



Law-Making in the EU: Institutions & Democratic Processes

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Introduction

Understanding how laws are made in the European Union is essential to grasping how democracy works at a supranational level. The EU's legislative process is a unique example of how diverse nations can work together through structured dialogue, shared values, and democratic cooperation. At the heart of this system are three main institutions: the **European Commission**, which proposes new laws; the **European Parliament**, which represents EU citizens directly; and the **European Council**, where national leaders set priorities and guide the legislative agenda.

This “**Ordinary Legislative Procedure**” balances citizens' voices (**Parliament**) and member states' interests (**Council**), ensuring democratic legitimacy.

The origins of the European Union's legislative framework trace back to the aftermath of World War II, when European nations sought to foster economic cooperation to prevent future conflicts. This initiative led to the establishment of the **European Coal and Steel Community** (ECSC) in 1951, the first step toward economic integration (Dziak, 2023) initially laying grounds for the European Union itself.



Key concepts and definitions

- ◆ **The European Commission** is the EU's executive body. It proposes laws, enforces treaties, implements policies, and manages daily operations. Each member state appoints one Commissioner, with the entire College approved by the European Parliament. Though not directly elected, Commissioners are accountable to Parliament and are expected to act in the interest of the EU as a whole. The Commission also holds the



exclusive right to initiate most legislation, giving it strong agenda-setting power (Chalmers, Davies, & Monti, 2019).

- ◆ **The European Parliament** is the only directly elected EU institution, representing citizens across member states. Working with the Council of the EU under the Ordinary Legislative Procedure, it debates, amends, and adopts legislation. Parliament also approves the budget, supervises other institutions, and ensures that EU funds serve citizens' interests. Specialised committees provide detailed scrutiny, while negotiations with the Council and Commission are essential for finalising laws (Craig & de Búrca, 2020).
- ◆ **The Council of the EU** brings together national ministers to adopt laws and coordinate policies. Its composition shifts depending on the policy area, from agriculture to finance. Decisions are mostly taken by qualified majority voting, balancing efficiency with fair representation. The rotating presidency every six months allows member states to shape the agenda and steer policy debates (Chalmers et al., 2019).
- ◆ **The Treaty on European Union** is one of the EU's founding texts. It sets out core values such as democracy, the rule of law, and respect for human rights, while defining the roles of the main institutions. Articles 10–12 ensure representative and participatory democracy, providing the legal basis for citizen involvement (Craig & de Búrca, 2020).
- ◆ **Democratic legitimacy** refers to the principle that all EU decisions must reflect the will of the people. It is ensured through direct elections (European Parliament), national parliamentary oversight (in member states), and participatory mechanisms like consultations and citizens' initiatives.
- ◆ **Participatory democracy** has gained importance through initiatives like the European Citizens' Initiative, public consultations, and dialogues with civil society. The Conference on the Future of Europe is a recent example of structured citizen involvement influencing EU priorities.
- ◆ **The Ordinary Legislative Procedure/Co-decision** is the main method of creating EU laws. It gives equal weight to the European Parliament



(citizens' voice) and the Council (member states). This balance strengthens the democratic foundation of EU law-making.

- ◆ Finally, the EU's model of multi-level governance reflects decision-making at local, national, and European levels. Guided by subsidiarity, it ensures that decisions are taken as close as possible to citizens, while collective action addresses broader challenges (Craig & de Búrca, 2020).



Real-world examples

- ◆ **Digital Services Act (DSA) and public input:** Adopted in 2022, the Digital Services Act is a main EU law that regulates online platforms to protect users from harmful content. Proposed by the European Commission, it was shaped through public consultations, parliamentary debates, and Council negotiations, illustrating how citizens, institutions, and member states jointly influence digital rights.
- ◆ **Youth and citizen participation:** The European Year of Youth (2022) highlighted the role of young people in promoting inclusive and democratic Europe. Initiatives like Belgium's Citizens' Assembly on AI (2024) engaged citizens in policy discussions, showing the EU's commitment to participatory democracy.
- ◆ **The European Citizens' Initiative: "Right2Water":** In 2013, over 1.8 million citizens signed this initiative to recognise water and sanitation as a human right. While it did not result in new legislation, it influenced policy debates and demonstrated the impact of direct citizen participation.



Data and statistics

- ◆ **Annual legislative output:** The EU adopts approximately 80 directives, 1,200 regulations, and 700 decisions each year, reflecting substantial legislative activity.
- ◆ **European Citizens' Initiative (ECI):** Since its introduction in 2012, the ECI has registered 119 initiatives by early 2025, with organisers collecting



around 20 million signatures in total. Notably, 11 ideas were recognised as successful, and 10 have already received a formal response from the Commission (European Citizens' Initiative Forum, 2025).

- ◆ **High-impact consultations:** Notable consultations include the 2018 public consultation on summertime, which received 4.6 million responses, marking the highest number ever received in any public consultation by the Commission (European Court of Auditors, 2019).
- ◆ **Trilogue negotiations:** Trilogues, informal negotiations between the European Parliament, Council, and Commission, have become a common practice in the EU's ordinary legislative procedure. As of recent years, 99% of new European laws are quickly passed as compromises reached through trilogues (Brandsma, 2021).



Challenges and controversies

- ◆ **“Democratic deficit”:** Critics argue the EU is distant from its citizens, as key decision-makers - like the European Commission or Council - are not directly elected, making the system feel complex and unaccountable. Tools like the European Citizens' Initiative, the direct election of the European Parliament, and the Conference on the Future of Europe aim to improve transparency and citizen participation.
- ◆ **Complexity of the legislative process:** EU law-making involves multiple institutions and procedures (e.g., the Ordinary Legislative Procedure), which can be difficult to follow for the average citizen. This often leads to a lack of understanding or mistrust.
- ◆ **Citizen engagement fatigue:** While participatory tools exist, actual citizen involvement often remains **limited** or **symbolic**, leading to frustration. There's a risk of people feeling that their voice “doesn't really matter.”
- ◆ **Lobbying and transparency concerns:** The EU hosts one of the world's largest lobbying hubs in Brussels, with over 12,000 organisations registered in the Transparency Register (European Parliament & European Commission, 2023). Critics argue corporate interests can overshadow



citizen voices. Smaller states may feel dominated by larger members, particularly in Council voting, creating perceptions of inequality (Schimmelfennig, 2020).

- ◆ **Rule-of-law tensions:** Disputes in Hungary and Poland over the rule-of-law conditionality highlight tensions between EU values and national sovereignty, potentially undermining citizens' trust.



Further reading and resources

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**Co-funded by
the European Union**

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Project code: KA220-YOU-000286883