ‘Commission’ or ‘EC’) is the largest institution of the EU, in terms of human resources, and equally the focal point of the EU system – the executive body of the European system of governance. With the various formal and informal roles that it plays, the Commission is crucial to the pace of European integration, especially as it is the EU institution that is charged with thinking, acting and delivering European solutions to cross-national policy problems. Whilst the Commission is important for the big picture of European integration, it is equally, if not more, important for the minutiae and details of legislation. The Commission does not really allow for any form of national comparison given its idiosyncratic powers and nature – it really is a hybrid institution at the core of the EU project. This chapter will outline the roles, structure and functioning of the Commission whilst simultaneously identifying the key officials at each and every stage of the process. The key facts of the Commission can be found below in Figure 4.

Figure 4: European Commission – Key facts

| Role: EU Executive                  |
| Established: 1958                  |
| President: José Manuel Barroso (second term) |
| First vice-president: Catherine Ashton |
| Vice presidents: Viviane Reding, Joaquin Almunia, Siim Kallas, Neelie Kroes, Antonio Tajani, Maroš Šefčovič |
| Term: 5 years (currently 2010-2014) |
| Decision-taking body: College of 27 Commissioners (simple majority) |
| Internal structure: 42 Directorates-General and Services |
| Staff: Approx. 38,000 (2011 figure) |
| Procedural languages: English, French, German |
| Location: Brussels (Belgium) and Luxembourg |

Source: Own creation
The Commission has been in place for over 50 years as the EU executive body. It has grown at both the political level, with subsequent enlargements bringing new Commissioners, and at the technical level as the EU project has widened and deepened, and its own powers have increased with treaty revisions. In 2011 the Commission is headed by the 27-strong College of Commissioners as the ultimate decision-taking body, served by a staff of around 38,000 officials based mostly in Brussels (72%), but also in Luxembourg (13%), the Joint Research Centre/Institutes in Ispra (IT), Petten (NL), Geel (BE), Karlsruhe (DE) and Seville (ES) (10%) in addition to Commission staff based in the 136 EU Delegations around the world and in the Commission representative offices in the Member States (5%).

1.1 Roles of the European Commission

The Commission has four traditional roles that it derives directly from the Treaties (Article 17 TEU). These four roles are as follows:

Figure 5: The main roles of the European Commission

| Guardian of the Treaty | - Ensures application of the Treaties & EU Law  
| - Responsible for bringing infringement procedures |
|-----------------------|-------------------------------------------------|
| Right of initiative   | - Proposes legislation except where the Treaty provides otherwise |
| Functions             | - Coordinating & managing policies, projects, networks  
| - Executive role      | - Managing EU Budget |
| External representation of the EU | - Represents the EU on the international stage (except CFSP)  
|                        | - Observer, sole negotiator, mandated negotiator |

Source: Own creation

1. **Guarding the Treaty:** The first, and most important, Commission role is that of guardian of the Treaty because it covers all aspects of the Commission’s activities, including the three others listed in Figure 5.
The main aspect of this guardianship comes through the Commission having the responsibility, and authority, to ensure that Treaty provisions are applied correctly (along with the Court of Justice of the EU). Through these Treaty provisions the Commission is empowered to monitor the implementation and application of Union law by Member States. If necessary the Commission is able to open infringement proceedings, of which there are on average between 3-4,000 (actual and suspected) a year. This is 3-4,000 cases where the Commission investigates whether the Member States have breached EU law in respect to their obligations to implement and apply what they agreed at the European level. In the last five years the number of infringement cases brought by the Commission, according to its own Annual Reports on National Implementation of EU Law (available on the Secretariat-General website), were: 2004 – 2,993, 2005 – 2,518, 2006 – 3,653, 2007 – 3,400, 2008 – 3,400. By the sheer number of infringement cases, and their steadily increasing number, one understands the workload that guarding the Treaty requires of the Commission Services. Interestingly enough, a significant number of infringement cases stem from individual complaints which, as long as they are made in writing, can be submitted by anyone.

2. Initiating legislation: As a link with the second role, that of the right of initiative, one could mention a quasi-formal role of the Commission here – that of ‘promoter of the general European interest’ which is perhaps the most understated role that the Commission actually has. This is a horizontal function that is derived from a number of Treaty-based provisions, notably those making the Commission the guardian of the Treaty and through the co-called Community method (which we come back to) in which the Commission is the initiator of legislation. This second role, initiating legislation, is a sacrosanct right of the Commission, one that it guards jealously. The right of initiative has some very important implications, not least that the Commission must prepare, draft and present every legislative proposal; a situation that gives the Commission a significant amount of influence over legislative outcomes. The ability to draft the initial text in the EU system of compromise and consensus means that a very high portion of what the Commission originally includes in a proposal remains at the end of the process. This is even more significant when one considers that over 90% of what the Commission proposes eventually becomes law, albeit after modifications by the legislators. This is, for example, almost the exact opposite of the United States legislative system where, in the 100th Congress (2007-2009), only 442 out of 11,059 proposed bills (4%) became law (www.sunlightfoundation.com). Having the sole right to draft the first text, gives the Commission a considerable power in legislative and non-legislative procedures.

The right of initiative can lead stakeholders to the rather misleading conclusion that the Commission is only interested, and important, at the drafting stages of legislation. This could not be further from the truth because, as will be seen throughout this book, the Commission is
omnipresent in the entire process of decision-making, operating influentially in both the European Parliament (the ‘Parliament’ or ‘EP’) and the Council of the EU (the ‘Council’).

Some final points with regard to the right of initiative are important, the first of which relates to the limits on the Commission’s ability to propose legislation, which are threefold. The first two are legal constraints, namely that the Commission needs to have a legal basis in the Treaty for the proposal and that secondly the proposal must respect the **principle of subsidiarity** whereby in areas outside of its exclusive competence (see the box on the right) the EU can only take action in so far as the objectives of the proposed action cannot be sufficiently achieved in the Member States – making the EU level the most appropriate level for action. In addition, the Commission must respect the **principle of proportionality**, whereby any action it proposes must be proportionate to the issues it is dealing with. If these legal constraints are met then the Commission must consider a third, political, consideration, notably as to whether there is sufficient political will and appetite for the proposal in the Council and the Parliament, as well as from **civil society** stakeholders. Assuming these conditions are fulfilled, the Commission will exercise its right of initiative and present the legislators with a text for them to base their negotiations on. Having outlined that this right of initiative is so important for the Commission it must be noted that it is something strongly coveted by the two legislators; the Parliament and the Council. The Commission right of initiative can be pre-empted by things such as **Council Conclusions** that request action from the Commission.
or from international commitments, both of which are important influences on the Commission right of initiative. The Parliament also frequently requests action from the Commission in a variety of different ways from own-initiative reports to Oral and Written Questions.

3. **Managing and implementing EU policies and the budget:** This is a huge task that requires a significant proportion of the Commission’s human resources to undertake. In addition to this, the Commission also has to implement the execution powers given to it by the legislators – the fabled Comitology procedures (see Chapter 6).

4. **Representing the EU in external relations:** The final major treaty-based role of the Commission is that of representing the EU on the international stage. The Commission does this for all areas, except for the Common Foreign and Security Policy (CFSP), in a variety of different capacities. For example it can act as a simple observer or member, in international organisations, or it could be the sole negotiator for the EU such as in the area of climate change. The most common form of representation, as understood by the outside world, is in the sense of trade negotiations in which the Commission negotiates on behalf of the Council with a strict mandate — as it does in trade negotiations such as the World Trade Organisation (WTO). The Commission also represents the EU through its staff sitting in the 136 EU Delegations around the world as well as interacting on a daily basis with the approx. 165 non-Member State missions accredited to the EU and approximately 36 international organisations and other representations to the Commission - all based in Brussels. Whilst much of this representation role has now been incorporated into the new European External Action Service (EEAS) after the Treaty of Lisbon, the Commission still has its staff on the ground across the world and has to deal with third country missions in Brussels.

In addition to these four treaty-based formal roles, one needs to add a number of less formal, but by no means less important, roles. Firstly, the Commission plays a very important role as mediator and deal broker between the legislative institutions (loosely based on Article 294 TFEU). This role will be touched on later in this chapter, and again in a number of other chapters such is the importance of the Commission’s role as ‘honest broker’. A further informal role is that of information gather/disseminator and network organiser, because the Commission is at the centre of a huge network of experts, Member State officials and civil society representatives. Through these informal roles the Commission is usually extremely well-informed, connected and updated on all developments related to its dossiers.
1.2 Internal structure of the European Commission: Outline

To go about all of these important tasks, the Commission has structured its 38,000 staff (http://ec.europa.eu/civil_service/about/who/index_en.htm) into some 42 Directorates-General (DGs) and Services and a number of Executive Agencies, reflecting the different roles and policy areas that it has to cover. Whilst the number of staff the Commission has might appear high to some eyes, it is in fact low relative to the tasks that the Commission has to carry out, which, when combined with its various roles, has some important consequences. Compared to national administrations, in the EU Member States or internationally, the Commission has significantly less staff. An example highlights the case in point; the US Food and Drug Administration (FDA) employs just over 9,000 people to focus on this specific area. The main reason for these figures, as advocated by the Member States, is that the Commission does not implement EU legislation on the ground, hence does not need the same levels of human resources. The single biggest implication of this is that the Commission is constantly in need of information, notably about how things work on the ground – as it does not necessarily have its own adequate sources of information and expertise (see Chapter 4.5 that deals with EU Agencies for more on this issue). It is from this fact that the Commission uses a number of different means to get information – all of which will be considered in detail in this chapter.

The Commission was originally structured along the lines of the national administrations of its founding members, notably the French administration, but it rapidly evolved to meet the new challenges that treaty revisions and enlargements have created. Whilst the number of DGs and Services has constantly expanded, a corollary objective has been to increase internal coordination and cohesion, based notably on IT systems and internal procedures, to make sure expansion does not imply proliferation and an increased ‘silo’ effect (when DGs work alone and in isolation from their colleagues across the Commission). The internal organisation of the Commission is underpinned by a series of internal rules, the most important of which are the Commission’s Rules of Procedure (RoP), which are published in the Official Journal of the EU (OJ), and hence publicly available. The Commission RoP have their own implementing rules to flesh out the detail and give a precise guide as to how things happen in the Commission – this document is not officially made public but can be requested from the Commission. On an equal footing with the RoP, is the Communication from the President ‘The Working Methods of the Commission 2010-2014’ (C2010 1100). In addition there is the internal Manual of Procedures, which, although it does not have binding legal value, is an important codification of practice, notably for officials inside the Commission. Most of the detail in this chapter has been taken from these documents and hence they will not be systematically referenced, other than in cases of importance where it is necessary to highlight the source of the information.

The structure of the Commission is as follows:
1.3 Internal structure of the European Commission: The College of Commissioners

At the top of the structure is the College of Commissioners, led by the President. The College represents the highest political level of the Commission. The Commissioners swear an oath to be completely independent when carrying out their functions which is as follows:

**The Commissioner’s oath**

“Having been appointed as a Member of the European Commission by the European Council, following the vote of consent by the European Parliament, I solemnly undertake:

- To respect the Treaties and the Charter of Fundamental Rights of the European Union in the fulfilment of all my duties.
- To be completely independent in carrying out my responsibilities, in the general interest of the Union.
- In the performance of my tasks, neither to seek nor to take instructions from any Government or from any other institution, body, office or entity.
- To refrain from any action incompatible with my duties or the performance of my tasks.

I formally note the undertaking of each Member State to respect this principle and not to seek to influence Members of the Commission in the performance of their tasks. I further undertake to respect, both during and after my term of office, the obligation arising there from, and in particular the duty to behave with integrity and discretion as regards the acceptance, after I have ceased to hold office, of certain appointments or benefits.”

