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Author "Laura TILINDYTE-HUMBURG"

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Creation date: 17-05-2020
The powers of the European Parliament

Publication type: Briefing  
Date: 04-11-2019  
Author: Laura TILINDYTE-HUMBURG  
Policy area: EU Democracy, Institutional and Parliamentary Law  
Summary: Since its inception in 1951, the European Parliament has come a long way. Initially a consultative body composed of delegations of national parliaments, it became a directly elected institution, obtained budgetary and legislative powers, and now exercises influence over most aspects of EU affairs. Together with representatives of national governments, who sit in the Council, Parliament co-decides on European legislation, in what could be seen as a bicameral legislature at EU level. It can reject or amend the European Commission's proposals before adopting them so that they become law. Together with the Council of the EU, it adopts the EU budget and controls its implementation. Another core set of European Parliament prerogatives concerns the scrutiny of the EU executive – mainly the Commission. Such scrutiny can take many forms, including parliamentary questions, committees of inquiry and special committees, and scrutiny of delegated and implementing acts. Parliament has made use of these instruments to varying degrees. Parliament has the power to dismiss the Commission (motion of censure), and it plays a significant role in the latter's appointment process. Parliament has a say over the very foundations of the EU. Its consent is required before any new country joins the EU, and before a withdrawal treaty is concluded if a country decides to leave it. Most international agreements entered into by the EU with third countries also require Parliament's consent. Parliament can initiate Treaty reform, and also the 'Article 7(1) TEU' procedure, aimed at determining whether there is a (risk of) serious breach of EU values by a Member State.

Hearings of the Commissioners-designate: Maroš Šefčovič – Vice-President: Interinstitutional Relations and Foresight

Publication type: Briefing  
Date: 26-09-2019  
Author: Laura TILINDYTE-HUMBURG  
Policy area: Forward Planning | EU Law: Legal System and Acts  
Keyword: summarising | EP Committee | candidate | European Commissioner | dissemination of EU information | appointment of members | interinstitutional relations (EU) | consent procedure | policymaking | parliamentary procedure | vice-president of an institution  
Summary: This briefing is one in a set looking at the Commissioners-designate and their portfolios as put forward by Commission President-elect Ursula von der Leyen. Each candidate faces a three-hour public hearing, organised by one or more parliamentary committees. After that process, those committees will judge the candidates' suitability for the role based on 'their general competence, European commitment and personal independence', as well as their 'knowledge of their prospective portfolio and their communication skills'. At the end of the hearings process, Parliament votes on the proposed Commission as a bloc, and under the Treaties may only reject the entire College of Commissioners, rather than individual candidates. The Briefing provides an overview of key issues in the portfolio areas, as well as Parliament's activity in the last term in that field. It also includes a brief introduction to the candidate.

How EU Treaties are changed

Publication type: At a Glance  
Date: 20-09-2019  
Author: Laura TILINDYTE-HUMBURG  
Policy area: EU Law: Legal System and Acts  
Summary: The EU's founding Treaties have been revised by the Member States in numerous rounds of reforms. Such Treaty revision is a way to ensure that EU primary law evolves, adapts, and responds to new developments and changing needs. The last comprehensive Treaty reform dates back to the Lisbon Treaty, which entered into force on 1 December 2009. While another comprehensive Treaty change is not yet on the agenda, the recent debates on the 'Future of Europe' triggered a number of reform proposals, some of which would necessitate revision of the EU Treaties. Such revision is governed by Article 48 of the Treaty on European Union (TEU), which provides for two main procedures: the ordinary and the simplified revision procedures. The former applies to the TEU, to the Treaty on the Functioning of the EU (TFEU) and to the Euratom Treaty; the latter only to part of the TFEU.

(Non-)replacement of Commissioners elected to EP

Publication type: At a Glance  
Date: 03-07-2019  
Author: Laura TILINDYTE-HUMBURG  
Policy area: Area of Freedom, Security and Justice | Adoption of Legislation by EP and Council  
Summary: Having been elected to the European Parliament, two current members of the College of Commissioners have resigned as Commissioners in order to take up their seats. As a general rule, a vacancy caused in this way needs to be filled by a new Commissioner of the same nationality – unless the Council unanimously decides otherwise. On 16 June 2019, given the short duration of the remainder of the current Commission's mandate, the Commission President, Jean-Claude Juncker, proposed not to replace the departing Commissioners.
Rules on political groups in the EP

Publication type: Briefing                      Date: 05-06-2019
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: political group (EP) | summarising | Member of the European Parliament | non-attached member | powers of the EP | dissemination of EU information | EU financing
Summary: Members of the European Parliament (MEPs) may form political groups; these are organised not by nationality, but by political affiliation. Since the first direct elections in 1979, the number of political groups has fluctuated between seven and ten. Following the 2019 elections, the number, size and composition of political groups is likely to continue to fluctuate, as a result of the possible dissolution of some political groups and the creation of new ones. To form a political group, a minimum of 25 MEPs, elected in at least one quarter (currently seven) of the EU's Member States is required. Those Members who do not belong to any political group are known as 'non-attached' (non-inscrits) Members. Although the political groups play a very prominent role in Parliament's life, individual MEPs and/or several MEPs acting together, also have many rights, including in relation to the exercise of oversight over other EU institutions, such as the Commission. However, belonging to a political group is of particular relevance when it comes to the allocation of key positions in Parliament's political and organisational structures, such as committee and delegation chairs and rapporteurs on important dossiers. Moreover, political groups receive higher funding for their collective staff and parliamentary activities than the non-attached MEPs. Political group funding, however, is distinct from funding granted to European political parties and foundations, which, if they comply with the requirements to register as such, may apply for funding from the European Parliament.

