

Session 2 - Rulemaking procedures in the EU

Overview

EU Ombudsman / ReNEUAL conference

Towards an EU administrative procedure law ?

Brussels, March 15-16th 2012

- Herwig Hofmann: Procedures for the preparation of Commission proposals for executive rule-making
 - Identifying common elements of procedural rules of preparation of rule-making (290/291 TFEU) in different policy areas.
 - Specific issues: impact assessment; individual rights and judicial review; circumvention.
 - Potential advantages of a generalised approach.
- Joana Mendes: Input and participation in rulemaking procedures
 - The status quo: legal vs non-legal forms of participation and the remaining malfunctions of consultation procedures.
 - Consequences: deficits of rule of law, democracy and quality of regulatory outcomes.
 - The way forward: „hardening“ participation? - matters of principle; problems of practice.
 - Framework rules - Content: what, when, who, how?
- Deirdre Curtin: Openness of rulemaking procedures
 - The hierarchy of openness, transparency and secrecy.
 - The status quo: fragmentary law and practice.
 - Why? Pre-participation and pre-accountability post Lisbon.
 - The reach of (new forms of) rule-making: ever wider and deeper?
 - Structural problems of judicial and parliamentary oversight.
 - The way forward: horizontal rules on openness, transparency and secrecy.
 - A fundamental and broad approach? Why?