Source: http://ec.europa.eu/commission_2010-2014/President/news/speeches-statements/2010/05/20100503_1_en.htm
Despite swearing this oath, many Commissioners retain strong links to their home Member State, a fact that manifests itself in various ways, from their interventions in College meetings to the places in which they give speeches. This issue will be revisited in Chapter 9.2 on how to engage with the Commission.

The Commissioners together form the College and it is the College that formally takes decisions, gives political guidance to Services and DGs and leads the Commission. The College is made up of one Commissioner from each Member State. The Treaty of Lisbon foresees a reduction in the number of Commissioners in the next College (from 2014) to two-thirds the number of Member States (Article 17 TEU). However, the Member States had already agreed at the December 2008 European Council meeting to maintain the one Commissioner per Member State rule beyond 2014 (European Council Conclusions, 11-12 December 2008, point 2, page 2). All the DGs and Services of the Commission that we will consider in the coming pages work to serve the College and assist them in their decision-taking capacity. The College is the focal point of the work of the Commission. It is worth briefly outlining how the Commissioners come into office and how they can be removed from office – and hence the mechanisms that exist to scrutinise their activities and hold them to account.

**IN – Investiture (Article 17(7) TEU)**

**Step 1:** The European Council proposes a candidate for President (taking into account the elections of the Parliament) to the Parliament, who must then vote to elect or reject the candidate by absolute majority of its members.

- President Barroso was approved by the Parliament in September 2009 by 382 votes in favour, 219 against and 117 abstentions.

**Step 2:** The General Affairs Council, along with the President-designate, adopts a list of intended Commissioners on the basis of suggestions by Member States.

**Step 3:** Each individual Commissioner-designate is required by the Parliament to go for a hearing, where they will be questioned on issues of competence, and since the Treaty of Lisbon, on their ‘European Commitment’.

- In both 2004 and 2010 the EP requested that one Commissioner-designate be replaced – which was on both occasions respected.

**Step 4:** The Parliament votes its ‘consent’ to the full College in a single ballot.

- In 2010 the Barroso II College was voted in by 488 votes to 137 with 72 abstentions (39 more positive votes than the Barroso I College in 2004).

**Step 5:** The European Council appoints the Commission by qualified majority voting (QMV).
The key political figure in the Commission is the President who has to find a balance between: effective chairmanship of the Commission, maintenance of collegiate consensus and leadership of the policy orientation of the Commission. The President of the Commission has increasingly become a pivotal and powerful voice in the EU – a solid advocate of European solutions. President Barroso, in his second term as President, is affiliated to the EPP Group in the EP and is a former Prime Minister of Portugal, and he occupies one of, if not the, most powerful political positions in Brussels.

The President of the Commission has a Service answerable directly to him – the Secretariat-General (SG). This Service has about 600 staff who ensure that all the Commission departments work together effectively to meet the identified political priorities. In this vein, the SG coordinates, advises and arbitrates to ensure that coherence, quality and delivery of policy, legislation and operations occurs smoothly and in accordance with the rules and the prescribed procedures.

**OUT – Censure of the College (Article 17(8) TEU)**

**Step 1:** If the Parliament deems necessary it can bring a resolution for a motion of censure. This vote requires an absolute majority in which case the College must resign as a body.

- There have been seven motions of censure tabled in total, the last in 2004. All motions have failed, but they have received varying levels of support.

**Accountability of an Individual Commissioner**

**Step 1:** Each Commissioner goes before the relevant Committee of the Parliament on a regular basis to give updates on their work and answer questions.

**Step 2:** In the Framework Agreement on Relations between the Parliament and Commission, voted by the Parliament in October of 2010, it states that the Parliament can request the removal of an individual Commissioner – which the President of the Commission must either accept, or explain his reasoning to the next Parliament Plenary session.

Source: Article 17 TEU & Framework Agreement on Relations between the European Parliament and Commission

The Commission President

- is head of the European Commission;
- allocates portfolios;
- chairs the College meetings;
- establishes College meeting agendas;
- is a non-voting member of the European Council;
- is the representative of the Union on internal policies;
- is a crucial political actor in Brussels.

Some past Presidents:

1999-2004: Romano Prodi
1995-1999: Jacques Santer
1985-1995: Jacques Delors
At the level of Commissioners, each is aided by their own private office (Cabinet) which is headed by the Chef de Cabinet. This post is a vital appointment and is one that the Commissioner handpicks due to its importance, because the Chef de Cabinet is one of the most influential figures in the Commission as he/she is party to significant information and has a high level of discretion to take decisions. Under the Chef de Cabinet there are usually between six and eight people in the Cabinet, three positions of which are reserved for Commission officials, meaning each Commissioner can bring in a number of advisors from outside the Commission. The Cabinet must also respect gender, nationality and geographical constraints. The main role of the Cabinet is to give political guidance and support to the Commissioner, which requires liaison and interaction with the DG. In this way the Cabinet filters the issues and the information for the Commissioner to ensure they are updated on everything they need to be updated on – be it political or technical issues. In this way the Cabinets are rather unique in the technical and political overview that they have of dossiers – and also the fact that they will also have a more holistic institutional picture within the Commission. All issues, files, questions and dossiers discussed later in this chapter cross the desks of the Cabinet – and they can have an important say in all of them. The Cabinet has to look over all texts to see what issues the DG has raised on a technical level. It then has to think about the Commissioner’s political priorities and drive, any promises they have made to either the Parliament, or Member States, and any personal issues the Commissioner might wish to see addressed. This is a very difficult balance to strike and leads to Cabinet members being heavily solicited internally and externally. Most Cabinet members will get anything upwards of 40-60 e-mails per day from external stakeholders with information, reports, questions, meetings requests, etc.

All Commissioners’ Cabinets can be found on the Commission website, with very useful information on the composition of the Cabinet, their responsibilities and their contact details. Each Cabinet member has a portfolio that will include both sectoral and horizontal issues, and it is always important to identify the right person in the Cabinet. Whilst Commissioners’ Cabinet work in different ways they all have an extremely good overview of the politics, detail and mechanics of a proposal – and crucially they have the influence to get involved in almost all procedures and proposals and make changes. This role of the Cabinet will become clear in the sections that follow.
1.4 Internal structure of the European Commission: Directorates-General and Services

Below this political level, comes the administrative level. The basic operational building block in the Commission is the Unit, managed by a Head of Unit (HoU), which varies in size and composition depending on its role. Within the Unit you will find a number of Desk Officers and administrative support staff, as well as Seconded National Experts. Several Units form a Directorate which is headed up by a Director. These Directorates are sub-divisions of a Directorate-General which is managed by a Director-General, who is usually supported by a Deputy Director-General, special advisers and a dedicated administrative staff. A final important point about the internal staffing of the Commission is that there is an active mobility policy in place, which means that officials often move internally. For the sensitive positions this rotation can be every four years. This has a number of important consequences for the Commission itself, and also for engaging with the Commission (as will be seen in Chapter 9.2).

The Commission has two broad principles that guide its functioning and operations, principles that are rigorously pursued by the SG on a daily basis:

1. **Collegiality**: The College of Commissioners takes over 10,000 decisions a year, decisions that are taken collectively – and hence the responsibility of all College members. This is a principle that is taken very seriously within the Commission, and one with important consequences. As every Commissioner is co-responsible for every decision in every policy area they are all accorded the opportunity to participate in the formulation and approval of all decisions.

2. **Administrative coherence**: All the Services and DGs of the Commission make up one administrative body to serve the College. This is a core area of work for the SG, ensuring coherence in Commission actions, especially when communicating with other institutions. So whilst it might sometimes appear that an individual DG operates as if it were a self-standing administration, the so called ‘silo’ effect that used to dominate in the Commission, the DGs are now more tightly bound to the centre than ever before. The broad political objectives of the Commission filter down into the work of every DG, notably through the Strategic Planning and Programming cycle (SPP), as we shall see.
1.5 How the European Commission works: Strategic planning and programming

The internal decision-making procedures of the Commission can be split into a series of different phases. Before looking at these in more detail the broader context needs to be established:

**Figure 7: European Commission Strategic Planning and Programming (SPP) 2010-2011**

The SPP cycle is the macro planning framework within which the Commission operates. What is shown in Figure 7 is a rather exceptional cycle due to the fact that the new system has yet to be finalised – so although it will look similar to the picture painted above in the future, this will need to be monitored carefully. This system is born out of the desire of the Commission to define and deliver clear objectives and priorities and to allocate resources effectively in light of political priorities. The SPP system was a direct result of the 1999 Santer Commission crisis when all 20 members of the then College resigned. A resulting Committee of Independent Experts reported back to the new Prodi Commission with suggestions to avoid the errors of the past. A major part of the response by President Prodi was the SPP cycle, a cycle that has been evolving ever since at the heart of the Commission. Following this cycle is essential for solid upstream information and planning on behalf of an external stakeholder. As Figure 7 shows, the SPP cycle is multi-annual, although there are three clear processes that we can identify and elaborate on:
1. **Discuss and establish priorities**: In this phase the emphasis is on the Commission elaborating what it considers to be the policy and regulatory priorities, and discussing this with stakeholders before narrowing it down to a more focused work programme detailing exactly what they intend to do. The broadest, and most political, document that acts as an umbrella to this process is the overarching objectives for the five-year Commission term. This is the **Political Guidelines for the Next Commission**, a 48-page document, issued by President Barroso in September 2009. This document sets out the broad strategic guidelines and objectives of the five-year Commission term. The document was drafted by the Commission President’s service, the SG, with input from all DGs and Services.

2010 saw the first ever ‘**State of the Union**’ speech delivered by President Barroso to the EP Plenary in Strasbourg, a speech which is now scheduled to take place every September as part of the process of discussing the major political priorities for the Union in the coming year. This speech is therefore part of the broader discussions with stakeholders that the Commission then translates into concrete actions in the **Commission Work Programme (CWP)** by the end of October. 2010 was the first year in which the document moved to a multiannual nature, to take account of the fact that a significant quantity of Commission work is multiannual. The CWP gives a detailed list of forthcoming concrete actions that the Commission intends to undertake – generating transparency and predictability for stakeholders and facilitating cooperation with the legislators. The core 13-page document for 2010 is a description of how the ‘political guidelines’ are being translated into action. Of more interest is the 44-page annex which outlines, in list format, the strategic initiatives that the Commission will take forward, the strategic and priority issues under consideration, the simplification initiatives foreseen and finally the pending proposals to be withdrawn. This can be seen in the example of strategic initiatives for 2011 below:

<table>
<thead>
<tr>
<th>Financial Regulation: completing the reform</th>
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<tr>
<td>3</td>
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<td>4</td>
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This document is a very important political, technical and practical document. Politically the Commission sets itself the target of delivering what it says it will do – hence it will be focused internally on delivering what it has stated in this document, and it will only delay, or not deliver, in light of strong mitigating circumstances. The actions that the Commission will focus on are the strategic initiatives – the major political priorities. From a technical and practical perspective the document gives a very transparent forward looking overview of the main actions to come from the Commission in the next few years – very useful for forward planning and anticipation.

The Commission updates the CWP on a monthly and annual basis. The Commission sends monthly updates on the CWP, with revisions, to the other EU institutions – simultaneously publishing these on the SG website. These updates give an extremely good picture of fluid and changing timelines to actions and priorities and allow stakeholders to keep up with progress and deadlines. The second way in which the CWP is updated is through the annual update – whereby the Commission adopts a new multiannual CWP for the next years. A parallel document of interest is the Roadmap document which, for every single DG, offers a picture of forthcoming initiatives, consultations and Impact Assessments (IA). These Roadmaps detail the CWP, and non-CWP, initiatives that require an IA across every DG in the Commission hence they give a very useful up-to-date picture of activities.

