



Northern Ireland  
Assembly

## Consultation in the EU law-making process

Under Article 11 of the Treaty on European Union, the European Commission must “give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of [EU] action”. The Commission states that it prepares laws and policies “transparently, based on evidence and backed up by the views of citizens and stakeholders”. It calls this ‘Better Regulation’.

The Commission’s [Better Regulation Guidelines](#) of November 2021 set out the process for stakeholder consultation. Generally, there are two stages:

1. A call for evidence/public consultation on a new policy initiative
2. Stakeholder feedback on a legislative proposal

### Call for Evidence on a proposed Commission initiative

The Commission uses a call for evidence to define the scope of:

- *a politically sensitive and/or important new law or policy*
- *an evaluation of an existing law or policy*
- *a fitness check of a bundle of related existing laws and/or policies*

A call for evidence “describes the problem to be tackled and objectives to be met, explains why EU action is needed, outlines policy options and describes the main features of the consultation strategy.”

The European Commission publishes past, ongoing, and upcoming public consultations on the [‘Have Your Say’ web portal](#). Public consultations can be searched by policy area, topic, stage, keywords, date, type of act, and documents. The consultation period on a call for evidence is usually 12 weeks. For transparency, all contributions are published on the web portal. The Commission’s explanatory

memorandum for legislative proposals should refer to the outcome of the stakeholder consultation.

### **Reports**

A summary report of the key issues raised in the public consultation on the ‘call for evidence’ will generally be published within 8 weeks of its closure. Contributions from respondents are published online at the time of submission on the portal.

### **Impact assessments**

Impact assessments are required for Commission initiatives which are “likely to have significant economic, environmental or social impacts or which entail significant spending, and where the Commission has a choice of policy options”. The Commission will conduct an impact assessment before making its proposal; its findings are summarised in an impact assessment report and published alongside the proposal.

### **Stakeholder feedback on a legislative proposal**

After a legislative proposal is adopted and published by the Commission, taking into account feedback received in the earlier call for evidence, stakeholders can provide feedback on the proposal.

The European Commission often conducts this feedback period before or in parallel with negotiations with the co-legislators – the Council of the EU and the European Parliament. Feedback can be provided for a period of eight weeks, in parallel with the period during which national parliaments have the opportunity to provide reasoned opinions objecting to a proposal on subsidiarity grounds.

According to the [2016 Inter-institutional Agreement on Better Law-Making](#) “the three Institutions will keep each other regularly informed throughout the legislative process about their work, about on-going negotiations among them and about any stakeholder feed-back they may receive, via appropriate procedures, including dialogue between them”.

All stakeholder feedback is published on the ‘Have your say’ web portal.

Respondents have the possibility to opt for publication of their contribution with their personal information or anonymous publication of their contribution. It is also

summarised by the European Commission and presented to the European Parliament and Council with the aim of feeding into the legislative debate.

Stakeholders can also give feedback on how to improve existing legislation.

### **Northern Ireland input in the EU law-making process**

As part of the Windsor Framework, the UK Government and EU agreed to establish regular engagement with Northern Ireland stakeholders. New structured sub-groups have been established to support the work of the Joint Consultative Working Group, so stakeholders can input into discussions on EU acts before they are adopted.

The Commission published a document on “enhanced engagement with Northern Ireland stakeholders”. It sets out the measures overleaf, to ensure “that stakeholder perspectives can be taken into account in a timely and meaningful manner, recognising that stakeholders have valuable insights on Northern Ireland’s unique circumstances”.

Annual presentation by the Commission on upcoming policy initiatives and legislative proposals

- Every year, Commission representatives will engage with Northern Ireland stakeholders on the Commission Work Programme for the following year. This will highlight relevant proposals of particular interest for Northern Ireland stakeholders enabling timely engagement with them.
- The Work Programme will also be discussed beforehand in the Joint Consultative Working Group.
- A list of new, upcoming EU initiatives of relevance to Northern Ireland will be published on the Protocol webpage.

Specific Northern Ireland information sessions on new EU initiatives and additional workshop(s) for Northern Ireland stakeholders

- If requested by Northern Ireland stakeholders, the Commission will organise information sessions and/or workshops on new initiatives.

Including Northern Ireland relevant public consultations on the Protocol webpage

- Relevant public consultations and/or involvement of Northern Ireland stakeholders in targeted consultations for specific cases will be included on the Protocol webpage.

Northern Ireland overview in relevant impact assessments accompanying new EU policy initiatives

- In relevant impact assessments for new EU policy initiatives, there will now be a dedicated overview of Northern Ireland stakeholders' input. This will set out their views on the implications of the initiative for Northern Ireland and how they have been taken into account in the final proposal.

Source: *European Commission statement on enhanced engagement with Northern Ireland stakeholders*

A summary of the consultation process is set out overleaf.

## Summary of consultation in the EU law-making process

