Glossary of summaries

EUROPEAN UNION (EU) HIERARCHY OF NORMS

European Union law is based on primary legislation and secondary legislation. Primary legislation is made of the Treaties, general principles established by the Court of Justice of the European Union (CJEU) and international agreements. Secondary legislation is made of all the acts 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 European policies are subject to the Community method with the exception of the Common Foreign and Security Policy (CFSP). Only acts covered by Article 288 of the Treaty on the Functioning of the EU (TFEU) may be adopted. This includes regulations, directives, decisions, recommendations and opinions. In the majority of cases, the Treaties detail the type of act which should be used. In those cases where it does not, Article 296 of the TFEU permits the institutions to choose the type of act to be adopted on a case-by-case basis.

The Treaty on the Functioning of the European Union (TFEU) also introduces a hierarchy of norms within the secondary legislation. It establishes a distinction between:

- 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 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

- Comitology
- EU law
- EU legal instruments
- Sources and scope of European Union law fact sheet on the European Parliament's website