In parallel to this legislative planning through the CWP, the Commission also issues a Draft Budget (DB) in April of every year to launch the budgetary procedure. This 1000+ page document is drawn up on the basis of the activities that the Commission, and the other institutions, is undertaking, and foresees, in the context of the CWP and aims to ensure that resources are allocated according to priorities. Although the Annual Budget (AB) operates in a multiannual framework (the multiannual financial framework (MFF) which sets a 7-year spending framework) there is still room for manoeuvre on an annual basis, which is why there are such arduous negotiations taking place every November to finalise the budget before December of any given year. In this way, the Commission has set the priorities, outlined the concrete actions it will take forward and also received a budget to enact all of this.

The final document is the Management Plans (MP), very much a document with an internal focus, which is prepared by each DG to translate the Commission’s priority objectives into general and specific objectives at the level of the DG. These plans are issued every year and they contain details of all initiatives in each DG and how they relate to the broad goals of the Commission. In addition these MPs have also moved towards a multiannual approach to take account of the multiannual nature of both the budget and the CWP. Each MP contains specific objectives and targets for every single activity, as well as all the resources that are being used on each action. In this way the Commission, and also the legislators who receive this document, are able to monitor and evaluate its progress in an objective manner. The MPs are also published on the Commission website (http://ec.europa.eu/atwork/synthesis/amp/index_en.htm) and are very useful documents to understand not only the initiatives within a DG, but the objectives and indicators of their work – very useful information if you are interacting with the DG.
With these three documents, the CWP, the DB (and ultimately the AB) and the MP, the Commission has set its priorities, discussed them with stakeholders, crafted an Annual Budget to help it deliver its priorities (and other actions) and converted this into a detailed internal document stating the objectives and indicators that every DG has to strive towards in the coming year(s).

2. **Implement programme:** The second stage is where the Commission endeavours to deliver everything it laid out in the CWP, to execute the budget and to achieve the indicators it set itself in the MPs. The Commission sends monthly reports to the other institutions on the execution of the CWP and an overview of planned Commission initiatives until the end of each year. The Commission will politically drive forward the strategic priorities, the SG acting as the President’s lookout to make sure the DGs deliver on the Commission’s most important promises. Every year there will be mitigating circumstances for a small number of initiatives, strategic and other, that were foreseen for the year in question – but for the vast majority the Commission will successfully deliver what it set out to deliver.

3. **Report back on achievements:** The final stage of the SPP process is one that was subject to internal change in 2010-2011, as the Commission tries to improve the way it reports back on, and learns from, what it did. The first document in the reporting back phase is the **Annual Activity Report (AAR)** which is a report compiled for the Commissioners by each Director-General and Head of Service. These reports assess the results of their department against the objectives and indicators set in the MPs. These documents are also accompanied by a **declaration of assurance** on the proper use of resources and on the quality of financial management which is signed by the Director-General or Head of Service. These AARs are important evaluation documents that the Commission should then use in preparing future initiatives. The importance attached to this function was underlined in 2009-2010 when President Barroso created an evaluation Unit in the SG to coordinate cross-Commission work on evaluation – saying that the ex-post work of the Commission should match its ex-ante (IA) work. The Commission has longstanding experience of financial project evaluation and is now in the process of extending this into the realm of policy evaluation.

The outcome of the SPP cycle is the **Synthesis Report (SR)** that is published in June of every year. The SR reports on achievements by the Commission as a whole, but is more important as the moment when the College of Commissioners takes political responsibility for the management and work of its Director-Generals and Heads of Service. This brings to a close the SPP cycle, although at any given point in time the Commission Services will be dealing with implementing their actions for

**Evaluation – The start, not the end**

The 2010 Smart Regulation agenda puts ex-post evaluation as the key priority area for investment in the Commission. All policies will be subject to an evaluation – which will have extremely important consequences on any future action. This evaluation will be the starting point for anything new.
the given year, preparing actions and priorities for the next year and simultaneously reporting back on (and learning from) what they did in the previous year. The SPP cycle places a heavy workload on those involved within the Commission, but from an external perspective it allows for a transparent and accessible process in which all stakeholders are able to identify their issues at an early stage. It is from this broad framework of prioritisation and resource allocation that individual files are taken forward within the Commission – as the next section describes in detail.

1.6 How the European Commission works: Preparation of a dossier

If a legislative dossier is under preparation in the Commission it will have already been flagged in the CWP, and if it is a legislative proposal (therefore requiring an Impact Assessment as we will see later) it would also have been flagged in the Roadmaps. This section will follow the process from the macro-level of Commission planning into the detail of the preparation of an individual dossier in the Commission Services. Here the emphasis will shift away from the President of the Commission and high-level political discussions to the basic organisational block of the Commission: the Unit. A proposal will be taken forward within the most relevant Unit of the most relevant DG, the Unit in the so-called lead DG. This Unit will take responsibility for a dossier and thus coordinate the preparation of the proposal and all supporting documentation. The Unit will draft the documents, proposals, IA and consult all other DGs, and external stakeholders, before tabling the resulting documents for final adoption by the College. It is these stages that will be addressed in the next sections. The initiation of work in the Commission is represented in Figure 8.

The flowchart in Figure 8 shows the start of an individual dossier’s journey. The dossier will be included in the CWP once it is advanced enough that the Commission can confidently announce to the outside world that it will be delivered within the period of the CWP. Otherwise the earliest the outside world will officially know about the dossier is through it being flagged in the Roadmaps.

**EU legal acts**

When the Commission is preparing its legal acts for adoption by the College it can use one of three legal acts:

- **Regulation** – shall have general application and be binding in its entirety and directly applicable in all Member States.
- **Directive** – binding, as to the result to be achieved and shall leave to the national authorities the choice of form and method.
- **Decision** – binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.
- **Recommendation & Opinion** – encourages those to whom they are addressed to act in a particular way – without being binding on them. This allows the Commission to issue non-binding rules.

The choice of legal act is very important and has significant consequences for MS.
Within the lead DG Unit that has been designated as the lead on a specific issue, one or two Desk Officers will take a lead on the specific file. At this stage the first major undertaking, for a legislative proposal, is the IA which we will come to shortly. There are two major aspects of the Unit’s work that need to be addressed in relation to its drafting of an IA and a proposal. This is the dual obligation for the Unit to consult internally and externally. At the very earliest stage the Unit has to associate other DGs to its preparatory work which is done in two possible ways. The first is through an **Inter-Service Coordination Group (ISCG)**, which are permanent internal groups with a clear mandate to discuss a series of issues. There are about 250 such groups in the Commission in 2011 and they all have the objective of increasing cooperation and coherence between DGs. They are informal groups for discussion where the lead DG can canvass the opinions of interested DGs, and where interested DGs can raise their thoughts, concerns and objections. Discussion in an Inter-Service Coordination Group does not lead to any binding outcomes – but the discussions will be reported back to Cabinets across the Commission if problems arise. It is also in these Groups that positions for the formal **Inter-Service Consultation (ISC – also known by its French acronym CIS)**, that we will see shortly, are formed. Through this Group the responsible Unit will hope to generate internal agreement on its proposals and work, and associated DGs will hope to influence the proposal to take into account their specific points and interests. The second internal mechanism is the **IA Steering Group**, which is solely focused on assisting the Unit with the IA process. The Unit, before starting an IA, must
circulate details of the proposed IA to all other DGs who can then respond by taking a place in the IA Steering Group if they feel their DG interests are touched on in some way. The Unit will keep close contact with the Steering Group throughout the IA process – again with the objectives of internal cohesion and consistency. We see therefore that whilst a Unit drafts everything there are a significant number of other associated officials closely involved in the process.

The other side of the coin is external consultation, where the Commission has a variety of tools at its disposal – any of which can be used, in varying combinations, from the very inception of the drafting process in the Commission. The main forms of Commission consultation are presented below.

1. **Commission Work Programme (CWP)**
   http://ec.europa.eu/atwork/programmes
   As described above, a rolling multi-annual programme that outlines the main Commission proposals to be adopted in the future – with the most detail concentrated on the next 12 months. The CWP is constantly open to consultation, internally and externally as new priorities and issues arise.

2. **Impact Assessment (IA)**
   http://ec.europa.eu/governance/impact
   A major component of an IA is consultation of the stakeholders in the area being investigated. In this sense stakeholders will likely be formally consulted, either via hearings or questionnaires, to attain their opinion. If an IA is ongoing, interested stakeholders should make their opinions known to the lead DG running the IA, as well as any other impacted/interested DGs likely to support their position. This will be taken up in more detail in the section on IAs.

3. **Open hearings** (need to check individual DG websites to keep informed)
   The Commission organises a number of open hearings to gather interested stakeholders and exchange information. As a forum for consultation they are limited because they will usually bring together 50-250 people listening to presentations by the Commission and/or key interested stakeholders. Whilst limited in the sense of information exchange they are extremely useful events for visibility with the Commission and other stakeholders. These events are very good socialisation and networking opportunities.

4. **Green Papers**
   http://europa.eu/documentation/official-docs/green-papers or
   http://ec.europa.eu/yourvoice/index_en.htm
   A Green Paper is one of the old-school formal consultation techniques used by the Commission, whereby it presents a paper (not actually green) outlining the options that it is considering on a certain question. This document must be no longer than 30 pages and is translated into all official languages. There are minimum standards of consultation that apply, meaning everything, including responses and the Commission’s summary, have to be published on the
website of the DG concerned and that stakeholders get a minimum of eight weeks to reply. A Green Paper is an excellent opportunity to bring your concerns to the attention of the Unit and Desk Officer drafting the proposal – because at this stage the ideas are still general.

5. **White Paper**


A White Paper is, like the Green Paper, one of the formal consultation techniques used by the Commission. It is a document in which the Commission outlines which legislative option(s) it favours, seeking any additional comments and ideas. This document must be no longer than 15 pages and it is translated into all official languages. The same minimum standards of consultation as explained above apply. A White Paper is an excellent opportunity to bring your concerns to the attention of the Unit and Desk Officer drafting the proposal – but at this stage the ideas are more concrete and established.

6. **European Business Test Panel (EBTP)**

http://ec.europa.eu/yourvoice/ebtp

The EBTP is an online questionnaire tool that has been developed by DG Internal Market (DG Markt) to get the opinion of European small and medium enterprises (SMEs), a voice that is often lacking from other consultation responses. The EBTP team sends out four to eight targeted consultations a year on issues impacting SMEs, to get their feedback. In 2011 there are about 3,500 businesses signed up and the response rate is about 1,000 answers per questionnaire. To see more, see the site and sign up if applicable.

7. **Online questionnaires and open forum on the Internet**

http://ec.europa.eu/yourvoice/index_en.htm

The Commission almost systematically consults via the Internet these days – with different types of questionnaires. This is mostly all done via the ‘**Your Voice in Europe**’ website. See the box to the right for all the details.

8. **Expert Groups** (see below)

http://ec.europa.eu/transparency/regexpert

9. **Informal meetings, events, gatherings, etc.** (see below)

The Commission will use differing combinations of the consultation tools identified above according to its needs. It is often obliged to use several during the preparation of an initiative as it seeks to find all the relevant stakeholders and information.
It is essential, from an external perspective, to engage in all forms of consultation – firstly to monitor the progress of a dossier, but also to keep the Commission informed of your opinions and ideas. The Unit will keep a record and know whether you have responded to their consultations. It is important to be identifiable from an early stage as an interested stakeholder. Consultations are a formal part of lobbying and should best be followed up with direct meetings. Respondents to consultations should also bear in mind what the Commission needs most of all – facts, figures and evidence. In addition, responses should always be constructive and positive in tone.

