

ternally – of a draft text by the relevant DG. This preliminary stage may extend over a period of years and involve numerous modifications to the original draft text before a final draft proposal is ready for circulation to all DGs for comments and amendments.

The relevant DG undertakes a variety of informal consultations with interested parties throughout this preliminary stage. These interested parties may include: other interested DGs; consultative committees; governmental authorities; professional organisations and trade associations; and the Commission Legal Services, depending on the nature of the proposal.

Green and White Papers

Green Papers are primarily consultative documents addressing specific areas of Community interest which are not yet covered by Community legislation. They are circulated for comments to an audience made up of a variety of interested parties including individuals, companies and organisations. Green Papers usually precede a Commission communication which in turn leads to proposals for legislation.

White Papers also cover areas within Community policy not yet covered by Community legislation and may eventually lead to specific legislative proposals. They tend to encompass a broader range of issues than Green Papers which may arise in a number of related areas. An example is the White Paper on Growth, Competitiveness and Employment.

Committees Procedures

Under the present system there are three kinds of committee which the Commission may have to consult before adopting a proposal:

- the Consultative Committee which formulates a non-binding opinion, of which the Commission is required to “take the utmost account”;
- the Management Committee, most widely used in connection with CAP implementation, delivers opinions which Council may require the Commission to incorporate into its proposals; and
- the Regulatory Committee, the opinion of which – if a rejection of Commission proposals – or failure to deliver an opinion will result in the matter being referred to the Council. The Council may then decide to reject the Commission proposal within a three-month period.

The appropriate kind of Committee is specified in the legislation governing the particular subject matter

of the proposal. All Committees consist of national experts and are chaired by Commission officials. The Committees, through a process known in Community terminology as “comitology”, address the specialised, highly technical subject matter underlying Community legislation in all areas of the single market. The Committees are therefore in a position to exercise significant influence over matters of great importance. While they are termed “consultative committees”, they function in a supervisory capacity over the proposal process, including the nature and content of the Commission’s proposals.

Once the foregoing process is complete, the proposal is submitted to the full collegiate body of Commissioners where a simple majority vote is required before the proposal is formally adopted by the Commission. If successful at this stage, the Commission proposal is forwarded to the Council of the European Union and appears, published as a formal Commission proposal, in the *Official Journal*.

At present, many legislative proposals must be adopted unanimously by the Council before becoming law. Despite intense negotiations, securing the consensus often necessary to adopt proposals is not always possible among both governments and European institutions. The IGC and the resulting Treaty of Amsterdam brought minor changes to the decision-making process which do not affect the above mechanism.

Implementation and Enforcement

The EC Treaty confers executive, or implementing, powers to the Commission. In relation to the internal market, and areas such as competition policy, the Commission plays an autonomous role. The Commission also has responsibilities conferred by the Council for the implementation of the rules laid down by the Council, in areas where Community action has supplanted action at the national level such as the CAP and the Common Commercial Policy (CCP), and for the adoption of norms ruling the application of Community law.

This situation has been the cause of conflict between the Commission and the Council, and between the Commission and the Member States. Wherever possible, the Commission will base its proposals on Treaty provisions under which it may act autonomously⁶, or which require only a qualified majority vote in Council thus avoiding unanimity voting, and having the greatest chances of success. A further complication involves the European Parliament which will favour the Treaty basis which gives it the greatest degree of

⁶Such as under Article 90 of the EC Treaty concerning Competition policy.