EUROPEAN UNION (EU) HIERARCHY OF NORMS

EU law is based on primary legislation and secondary legislation. Primary legislation is made up of:

- the treaties,
- the Charter of Fundamental Rights,
- general principles established by the Court of Justice of the European Union (case-law) and
- international agreements.

Secondary legislation comprises all the acts adopted by the EU institutions which enable the EU to exercise its powers.

With the entry into force of the Treaty of Lisbon and the abolition of the former ‘pillar’ structure, the majority of EU policies are subject to the Community method with the exception of the common foreign and security policy. Article 288 of the Treaty on the Functioning of the EU (TFEU) defines the acts that may be adopted and provides that only acts of those types may be adopted. The acts defined by Article 288 TFEU are:

- regulations,
- directives,
- decisions,
- recommendations, and
- opinions.

In the majority of cases, the treaties detail the type of act which should be used. Where it does not, Article 296 TFEU permits the institutions to choose the type of act to be adopted on a case-by-case basis.

The TFEU also introduces a hierarchy of norms within the secondary legislation. It establishes a distinction between the following:

- Legislative acts (Article 289 TFEU). These are legal acts adopted by an ordinary or special legislative procedure.
- Delegated acts (Article 290 TFEU). These are non-legislative acts of general application which supplement or amend certain non-essential elements of the legislative act. The power to adopt this type of act may be delegated to the European Commission by the European Parliament or the Council.
Implementing acts (Article 291 TFEU). These acts are generally adopted by the Commission, which is conferred with implementing powers; in certain cases, the Council may also be called upon to adopt implementing acts.

SEE ALSO
- Charter of Fundamental Rights
- Committee procedure ('comitology')
- Common foreign and security policy
- Community and intergovernmental methods
- Council of the European Union
- Court of Justice of the European Union
- Delegated acts
- European Commission
- European institutions
- European Parliament
- EU law
- EU legal instruments
- Implementing acts
- Legislative acts
- Non-legislative acts
- Ordinary legislative procedure
- Special legislative procedure
- Treaties
- Sources and scope of European Union law (fact sheet on the European Parliament’s website)