There are a series of minimum requirements that surround these consultation tools. For example when undertaking a public consultation there should be adequate time to respond – usually taken to be eight weeks (this will become 12 weeks as of 2012); if the Commission is organising a meeting or a hearing it should allow at least four weeks notice; consult representatively; make sure stakeholders know exactly what they are being consulted on; report back on the consultation and report back, with justifications, on what it intends to do as a result. A key aspect of all of these forms of consultation is the requirement that the Commission post detailed feedback on the Internet so that external parties can see how the Commission has analysed and evaluated the information that was submitted.

The two most important sources of information for the Commission, above and beyond open consultations, are without doubt (in order) Expert Groups and informal meetings and gatherings. Expert Groups are possibly the single largest source of information for the Commission, because they give them access to information that they would otherwise have difficulty attaining. The Commission, in early 2011, had over 1,000 Expert Groups registered on its Expert Group Register (http://ec.europa.eu/transparency/regexpert). As and when a Unit in the Commission considers that it needs expert input the most convenient, and substance rich, way of doing this is to create an Expert Group. This was most frequently done by the Commission to assist it with legislative proposals, but Expert Groups are now used more regularly to assist the Commission with implementing and delegated acts (see Chapters 6 and 10 for more information). The Unit in question is free to invite who it wants to participate in its Expert Group, depending on its needs. Over 70% of Expert Groups in 2011 are made up solely of Member State representatives, with the remaining 30% being mostly a mixture of Member State representatives, civil society experts, scientists and academics. The Commission calls the meetings, sets the agenda and the objectives (discussion, draft a report, etc.), chairs the meetings

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**Expert Groups**

- approx. 1,000;
- 95% created informally by the Commission (Unit level choice);
- 5% created formally by legislators or political decision of College;
- Hand-selected membership (by Commission Unit);
- Chaired by Commission;
- Objectives set by Commission;
- Meet (usually) in Brussels as and when needed;
- 70% of Expert Groups composed of national MS officials.

**Vital source of information for the Commission**
and drives discussions according to its needs. Members of these groups are entitled to claim travel and accommodation costs if needed. Expert Groups are extremely important sources of information for the Commission, notably on how things work in Member States, and through this importance they represent a direct channel of influence on the Commission. For this reason there has been persistent pressure on the Commission to be more transparent about what the Groups do and who sits in them, resulting in a more accessible and detailed register. On this register you find information on all the existing Expert Groups and their composition, with names for those sitting in an individual capacity and affiliations for those representing an association or Member State. In addition to all of this the register also identifies the Unit responsible in the Commission, and is thus overall a useful source of information.

In this way the Expert Groups will be constantly feeding into the drafting process within the Commission, alongside the internal support from the ISCG and the IA Steering Groups. This creates an early crucial network of about 40-50 people with strategic input on a Commission draft text. The crux of this process is without doubt the IA, the process of which is outlined in Figure 9.

**Figure 9: ‘Average’ Impact Assessment timeline**

![Impact Assessment Timeline Diagram](http://ec.europa.eu/governance/impact/commission_guidelines/docs/iag_2009_en.pdf)
The IA is a process that prepares evidence for the College, as political decision-makers, on the advantages and disadvantages of possible policy options by assessing their potential impacts. It ensures that when the Commission brings forward a proposal it does so in a transparent, comprehensive and balanced way based on a solid bank of evidence. In this way an IA is a tool for the College and not a formal treaty-based legal obligation. That said the Commission has committed to undertake IAs as stated in the Inter-institutional Agreement on Better Lawmaking of 2003. The Commission has been doing IAs since 2003, when it had to start with one of the most difficult IAs it has had to do – REACH (European Union Regulation, of over 800 pages, concerning the Registration, Evaluation, Authorisation & restriction of CHemicals. It came into force on the 1st of June 2007). Since then the Commission has completed about 700 IAs.

The timeline in Figure 9 highlights all the important stages in the drafting of an IA and the average time attributed to each stage of the process. Seeing all of these stages, and the time involved allows an appreciation of the investment and workload on behalf of the Commission in this stage of policy development – the single biggest investment of the Commission in its Better Regulation package.

An IA is required for all major policy initiatives and legislative proposals on the CWP and other proposals with potential significant impacts. The first category is quite clear cut and can be seen transparently in the CWP and the Roadmaps, but the second category is one of increasing importance. More and more Implementing and Delegated Acts proposals are being deemed to have significant impacts and thus require an IA. The Commission has now put a screening mechanism in place so that a Unit in a DG, the Impact Assessment Board (IAB) or the SG can request, or suggest, an IA on a non-CWP measure that is on the Commission’s agenda. Once it has been established that the proposal requires an IA the Unit sets up the IA Steering Group and starts to consult (if required) with the Inter-Service Group. The first port of call of the Desk Officer(s) responsible for drafting the IA will be the Impact Assessment Guidelines prepared by the SG (available at: http://ec.europa.eu/governance/impact/commission_guidelines/commissionguidelines_en.htm). The Unit responsible will in most cases do the research and consultation itself, with some Units choosing to outsource data collection to external companies. This is the most important, and time-consuming part of the IA process, which along with the initial drafting of the IA can take around one year (Impact Assessment Guidelines, page 8). To give a clearer picture of what an IA seeks to address a list of fundamental IA questions are on the next page.
Once the Unit has drafted a first version of the IA, and both the Steering Group and Inter-Service Group are satisfied (not a procedural obligation, but an internal political constraint), the Unit will submit the IA to the IAB. The IAB was established in November 2006 by a note of President Barroso as a central quality control and support function that resides under the direct authority of the President himself. He personally names five senior officials to act in an independent capacity (i.e. free from DG influence) to serve on the IAB.

They are:
1. Deputy Secretary General – Chair of IAB
2. Directors from:
   • DG Economic and Financial Affairs;
   • DG Employment, Social Affairs and Equal Opportunities;
   • DG Enterprise and Industry;
   • DG Environment.

The IAB provides support and advice and scrutinises the quality of all Commission IAs. In essence the IAB is the internal quality control mechanism to guarantee horizontal standards and provide solutions to common issues and problems. The IAB issues an opinion on each and every IA and is a formal procedural requirement in the Commission decision-making procedure. Without an IAB opinion, a proposal cannot be submitted to the College. At the same time it must also be stated that a negative IAB opinion does not represent a block on the advancement of a proposal – although in reality no Commissioner would want to present a proposal from their DG to the College with a negative IAB opinion attached to it.

Once the author DG has submitted its IA to the IAB, the IAB sends back detailed comments, usually within two weeks. The author DG then responds to these comments, either in writing or orally during an IAB meeting. From this the IAB will proceed to issue an opinion – these opinions are also made public and are posted, along with the IA, on the website at: http://ec.europa.eu/governance/impact/index_en.htm
Since the start of the IAB in 2006, it has returned roughly one third of all IAs to the DGs for revision. Over time the criticisms that the IAB has issued on IAs have evolved. In the early years it criticised the non-respect of the three pillars, the fact that too few policy options were presented and the failure of IAs to consider ‘no action’ as a policy option. In recent years the IAB has focused its attention on the quality of data presented, on question framing and on the options presented to effectively evaluate in the future. Once the IAB has delivered its opinion and the modifications have been made by the lead DG the IA is ready to accompany the proposal into the formal internal procedures that follow, on its way to adoption by the College. As the IA is being finalised, the Unit will also have to draft their legislative (or non-legislative such as a delegated act) proposal, based on the IA findings. The proposal and the IA are intimately connected and should be complementary.

It is important to stress the significance of the IA for all EU-related actors. The Commission IA is the basis for discussions and negotiations within the Commission as to what options it should present to the legislators. The Council and the Parliament will then use the IA in their discussions and internal negotiations – before coming together for their inter-institutional negotiations. The importance of following and engaging in the IA process for all involved actors is now taken for granted.

1.7 How the European Commission works: Administrative decision-preparation

Once the IA has been completed it is possible to proceed internally with a dossier. This phase is represented in Figure 10.

**Figure 10: Proposal: From Impact Assessment Board (IAB) to College adoption**

Source: Own creation
In this flowchart we see the progress of a dossier from its draft form into the final decision-making procedures. At this stage the draft proposal will have been crafted by the Unit responsible with internal and external input through the various groups and tools we have identified thus far. Much of this consultation and cooperation will have been of an informal nature – there has, as yet, not been a technical blocking point for a proposal. The closest to this was the possibility of a non-binding negative opinion of the IAB and the obligation to rework an IA to concur with the quality control issues that were raised – to which the lead DG would have re-submitted a revised version of the IA for a second IAB opinion.

Once the Unit has obtained a satisfactory IAB opinion, and has its draft proposal and all supporting documents, it will check with the DG Hierarchy and the Commissioner’s Cabinet to seek political approval to launch the procedure in ISC. This is the formalised procedure to seek input from all other concerned Commission DGs and Services and is done via a dedicated IT tool called CIS-Net. The ISC, and the use of CIS-Net, are compulsory in the Commission since 2001. About 40-60 ISC are launched in the Commission every day, and in 2009 there were over 7,000 ISC in total. ISC is launched by the lead DG once the file is sufficiently advanced and needs formal adoption of the College. The DGs and Services consulted via ISC will often be similar to those who have already worked with the Unit via ISCGs and IA Steering Groups – although there will now be additional compulsory consulted DGs and Services according to certain issues: for example, the SG will be consulted on any CWP item as it will be interested in the political ramifications and any institutional matters (such as Subsidiarity, Implementing and Delegated Acts, etc.); the Legal Service will be consulted on any draft legal acts (including Implementing and Delegated Acts) as well as any document with legal implications; DG Human Resources will be consulted on any proposal with personnel implications; DG Budget on any proposal with financial implications; OLAF on any proposal with the possibility for fraud; and finally DG Communication on any proposal with a possible impact on Commission communication policy.

When the Unit receives the green light from its Cabinet, it will get in touch with its DG CIS-Net coordinator, an official who coordinates all CIS-Net entries for the DG as a whole. The CIS-Net coordinators within the DGs organise specific access to CIS-Net for the DGs and see to the respect of the procedures. The draft text, and accompanying documentation, is entered into CIS-Net and the consultation is launched. All consulted parties receive the documentation and the deadline for responses – the minimum deadlines for answering are either 10 or 15 working days, depending on the size of the documents submitted to ISC. Submission of texts to ISC is the point at which there is the most document leakage in the Commission. It is here that many stakeholders get hold of Commission proposals and are able to exert some influence over the ISC process. In this time consulted DGs and Services are expected to deliver one of three possible answers:

1. **Agreement:** The consulted DG, or Service, is in agreement with the documents circulated and has no comments to make.

2. **Favourable opinion subject to taking comments into account:** The consulted DG is in general agreement with the documents circulated, but has one, or a series, of comments that it would like the lead DG to take into account.
3. **Negative opinion**: The consulted DG has one, or several, objections to the content of the consulted documents.

There is one further possibility in the ISC, and that is that the consulted DG does not actually respond within the deadline. In this case automatic agreement is assumed in the form of a tacit accord after the deadline passes. In almost all cases consulted DGs will be prepared for ISC because they have already worked with the lead DG in the ISCG and they have already formed their positions. In the three cases above we need to elaborate on two of them. If a DG gives a ‘favourable subject to comments’ opinion the lead DG is not obliged to take these comments into account – but it must justify to the DG concerned why it did not do so. If the lead DG receives negative opinions it is also not obliged to take them into account, so from a technical perspective it could continue with its proposal. From an internal political perspective this is, however, unlikely to happen because a DG, and ultimately the Commissioner, will not want to have these unresolved issues behind them. The lead DG and the DG(s) and/or Service(s) that placed the negative opinion(s) may have a bilateral meeting to try and iron out their differences and agree on a final ISC text.

The resulting ISC text will likely be a modified version of the original document submitted for consultation, the first of a series of modifications that are likely to take place to the text before final adoption by the College. Seeing the modifications, and where they came from, is a useful source of information on where, and with whom, stakeholders might want to work within the Commission. Working with consulted DGs in ISC is a very fruitful exercise if mapped and executed correctly. The philosophy behind the ISC boils down to the fact that one DG cannot go ahead on its own because it has to respect the principle of collegiality. Final Commission texts are therefore always the result of compromises between different internal perspectives – and represent the Commission position.

Once the ISC is closed, the Unit, with the authorisation of the Director-General and the Commissioner’s Cabinet, can submit the dossier for final approval of the College. As Figure 10 above highlighted there are four formal decision-making procedures in the Commission, and the lead DG has to follow one of these to get its file adopted.

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**Commission decision-making procedures**

**Oral Procedure (PO)** (approx. 200 a year)
*What:* The College decides during its weekly meeting on issues that are sensitive, political or otherwise in need of the attention of the College. The President decides the agenda.
*Documents:* Major political or financial implications, CWP strategic priorities, no agreement among DGs and Services at ISC, need for discussion of College.

**Written Procedure (PE)** (approx. 3,000 a year)
*What:* The proposed decision is submitted to all members of the Commission (at Cabinet level) and is deemed adopted if there are no reservations stated within the deadline (Five days for a normal PE). Urgent PEs are possible and have a shortened deadline (usually three days).
*Documents:* Issues where all DGs and Services agree that a discussion by the full College is not needed, no negative opinions in ISC.
Empowerment (PH) (approx. 2,500 a year)
What: A mandate is given by the College in its meeting, or there is a standing mandate, to one or more College members to take measures in its name, under its responsibility within strict limits and conditions. Empowerment does not have to be exercised, but if it is the Commissioner, he/she must notify the next College meeting.
Documents: Management or administrative measures.

Delegation (DL) (approx. 4,000 a year)
What: The principle is exactly the same as the Empowerment Procedure but a Delegation can be given to a Director-General of Head of Service.
Documents: Management or administrative decisions with a more limited margin for discretion and manoeuvre.

This table highlights the low number of Oral procedures (known internally by its French acronym PO – Procédure Orale) that are used each year, but this is a reflection of the fact that only the most important files are left for discussion and adoption by the College. It is also important to stress that all the decision-making procedures in the table above are the ultimate responsibility of the College.

Once the lead DG has chosen which procedure to submit their dossier under, their Unit will have to submit the full dossier into E-Greffe, the IT tool that manages this stage of the internal decision-making procedure. The dossier is not simply a single draft proposal, but an important collection of documents:

<table>
<thead>
<tr>
<th>Obligatory documents submitted for approval by College</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Act</strong> (in up to 23 languages) + Annexes. This is the only document to be ‘adopted’.</td>
</tr>
<tr>
<td><strong>Fiche de Renseignements</strong> – identity card of the file. Drafted by official in charge.</td>
</tr>
<tr>
<td><strong>Memorandum to Commission</strong> – note to the College to explain the content and context of the decision they are being asked to take.</td>
</tr>
<tr>
<td><strong>+ Supporting documents when necessary</strong></td>
</tr>
<tr>
<td><strong>Impact Assessment</strong> – the full version as drafted by the Unit.</td>
</tr>
<tr>
<td><strong>Executive Summary of Impact Assessment</strong> – (in 23 languages) Short description of the main elements of the IA.</td>
</tr>
<tr>
<td><strong>Opinion of the Impact Assessment Board</strong></td>
</tr>
<tr>
<td><strong>Financial information</strong> – if there is going to be financial incidence.</td>
</tr>
<tr>
<td><strong>Results of Inter-Service Consultation</strong></td>
</tr>
<tr>
<td><strong>Draft press release</strong></td>
</tr>
<tr>
<td><strong>Committee voting results</strong> – if act is an Implementing Act that required a Committee vote.</td>
</tr>
<tr>
<td><strong>Technical support documents, memos and info notes, Staff Working Papers, etc.</strong></td>
</tr>
</tbody>
</table>
The course of the dossier depends, thus, on the decision-making procedure chosen, or imposed, within the Commission. It is important to consider the Written and Oral procedures in more detail because this is where the politically and financially important decisions are made.

1.8 How the European Commission works: Political decision-taking

Figure 11: Preparation of a dossier – Written and Oral adoption procedures

The flowchart above details the processes of the Written and Oral procedures. The most widely used of the two is the Written procedure (known internally by its French acronym PE – Procédure Écrite). In this case the dossier that has been through ISC and needs College approval will be submitted, via the E-Greffe system, to every Cabinet. The Cabinet, acting on behalf of their Commissioner, have five working days to respond. Most cases will lead to no reservations being made, and the decision is therefore deemed to be adopted. This decision is taken on behalf of the College. When the deadline passes the Registry, Directorate A of the SG, will ensure all of the post decision-making formalities are respected, something we will come to a little later. If reservations are placed by one or more Cabinets then the Cabinet of the lead DG and the Cabinet(s) with
reservations will have bilateral discussions to try and find common ground with a view to jointly opening a new Written procedure with a new deadline. If such an agreement proves impossible the dossier that was foreseen as Written procedure is switched to an Oral procedure item and it drops into the weekly Oral procedure cycle, which resembles the following:

**Figure 12: The Oral procedure weekly cycle**

<table>
<thead>
<tr>
<th>Week</th>
<th>Day</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2</td>
<td>Thursday</td>
<td>Delivery of files 48 hours before Special Chefs</td>
</tr>
<tr>
<td></td>
<td>Friday</td>
<td></td>
</tr>
<tr>
<td>W-1</td>
<td>Monday</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tuesday</td>
<td>Special Chefs</td>
</tr>
<tr>
<td></td>
<td>Wednesday</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thursday</td>
<td>Special Chefs</td>
</tr>
<tr>
<td></td>
<td>Friday</td>
<td>Delivery of files</td>
</tr>
<tr>
<td>W</td>
<td>Monday</td>
<td>HEBDO 11h00</td>
</tr>
<tr>
<td></td>
<td>Tuesday</td>
<td>Special Chefs</td>
</tr>
<tr>
<td></td>
<td>Wednesday</td>
<td>College Meeting 9h00</td>
</tr>
<tr>
<td></td>
<td>Thursday</td>
<td>Special Chefs</td>
</tr>
<tr>
<td></td>
<td>Friday</td>
<td>Delivery of files</td>
</tr>
<tr>
<td>W+1</td>
<td>Monday</td>
<td>HEBDO 11h00</td>
</tr>
<tr>
<td></td>
<td>Tuesday</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wednesday</td>
<td>College Meeting 9h00</td>
</tr>
</tbody>
</table>

*Source: Own creation*

The Oral procedure effectively operates over a two-week cycle, as outlined above, due to changes brought about by the Commission in early 2010. The objective of this system is the efficient preparation of the College meetings that take place, in general, every Wednesday on the thirteenth floor of the Berlaymont from 9h00, or on Tuesdays in Strasbourg when the Parliament has its Plenary weeks. The cycle starts on Thursday of week W-2 when the dossiers that are being placed in Oral procedure for College discussion and decision, are uploaded into E-Greffe for transmission to all Cabinets. From this point we can address each stage in the process individually:
1. **The Special Chefs meetings** (Tuesdays and Thursdays): The initial discussions are those that take place in the Special Chefs configuration. These meetings are chaired by a member of the President’s Cabinet and are composed of a member from each Commissioner’s Cabinet, a Legal Service representative and the SG as the organiser of the meeting. In addition, the Cabinet member from the lead DG of a proposal under discussion can invite officials from their DG to accompany them on their specific files. In this sense this is the last involvement of the technical officials from DGs before the political decision-making takes over. The agenda for the meeting is done by drawing the dossiers that are ready for, or need, a decision or discussion from the Commission internal rolling four to six weekly agenda of all items on the Commission’s immediate radar (known by its French acronym of LPP for *Liste des Points Prévus*). The objective of these meetings is to start preparing the next meeting of the College by holding in-depth discussions on the dossiers on the initial draft *Ordre du Jour* (OJ) – the meeting agenda for the College – that they are communicated. The outcome of the discussions in the Special Chefs meeting is a more concrete OJ that is then sent to the Hebdo meeting of the Chefs de Cabinet, the next step in the process for approval and completion. The objective of the **Special Chefs meeting** is to find agreement where possible and highlight sensitivities for the Chefs de Cabinet, and if needed the College, to deal with. The Special Chefs meetings work from the text that came out of ISC, likely to be version II of a proposal. The Special Chefs can also make modifications during their meetings which can lead to them sending a version III to the next step in the process.

2. **The Hebdo meetings**: The Hebdo meeting is the weekly meeting of the Chefs de Cabinet that takes place in the Berlaymont every Monday. The Hebdo meeting is chaired by the Secretary-General and is composed of the Heads of all the Commissioners’ Cabinets, the Director-General of the Legal Service and the Director-General of the Spokesperson’s Service. This Monday meeting has the objective of finalising the agenda for the College meeting by splitting the decisions that need to be taken into:

   **Finalisation Written Procedure**

   This new procedure was introduced in 2007 by President Barroso. A dossier is submitted into E-Greve as an Oral Procedure and hence goes into the weekly cycle, ending with the Chefs de Cabinet on a Monday morning. At this meeting they can decide to switch the dossier to a Written Procedure, and simultaneously decide when the Written Procedure will expire. This switch has a double objective:

   - Better timing of press conferences because there is more control of when to announce news – not everything ‘big’ is decided on a Wednesday.
   - College will discuss only the key issues.
• **A item**: Hebdo has found agreement therefore to be adopted without discussion.

• **B item**: Hebdo has not found agreement therefore College discussion is needed before decision. There are also a number of so-called ‘false B’ items, where there is agreement but also a need for visibility, thus College discussion.

3. **Orientation debates**: Where the College needs to hold a broader discussion around an issue, or current event. At the end of the Hebdo meeting, an agenda will be in place for the next College meeting, which usually has four to ten ‘B’ items and a series of ‘A’ items for adoption. It is also at the Hebdo that a fifth decision-making procedure is possible – the Finalisation Written procedure (see box on previous page). The minutes of the Hebdo meeting are called the **Compte Rendu (CR)** and they are sent to the College meeting with the agenda and documents (they are not made public).

4. **The College meetings**: As mentioned earlier, the College meets once a week in Brussels or Strasbourg. The President can also call special meetings on his own initiative or at the request of one or more Commissioners. The President chairs the meeting and presents the agenda items in order. ‘A’ items will therefore be adopted at the meeting without any discussion, and ‘B’ items will be subject to discussion and adoption or deferral. If a ‘B’ item is deferred it will fall back into the weekly cycle for further discussion, or be sent back to the DG responsible for further work and modifications. Formally the Commission Rules of Procedure foresee that the College can vote by **simple majority** but in practice the College tends to decide by **consensus** – despite some very difficult and controversial dossiers passing through the College.

The College meeting minutes, called the **Procès-Verbal (PV)**, are drawn up by the SG after the meeting. These are drawn up in two parts, firstly the general information on the matters discussed and the decisions that will be made public. These minutes are duly posted on the website of the SG. The second part of the minutes is the restricted section which contains other decisions, any votes held and any declarations specific Commissioners wanted entered in the minutes. Find all these PVs at [http://ec.europa.eu/transparency/regdoc/pv Overview.cfm?CL=en](http://ec.europa.eu/transparency/regdoc/pv Overview.cfm?CL=en). In general, the best source of information on what happened in a College meeting is the press, which is usually a better source of information than the **press conference** that takes place in the Berlaymont after the College meeting. They will report, on Thursdays, in some detail the discussions of the previous day’s meeting.

The College meeting represents the culmination of the work of the Commission whereby the final political choices are made on the basis of all the technical and supporting material that has been provided by the DGs and Services. The final aspect of the Commission internal procedure, concerns the transmission of the draft proposal:
The SG within the Commission is responsible for the transmission of draft legislative acts to the other institutions, for the notification to external addressees (certified documents) and also for the publication in the OJ of decisions taken by the Commission. Of most interest in the context of this book is the transmission of documents to the other institutions, as highlighted in the illustration above. The SG is responsible for making sure that the Commission proposal is correctly transmitted along with the key accompanying documents (such as the IA). Only the most important legislative proposals are adopted by the College on a Wednesday and here the Registry is tasked with sending all the relevant documents, in all the relevant languages (if legislative 22 or 23), within 48 hours to the institutions that require these documents. The majority of legislative proposals are adopted by Written procedure and are thus not necessarily finalised on a Wednesday, in which case their transmission can take place on any day of the week. First and foremost the documents need to be sent to the legislators, the Parliament and the Council, for the formal start of their decision-making procedure. The legislators will not formally start their clock until they receive all language versions. In addition, the Commission is also legally obliged, in a series of determined cases, to send the proposal to the European Economic and Social Committee (EESC) and the Committee of Regions (CoR). All of these institutions and bodies will be dealt with in later chapters of this book. The starting point of all of these chapters, on the internal decision-making of the institutions, is the transmission of the draft legislative act from the Commission as seen above. The final obligatory recipients of Commission legislative proposals, following the entry into force of the Treaty of Lisbon,
are the national parliaments, who are required to have the documents to enact their eight-week subsidiarity check. It is also now common practice for the Commission to send national parliaments all other official documents (outside their legal obligations) that they send to the Parliament.

### The role of National Parliaments (Article 12 TEU and Protocol 1)

- Each member State accorded 2 votes (may be one per chamber if applicable).
- Eight weeks for a reasoned opinion on subsidiarity and proportionality.
- If 1/3 oppose a draft (1/4 for Police Coop. / Judicial Coop. in Criminal Matters), draft must be reviewed (so-called **yellow card**).
- If simple majority opposes draft, it must be reviewed (so-called **orange card**).
- If Commission maintains the proposal, Council and Parliament may take account of the position of national parliaments and either may halt procedure (55% of Council or majority of votes in EP).

### 1.9 Key stages and key actors – European Commission

This chapter has detailed the internal procedures of the Commission by following the process of an individual proposal through the entire pipeline. The chapter has identified all the stages of internal decision-making and the key groups and individual actors that are involved.

The first division that needs to be stressed in the work of the Commission is that between the technical and political. The work of the Commission is all under the collegiate responsibility of the College at the very highest political level. It is the weekly meeting of the College that takes the decisions and then assumes the political responsibility for them. Below the College, yet still political, is the level of the Commissioner’s Cabinet where the objective is to ensure that the interests of the Commissioner and its DG are adequately represented and defended across the Commission. It is at this level that conflict is resolved and outstanding technical details are finalised for College approval. The Chefs de Cabinet provide the essential link between ultimate political decision-making and the technical details of all proposals and dossiers. It is the Chefs de Cabinet who agree on the College agenda, with the ability to designate ‘A’ items and switch Oral procedures to Finalisation Written procedures. The interface between technical and political are the Special Chefs meetings where members of the Cabinet discuss detailed proposals with lead DG technical officials for the last time. Contacting the political actors in the Commission should be done to address political issues (with a technical foundation) and with the same message as was used at the technical levels. It is also wise to alert the technical level of your intentions, and your meetings with Cabinet members, to maintain a coherent position.

At the technical level, the lead DG is obviously the most important actor driving a proposal through all the various stages of Commission decision-making. The principal powers of the Unit in the lead DG are the fact that it has done all the research and consultation and it has all the facts and
information at its disposal, and also the fact that it drafts the original proposal. Knowing the members of the Unit is a pre-requisite to engaging with them on the issues, and this should be done through meetings and e-mail exchanges (not lunches and dinners) – in a structured manner not via a one-off meeting. One thing worth noting, that we will come back to in later chapters, is that officials in all the institutions talk to each other; so what you say in one setting can often migrate to another one. Whilst these powers are important, they need to be put into context because the lead DG must, at all times, collaborate closely with other interested DGs through the informal IA Steering Group and the ISCG and then finally through the formal and obligatory ISC and final decision-making procedures for the College. Through these interactions, lead DG texts are often altered in small, but important, ways for the sake of collegiality.

From this analysis the main actors (in chronological order) in the elaboration of a Commission proposal are as follows:

**Figure 14: Key stages and key actors: The European Commission**

<table>
<thead>
<tr>
<th>Key stage</th>
<th>Comment</th>
<th>Key actors</th>
</tr>
</thead>
</table>
| Political Guidelines State of the Union | The overarching political guidelines have, over time, become increasingly Presidential documents.  
**Key** for political direction and major political issues. | The President  
Secretariat-General  
President’s Cabinet |
| Commission Work Programme       | The CWP is the technical translation of the political priorities. The annex is an outline of what to expect in the next 12-24 months – a key planning document.  
**Key** for individual issues and 12-24 month planning | The President  
Secretariat-General  
DGs |
| Impact Assessment               | The IA is the most important part of the drafting process as it will have a direct bearing on the text of the proposal.  
The lead DG must form an IA Steering Group to assist its work.  
**Key** for detail of a proposal – will underpin legislative proposal. | Unit within lead DG  
IA Steering Group members  
IAB |
| External consultation           | The lead DG can choose to use an Expert Group, open consultations, hold hearings as well as have informal contacts.  
Interested Units in other DGs will also use their informal contacts for their specific interests.  
**Key** for the detail of a proposal – the Unit will need to find (and justify) a compromise position. | Unit within lead DG  
Units within associated DGs  
Expert Groups |
Every proposal that needs to be adopted by the College will go through the stages outlined in this table, and all of the people identified will play a role (which will be different on a case by case basis). The exact role will, of course, depend on the issue at stake and also to an extent in how external stakeholders engage in the processes detailed here. The volumes of procedures, documents and decisions also highlights that the officials identified here are involved in a significant number of dossiers at any given time. It is important, however, to be able to clearly identify and map all the different internal stages and actors so as to be able to interact with the most relevant people at the most opportune moments. Practical guidance on how to work with the Commission, individually, and as part of a wider engagement strategy, will be taken up in Section 3 of the book (notably in chapter 9.2).

<table>
<thead>
<tr>
<th>Inter-Service Consultation</th>
<th>Once the IA is sufficiently advanced, the Unit in the lead DG will turn to drafting a legislative proposal and this it will do accompanied by an ISCG. Once the lead DG Unit is ready to submit the file for formal ISC it will seek Cabinet approval. <strong>Key</strong> internal process for finding inter-service positions. Important, and detailed, changes can be made.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal: Inter-Service Coordination Group <strong>Formal:</strong> CIS-net Inter-Service Consultation Units in other DGs Lead DG Cabinet Other DG Cabinets in case of problems</td>
<td></td>
</tr>
<tr>
<td>Special Chefs</td>
<td>The Special Chef meeting is an important interaction with technical Services as they try to put together a draft College meeting agenda. <strong>Key</strong> meeting to finalise agreement, iron out technical differences and highlight potential political problems.</td>
</tr>
<tr>
<td>President's Cabinet Members of Cabinets Lead DG Unit officials Legal Service</td>
<td></td>
</tr>
<tr>
<td>Hebdo</td>
<td>The weekly Chefs de Cabinet meeting is tasked with finalising the College agenda. It also has a considerable discretionary power to take decisions. <strong>Key</strong> meeting that can take important decisions and make important changes.</td>
</tr>
<tr>
<td>Chefs de Cabinets Secretary-General</td>
<td></td>
</tr>
<tr>
<td>College meeting</td>
<td>The decision-taking body of the Commission meets once a week to take final decisions, give political impetus and take responsibility for the actions of the Commission as a whole. <strong>Key</strong> political decision-taking body.</td>
</tr>
<tr>
<td>President Commissioners Members of Cabinets</td>
<td></td>
</tr>
</tbody>
</table>
1.10 Suggested reading: European Commission


Section 3

How to Work with the EU Institutions & Decision-Making
4. Communication: The final section of each set of institutional recommendations will look at the methods and types of communication that work best. These four different categories will allow for a set of key recommendations for each institution to be established – again not as an exhaustive list, but as an indicator of best practise and guidance for how to interact with each individual institution and its staff.

9.2 Working with the European Commission

General strategic
The Commission is likely to represent the most important interlocutor you have in Brussels, simply by nature of its roles, importance and influence. Engagement with the Commission will be necessary, irrespective of the issue or the stage in the policy cycle – as the Commission has a role across policy areas and the entire EU policy cycle. In terms of long-term engagement strategies, the most important institution to which this applies is without doubt the Commission. Whatever you do, you will need to deal with the officials from the Commission again in the future – often not too distant future.

The so-called rule of ‘the earlier the better’ in relation to influencing a proposal cannot be stressed enough in relation to the Commission – they present all proposals. Not getting something in, or out of, a proposal will mean an intensive uphill struggle later in the process with the two legislators. The earlier the better nearly always means working directly with the Commission at the earliest stages of policy thinking and preparation. The earlier the involvement the better for the Commission as your information could help them craft a better proposal. The best time for engagement is at the conceptual stage, before ideas are formalised and set on paper.

It is important to ensure that there is a regular flow of information to the Commission, irrespective of whether you are active on a dossier or not. Once you have identified your key interlocutors you should keep in touch with them, sending them any analysis, reports, studies, annual reports or company/organisation information that you think could be useful. You never know what might be useful for them – and it is helpful to keep in touch in this way. It allows you to stay visible, keep the dialogue open, be constructive and engaged with the Commission for a long-term durable relationship – and it allows the Commission to gather information that might be useful to it. Keep the Commission informed of your positions and of any issues you are having with legislation or policy.
The Commission will expect nothing less than total transparency in any interaction with stakeholders. This is covered extensively in Chapter 8 on Transparency and Ethics – but a few key points can be recalled here. Commission staff increasingly check the **Interest Representatives Register** before accepting a meeting. They can also check for any consultation responses, open hearing registrations and correspondence with the Commission before meetings – meaning they could be well-informed and able to spot long-term engaged stakeholders from one-off requests – with an obvious preference and inclination to meet the former and not the latter.

It is worth immediately highlighting that of all the EU institutions, the Commission is most susceptible and demanding in a number of important areas:

1. First and foremost, the Commission is the institution most in need of, and actively seeking, European evidence and facts – it needs them to understand the differing situations it is trying to deal with – and to create the best possible solutions. This is not to say that the Commission is a purely technical institution – because it has to craft proposals that will survive the Brussels politics – but the Commission is the most in need of technical information, case-study material and evidence to support its positions, proposals and ultimately decisions.

2. Secondly, the Commission is the most ‘European’ of all the institutions. The Commission is tasked with promoting the **European good**, as noted in Chapter 1, and this needs to be translated into working with the Commission. In this sense European arguments and positions are more widely accepted by the Commission. The opposite is also true in that it is the least tolerant of all the institutions to overt national, or blocking, positions.

3. Directly linked to the ‘European’ aspect is that of positive/constructive engagement. Irrespective of your point of view it should always be expressed in a positive and constructive way. If there are problems, do not just highlight them – provide possible solutions and answers. With the other institutions it may be possible to be more openly critical, but with the Commission it is always better to be constructive and positive with officials.

4. The Commission will have a plethora of information at its disposal – it will be the ultimate policy expert. The Commission works on proposals and then follows them very closely through the other two institutions – meaning that the Commission is usually always on top of the technical and political aspects of its dossiers – more so than the other institutions. This can be very useful – and you can always ask the Commission its opinion on where work is needed or where a dossier is moving.

**Decision-making**

Figure 14 drew the main conclusions from the Commission chapter with regard to key stages and actors. This Figure is a very useful place to start when engaging with the Commission decision-making process. Follow the entire Commission decision-making process as closely as you can from start to finish. Things can change very quickly and you need to read the signs as soon as possible, to be able to act accordingly. It is worth breaking the Commission decision-making down into stages and identifying what is needed and appropriate at each stage:
1. **Political Guidelines & State of the Union**

   These are very important documents and they frame the work of the Commission for the coming years. It is important not to neglect them as ‘unattainable’ documents that can’t be influenced. They can – but it is always a question of the channels to do this. At this high political level in the Commission the most effective way to work in influencing their future agenda is through Member States, European associations/federations and MEPs – who can all place key issues on the Commission agenda. Internally these documents are most shaped by the President, the President’s Cabinet and the Secretariat-General (SG). Working on these documents requires big picture thinking, long-term engagement and European political objectivity.

2. **Commission Work Programme**

   The second stage in the internal decision-making process is the Commission Work Programme (CWP), which is again a high-level document – though now a more technical and practical translation of the political priorities identified by the Commission in its Guidelines and State of the Union. Working with this document will again require work at the highest levels of all Directorates-General (DGs) and Services. Remember that the CWP will give rise to other key documents such as Management Plans (MPs). By assessing how your issue is being dealt with by the Commission you can give yourself a vital institutional context – looking through how an issue will be dealt with by the Commission in a DG MP will be very instructive. It will tell you the objectives and indicators of success – which you should use when working on that issue with the Commission, you will be working in the same direction as them on the issue, reinforcing their work.

3. **Impact Assessment**

   It is very important to try and engage with the Commission during Impact Assessments (IAs). This will usually be part of the IA because the Commission needs to consult during the IA process. The best way to successfully engage with an IA is to read some IAs and understand the process, logic and flow within them – simply go to: http://ec.europa.eu/governance/impact/ia_carried_out/cia_2010_en.htm and take a look at completed IAs in your field – this very useful exercise will help you understand the type of information, evidence and facts that the Commission needs at this stage of its thinking and preparation. On occasion the Commission uses consultants, in which case it is important to identify them and try to meet with them if possible. Some suggestions for working with the Commission at this stage include:

   **Context of your issue**

   Check:
   - How does it relate to the Political Guidelines and State of the Union?
   - Is it a strategic or flagship issue?
   - Is the issue in the CWP?
   - How is the issue presented in the DG Management Plan?
   - What objectives are in the Management Plan?
1. Propose alternatives to the questions through the public consultation.
2. Be as concrete as possible in your engagement.
3. Set your points into the broader political context and objectives behind the IA.
4. Remember that every IA has to consider economic, social and environmental impacts.
5. Provide your own IA material and evidence.
6. Provide concrete issues and supporting facts, figures and arguments from the field.
7. Work with the lead DG drafting the IA and also the IA Steering Group.

Working with an IA is very much a technical exercise – but it should also be done with an awareness of the broader political context – and the DG objectives as stated in the MP. Interaction will mostly take place at the level of the Unit undertaking the IA itself – and the Steering Group who has been set up to help them. It is important to work your ideas into the IA process through as many avenues as possible – so leverage other DG contacts as much as possible.

4. **External consultation (formal)**
The Commission needs responses to formal consultations as a basis for its own arguments – potentially to support and bolster its own position internally if need be. Bear this in mind when responding to the Commission or sending in position papers. Also bear in mind that your consultation response will be posted online for everyone else to see – closed consultations offer a goldmine of information about the state of play on an issue and are often the source of many mapping activities (see Chapter 11).

It is very hard to justify to the Commission why you want to meet them on an issue if you did not respond to their formal consultation – they will keep records of this and be aware of your responses and meeting requests. It is therefore important to engage in this process with the Commission with a constructive, creative and solution-based approach. The mentality of only responding to point out bad things is not constructive – a submission can equally be in full support of the Commission proposal – which is very useful information for them to have. Submitting a formal response to a consultation is a very good basis to organise a follow-up meeting to explore some of your points in further detail.

Expert Groups are the single most important source of information for the Commission so they need to be understood, identified and engaged with. Use the Expert Group Register to identify the group you are interested in – but always also check with the Unit in question to see if anything else exists, as not all groups are registered. If one exists in your area of work you need to find out what they are working on, their timetables and who is sitting in the groups (usually possible from the Commission or a Permanent Representation). From there it is important to try and engage with the experts in the group.

5. **Inter-Service Consultation**
Whilst this is an entirely internal process it is a very important stage in the life of a dossier and it needs to be followed attentively. Despite its internal nature, ISC texts have a habit of finding their way into wider circulation. Every Cabinet prepares its spokesperson on key issues going into
ISC because they anticipate that their text will leak out from somewhere at this stage. The lead DG will open the ISC and wait for responses from other DGs, although much of the debate will already have taken place within the Inter-Service Coordination Groups. Get good contact information of who is in the Inter-Service Coordination Group as they will usually also be responsible for responding to the ISC. Like before with the IA, it is again worth leveraging all possibilities that exist within other DGs involved – especially if the lead DG is not as supportive of your case as you would like. There are different perspectives and interests at play in the Commission and the internal decision-making procedures give different internal actors the possibility to make changes – something you need to be aware of. Proposals can get modified here and it is important to watch out for this – and to understand where the changes came from and why. This will help you later.

6. Cabinets
The next stages of the internal decision-making of the Commission all revolve around the activities of the Cabinet. The Cabinet will ultimately prepare the final decisions, make final changes or ask for additional information before adoption by the College. In the Oral procedure this takes place within the weekly Special Chefs and Hebdo meetings – otherwise it takes place electronically for the Written procedure. In both cases, therefore, it is useful to keep the relevant Cabinet member aware of your concerns – you can find all Cabinet members and their areas of work on the Commissioners’ websites. Your interaction with Cabinet members does not need to be constant; timed interventions will likely be more successful in this sense. Bear in mind that at this level dossiers can become more political and a Cabinet is looking out for the interests of their Commissioner – which will involve a complex mix of political, national and policy preferences.

7. College
The final stage of decision-making is the College meeting of Commissioners. It is very difficult to exert influence in these meetings given their high-level political nature – and should be a last resort on a highly political dossier. Access to Commissioners at this level of decision-making is restricted to their Cabinets, Head of Cabinet in particular, and Member State interventions (usually their ‘home’ Member State).

There are a number of key elements to retain from the stage-by-stage view of Commission decision-making taken above:

1. Engage in the process as early as possible. This will give you an advantage in terms of potential influence, presence and visibility, credibility on the issue as an engaged stakeholder – it will also help you build up a picture of what you are working on.
2. Follow the whole process to the end. Things can change very quickly and from the most unforeseen actors – these need to be monitored and understood. Knowing how and why something changed can be very useful for you later in the process.
3. There is a technical-political dichotomy in the Commission – both of which need to be appreciated and engaged with.
4. Remember that engagement is for the long-term and constructive solutions-driven interventions will be better for developing long-term credibility.

People

1. Civil Servants
   At the level of people in the Commission it is possible to make some more specific comments about different groups of actors, how to approach them and what they need. The first useful tool to assist this work is the Commission Staff Directory and/or the EU Whoiswho websites – both of which offer quick and easy ways to find the person you are looking for and all their contact details. The best ways of contacting Commission officials can be found in the box below:

   **European Commission Staff Directory**

   **EU Whoiswho**

   **European Commission Switchboard**
   (+32) 2 299 11 11

   **E-mail**
   Firstname.Familyname@ec.europa.eu

   When asked by questionnaire in 2010 how they decided which meetings to accept and who to meet, officials who replied often mentioned that they would meet ‘the usual suspects’ and ‘people in function who we already know’ – which reinforces the long-term investment needed to work effectively with the Commission. This shows that Commission officials all have their own networks of important contacts – you need to establish yourself in these networks.

   It is worth trying to map out all your actual and potential contacts in the Commission at the earliest possible stage – across all DGs. This will enable you to contact the right people at the right time according to your needs and positions. As highlighted in the last section it is always advisable to try and maintain a double contact in the Commission – with both the technical (Unit) and political (Cabinet) levels.

2. Cabinet
   The importance of the Cabinet has already been established – and it will thus appear prominently on any mapping of key Commission contacts. Key points to consider when working with Cabinet members are:
1. A key role of Cabinets is to work on internal coalitions to push points, issues and modifications. This is a very active political role of the Cabinet – and highlights the fact that Cabinet members spend a lot of time meeting and discussing with other Cabinet members.

2. Most Cabinet members can get between 40 and 60 e-mails per day with information, meeting requests, etc. These can come from European associations down to individual citizens. The policy is to try and answer all of them – although through prioritisation this can take some time to get through the backlogs.

3. A general policy of Cabinet staff is not to meet individual companies or stakeholders – they prefer to meet European associations and federations to get a broader picture. Only in specific cases, where the issues are localised, would they go to lower levels of contact.

4. The Cabinet, whilst very busy, has an excellent overview of work going through the Commission and of the internal politics of the dossiers – the only other people with such a (political) overview are Directors-General and Directors.

3. Unit

The Unit is the standard interlocutor when people speak of working with the Commission. It is at this level that the long-term engagement strategy is so important. Further points are:

1. Get to know the members of the Unit. Try to find out their nationality, working language and background and any other information you think will help you communicate with them.

2. Identify any Seconded National Experts (it is also possible to do this through a Permanent Representation) as they will be technical experts in the field of the Unit.

3. Always be honest and transparent in your interests and positions, and respect anything said or given in confidence. Commission officials will talk to each other within Units, within and across DGs and between DGs and Cabinets – as well as to officials from the other institutions. Information can travel very quickly – in both positive and negative ways.

4. Understand which other stakeholders engage with the Unit in question on your key issues – this is a key piece of stakeholder mapping (see Chapter 11 for more on this subject) as this will help you understand the drivers and dynamics and allow you to better tailor your information.

Communication

The final aspect of working with the Commission is to look at the types and forms of communication that are best used. This was already touched on in Figure 86 that highlighted that meetings and written briefing materials were the most useful ways officials got their information. Communicating with the Commission needs to follow the key points below:

1. As identified in this chapter, and Chapter 1, the Commission is often in need of hard facts to support its proposals – so the more technical and factual information that can be supplied, the better.

2. The more the position represents a general EU position, the better. An individual company can provide good data but it needs to be of a general nature – the more specific, the less value it will have – especially when you get to the political levels of the Commission.
3. Convincing always needs arguments – a good tool to do this is a case-study with effective cost-benefit data. In addition, it brings a regulatory issue to life in a way that can be understood and supported by all.

4. Offer technical advice and know-how. You may know more about an issue than the official in charge – your advice could be invaluable.

5. When answering consultations, be constructive and positive – use facts and figures. Make sure your responses are well crafted and drafted.

6. Remember to carry out a twofold communication, covering the political (Commissioners’ Cabinets) as well as the technical level.

7. Informal contacts should follow formal contacts and consultation to stress a point, refine an argument, bring extra support, etc.

8. Dinners, lunches and other such events are usually declined by Commission officials and do not offer very conducive environments to establish positions and convey your points.

From the preceding sections it is possible to resume the key points of working with the Commission in Figure 88 below.

**Figure 88: Working with the Commission: Key points**

1. Maintain contacts with Commission throughout the decision-making process. The Commission has a key role as ‘technical advisor’ and ‘facilitator’ during the discussions between the EP and the Council.

2. Seek to reduce the detrimental features of a Commission proposal rather than to reject the proposal altogether. Be vocal of support of a Commission proposal where applicable – both respect the consensual approach and are also the most realistic ways to approach things.

3. Follow the entire Commission decision-making procedure to be of assistance as required, and to spot any changes/modifications that concern you.

4. Respond to, and engage in, consultations, Impact Assessments and hearings.

5. Follow the work of Expert Groups very carefully.

6. Make sure you are in the Register of Interest Representatives.

7. Provide technical solutions and information, case-studies and information from the field.


9. There is natural hierarchy of access to the Commission starting with European associations/federations, moving through national associations/federations down to individual stakeholders.

10. Use meetings and written material to the right level at the right time.

11. Leverage all possibilities across DGs to get information and stress your points.

12. Map all your actual and potential contacts as early as possible.

*Source: Own creation*
# Table of contents

1. **Preface**
   - Maroš Šefčovič – Vice-President of the European Commission: XIII
   - Diana Wallis MEP – Vice-President of the European Parliament: XV
   - Edward Best – Professor at the European Institute of Public Administration (EIPA): XVII

2. **About the authors**: XVIII
3. **Acknowledgements**: XXI
4. **Glossary**: XXII

## 1. Introduction

## Section 1: How the EU Institutions Work

### 1. The European Commission
   - 1.1 Roles of the European Commission: 11
   - 1.2 Internal structure of the European Commission: Outline: 12
   - 1.3 Internal structure of the European Commission: The College of Commissioners: 16
   - 1.4 Internal structure of the European Commission: Directorates-General and Services: 17
   - 1.5 How the European Commission works: Strategic planning and programming: 21
   - 1.6 How the European Commission works: Preparation of a dossier: 22
   - 1.7 How the European Commission works: Administrative decision-preparation: 26
   - 1.8 How the European Commission works: Political decision-taking: 34
   - 1.9 Key stages and key actors – European Commission: 43
   - 1.10 Suggested reading: European Commission: 46

### 2. The Council of the EU and the European Council
   - 2.1 The European Council: 47
   - 2.2 The Council: 48
   - 2.3 The roles of the Council: 51
   - 2.4 Internal structure of the Council: 52
   - 2.5 Internal structure of the Council: The Council of Ministers: 57
   - 2.6 Internal structure of the Council: The Presidency: 58
   - 2.7 Internal structure of the Council: COREPER 1 & 2: 61
2.8 Internal structure of the Council Committees and Working Parties 67
2.9 Internal structure of the Council: General Secretariat of the Council 70
2.10 How the Council works: Setting the agenda 71
2.11 How the Council works: The Working Party 73
2.12 How the Council works: From Working Party to COREPER 76
2.13 How the Council works: From COREPER to Council 77
2.14 Key stages and key actors – The Council 81
2.15 Suggested reading: The Council of the EU and the European Council 84

3. The European Parliament 85
3.1 Roles of the Parliament 86
3.2 Internal structure of the Parliament: Outline 88
3.3 Internal structure of the Parliament: Political Groups 93
3.4 Internal structure of the Parliament: Committees, Delegations and Intergroups 98
3.5 How the Parliament works: From the European Commission into a Committee 102
3.6 How the European Parliament works: Preparation in Committee 106
3.7 How the European Parliament works: Vote in Committee 109
3.8 How the European Parliament works: From Committee to Plenary vote 112
3.9 Key stages and key actors – European Parliament 120
3.10 Suggested reading: European Parliament 123

4. Other EU Institutions and Bodies 125
4.1 The Court of Justice of the European Union 126
4.2 The European Economic and Social Committee 128
4.3 Committee of the Regions 132
4.4 Key stages and key actors – EESC and CoR 135
4.5 EU Agencies 136
4.6 Suggested reading: Other EU institutions and bodies 142

Section 2: How EU Decision-Making Works 145

5. The Ordinary Legislative Procedure: New Codecision 147
5.1 EU Decision-Making: The Basics 147
5.2 The rise of Codecision 151
5.3 Ordinary Legislative Procedure: First reading 155
5.4 First reading agreements – Informal trilogues 160
5.5 Ordinary Legislative Procedure: Second reading 168
5.6 Ordinary Legislative Procedure: Third reading 172
5.7 Key stages and key actors – Ordinary Legislative Procedure 175
5.8 Suggested reading: Ordinary Legislative Procedure: New Codecision 178
### 6. Delegated and Implementing Acts: ‘New Comitology’

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>Why do the legislators delegate implementing powers to the Commission?</td>
<td>184</td>
</tr>
<tr>
<td>6.2</td>
<td>The rise and spread of Comitology</td>
<td>186</td>
</tr>
<tr>
<td>6.3</td>
<td>The Treaty of Lisbon and the ‘new Comitology’</td>
<td>190</td>
</tr>
<tr>
<td>6.4</td>
<td>The ‘new’ procedures: Implementing Acts</td>
<td>191</td>
</tr>
<tr>
<td>6.5</td>
<td>The ‘new’ procedures: Delegated Acts</td>
<td>199</td>
</tr>
<tr>
<td>6.6</td>
<td>Delegated and Implementing Acts – The new worlds of delegated powers</td>
<td>203</td>
</tr>
<tr>
<td>6.7</td>
<td>Key stages and key actors – Delegated and Implementing Acts</td>
<td>203</td>
</tr>
<tr>
<td>6.8</td>
<td>Suggested reading: Delegated and Implementing Acts: New Comitology</td>
<td>206</td>
</tr>
</tbody>
</table>

### Section 3: How to Work with the EU Institutions & Decision-Making

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>The EUROPA Portal</td>
<td>209</td>
</tr>
<tr>
<td>7.2</td>
<td>EUR-Lex: Access to European Union Law</td>
<td>211</td>
</tr>
<tr>
<td>7.3</td>
<td>Monitoring Legislative Proposals and Other Initiatives</td>
<td>217</td>
</tr>
<tr>
<td>7.4</td>
<td>Registers of Documents</td>
<td>218</td>
</tr>
<tr>
<td>7.5</td>
<td>European Parliament Website</td>
<td>221</td>
</tr>
<tr>
<td>7.6</td>
<td>Council of the European Union Website</td>
<td>222</td>
</tr>
<tr>
<td>7.7</td>
<td>The European Commission Website</td>
<td>223</td>
</tr>
</tbody>
</table>

### 8. Ethics and Transparency in the EU

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>The Register of Interest Representatives</td>
<td>229</td>
</tr>
<tr>
<td>8.2</td>
<td>The European Commission’s Code of Conduct</td>
<td>232</td>
</tr>
<tr>
<td>8.3</td>
<td>Registration in the European Parliament</td>
<td>234</td>
</tr>
<tr>
<td>8.4</td>
<td>Review of the Commission Register</td>
<td>235</td>
</tr>
<tr>
<td>8.5</td>
<td>The Establishment of a Joint Transparency Register</td>
<td>236</td>
</tr>
<tr>
<td>8.6</td>
<td>Access to documents</td>
<td>241</td>
</tr>
<tr>
<td>8.7</td>
<td>Rules in place for European Commission officials and Commissioners</td>
<td>243</td>
</tr>
<tr>
<td>8.8</td>
<td>Rules in place for Parliament officials and Members of Parliament</td>
<td>246</td>
</tr>
<tr>
<td>8.9</td>
<td>The outlook for transparency and ethics in the EU</td>
<td>247</td>
</tr>
<tr>
<td>8.10</td>
<td>Key practical conclusions on ethics and transparency</td>
<td>248</td>
</tr>
<tr>
<td>8.11</td>
<td>Suggested reading: Ethics and transparency in the EU</td>
<td>249</td>
</tr>
</tbody>
</table>

### 9. Practical Guide to Working with the EU Institutions

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Working with the EU institutions: The fundamentals</td>
<td>252</td>
</tr>
<tr>
<td>9.2</td>
<td>Working with the European Commission</td>
<td>259</td>
</tr>
<tr>
<td>9.3</td>
<td>Working with the Council of Ministers</td>
<td>267</td>
</tr>
<tr>
<td>9.4</td>
<td>Working with the European Parliament</td>
<td>282</td>
</tr>
<tr>
<td>9.5</td>
<td>Suggested reading: Practical guide to working with the institutions</td>
<td>298</td>
</tr>
</tbody>
</table>
10. **Practical Guide to Working with EU Decision-Making**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1 Working with EU Decision-Making: The fundamentals</td>
</tr>
<tr>
<td>10.2 Working with OLP: First reading</td>
</tr>
<tr>
<td>10.3 Working with OLP: Second reading</td>
</tr>
<tr>
<td>10.4 Working with OLP: Third reading</td>
</tr>
<tr>
<td>10.5 Working with Delegated and Implementing Acts: New Comitology</td>
</tr>
<tr>
<td>10.6 Identifying Delegated and Implementing Acts</td>
</tr>
<tr>
<td>10.7 Working with Implementing Acts</td>
</tr>
<tr>
<td>10.8 Working with Delegated Acts: The Commission</td>
</tr>
<tr>
<td>10.9 Working with Delegated Acts: Parliament</td>
</tr>
<tr>
<td>10.10 Working with Delegated Acts: Council</td>
</tr>
<tr>
<td>10.11 Suggested reading: Practical guide to working with EU decision-making</td>
</tr>
</tbody>
</table>

11. **Conclusion: Designing a Successful EU Lobbying Campaign**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1 Phase 1: Positioning – identifying and monitoring your interests</td>
</tr>
<tr>
<td>11.2 Step 1.1: Identifying European issues</td>
</tr>
<tr>
<td>11.3 Step 1.2: Monitoring key EU issues</td>
</tr>
<tr>
<td>11.4 Step 1.3: Defining your EU corporate identity</td>
</tr>
<tr>
<td>11.5 Step 1.4: Prioritisation of issues – defining your investment</td>
</tr>
<tr>
<td>11.6 Phase 2: Building one’s argumentation</td>
</tr>
<tr>
<td>11.7 Step 2.1: Assessment of the issues</td>
</tr>
<tr>
<td>11.8 Step 2.2: Drafting arguments</td>
</tr>
<tr>
<td>11.9 Step 2.3: Identifying and building up a network</td>
</tr>
<tr>
<td>11.10 Phase 3: Arena management – stakeholder mapping</td>
</tr>
<tr>
<td>11.11 Step 3.1: Identifying balance of powers, cleavages and common interests</td>
</tr>
<tr>
<td>11.12 Step 3.2: Identifying priority targets</td>
</tr>
<tr>
<td>11.13 Step 3.3: Classifying actors</td>
</tr>
<tr>
<td>11.14 Phase 4: Lobbying actions</td>
</tr>
<tr>
<td>11.15 Step 4.1: Key skills for lobbying</td>
</tr>
<tr>
<td>11.16 Step 4.2: Defining your lobbying approach</td>
</tr>
<tr>
<td>11.17 Step 4.3: The lobbying plan – How to structure and evaluate the work</td>
</tr>
<tr>
<td>11.18 Suggested reading: Designing a successful EU lobbying campaign</td>
</tr>
</tbody>
</table>

12. **Index**

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>299</td>
</tr>
<tr>
<td>300</td>
</tr>
<tr>
<td>301</td>
</tr>
<tr>
<td>308</td>
</tr>
<tr>
<td>310</td>
</tr>
<tr>
<td>311</td>
</tr>
<tr>
<td>314</td>
</tr>
<tr>
<td>317</td>
</tr>
<tr>
<td>322</td>
</tr>
<tr>
<td>324</td>
</tr>
<tr>
<td>328</td>
</tr>
<tr>
<td>330</td>
</tr>
<tr>
<td>331</td>
</tr>
<tr>
<td>333</td>
</tr>
<tr>
<td>334</td>
</tr>
<tr>
<td>341</td>
</tr>
<tr>
<td>343</td>
</tr>
<tr>
<td>344</td>
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<td>345</td>
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<td>349</td>
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<td>354</td>
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<td>355</td>
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<td>358</td>
</tr>
<tr>
<td>360</td>
</tr>
<tr>
<td>360</td>
</tr>
<tr>
<td>362</td>
</tr>
<tr>
<td>363</td>
</tr>
<tr>
<td>370</td>
</tr>
<tr>
<td>375</td>
</tr>
</tbody>
</table>