Adapting legal acts to Articles 290 and 291 TFEU

Publication type: At a Glance                      Date: 10-04-2019
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts
Keyword: power of implementation | EU act | legal basis | Treaty of Lisbon
Summary: By introducing delegated and implementing acts, the Lisbon Treaty (2007) reformed the system of conferring upon the Commission the power to adopt non-legislative measures. However, a certain category of pre-Lisbon acts, referred to as ‘regulatory procedure with scrutiny’ (RPS) measures, remained unaligned to the new system. Following Commission proposals of December 2016, a number of acts referring to RPS are now to be aligned with the Lisbon Treaty, while others remain to be negotiated. Having reached an agreement with the Council on 64 acts, the Parliament is expected to vote on the proposals during its April II plenary session.

Election of the President of the European Commission: Understanding the Spitzenkandidaten process

Publication type: Briefing                      Date: 05-04-2019
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Law: Legal System and Acts
Keyword: European Council | European election | President of the Commission | transparency in decision-making | turnout of voters | Treaty of Lisbon | European Parliament | interinstitutional agreement
Summary: The European Parliament has long sought to ensure that, by voting in European elections, European citizens not only elect the Parliament itself, but also have a say over who would head the EU executive – the European Commission. What became known as the ‘Spitzenkandidaten process’ is a procedure whereby European political parties, ahead of European elections, appoint lead candidates for the role of Commission President, with the presidency of the Commission then going to the candidate of the political party capable of marshalling sufficient parliamentary support. The Parliament remains firmly committed to repeating the process in 2019 and, with EP elections now only weeks away, attention has shifted to the European political parties. A number of parties have nominated lead candidates, and this briefing gives an overview of their nominees, as well as looking more broadly at the process. This is a revised and further updated edition of an earlier briefing; previous edition from February 2019.

Revising the European Citizens’ Initiative

Publication type At a Glance
Date 06-03-2019
Author Laura TILINDYTE-HUMBURG
Policy area Adoption of Legislation by EP and Council | EU Law: Legal System and Acts
Keyword power of initiative | petition | EU national | participatory democracy | interinstitutional cooperation (EU) | proposal (EU) | European citizens' initiative
Summary The European Citizens’ Initiative (ECI) has been in operation for almost seven years, and the rules governing its functioning are now subject to revision. Following interinstitutional negotiations, the Parliament and Council reached a provisional agreement on the Commission’s proposal to revise the ECI. That agreement now requires formal approval by the co-legislators, and the European Parliament is expected to vote on the proposal during its March plenary session.

At a Glance ES, DE, EN, FR, IT, PL

Revising the European Citizens’ Initiative

Publication type Briefing
Date 04-03-2019
Author Laura TILINDYTE-HUMBURG
Policy area Adoption of Legislation by EP and Council | EU Law: Legal System and Acts
Keyword ordinary legislative procedure | European treaties | power of initiative | participatory democracy | national parliament | public hearing | EU initiative | European citizenship | European citizens’ initiative
Summary The ECI enables European citizens to invite the Commission to table a proposal for a legal act. The detailed rules for such initiatives are laid down in a 2011 regulation, whose main stated aim is encouraging citizens’ participation in the political life of the European Union (EU). However, since the regulation became applicable in April 2012, numerous actors have raised concerns regarding the instrument’s functioning and have called for reform, aiming to simplify the existing procedures and increasing the tool’s usability. On 13 September 2017, the Commission presented a legislative proposal which would update the tool and replace the existing regulation on the European Citizens’ Initiative. Following interinstitutional negotiations between September and December 2018, the co-legislators reached provisional agreement on the proposal for revision of the ECI. The agreed text now needs to be approved by the Parliament and Council. Third edition. The ‘EU Legislation in Progress’ briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

Briefing EN
Multimedia EN

Reviewing the implementation of specific Treaty provisions

Publication type At a Glance
Date 06-02-2019
Author Laura TILINDYTE-HUMBURG | Silvia KOTANIDIS
Policy area EU Democracy, Institutional and Parliamentary Law
Summary On 22 January 2019, the European Parliament's Committee on Constitutional Affairs adopted three own-initiative reports, dealing with the implementation of the specific Treaty provisions on EU citizenship, enhanced cooperation and parliamentary scrutiny of the European Commission. Parliament is expected to discuss these reports during its February plenary session.

At a Glance ES, DE, EN, FR, IT, PL

The EU-UK withdrawal agreement: Progress to date and remaining difficulties

Publication type In-Depth Analysis
Date 12-07-2018
Author Sidonia Elżbieta Jędrzejewska | Laura TILINDYTE-HUMBURG | Carmen-Cristina CIRILIG
Policy area EU Democracy, Institutional and Parliamentary Law
Keyword negotiation of an agreement (EU) | United Kingdom | transitional period (EU) | Northern Ireland | withdrawal from the EU | European Union
Summary With the United Kingdom set to leave the European Union in less than one year’s time, negotiations to finalise a withdrawal agreement, as provided for under Article 50 TEU, are coming up against an increasingly tight deadline. Recent progress in agreeing a number of key ‘exit’ issues prompted the decision to begin discussions on the future EU-UK relationship. However, significant challenges still remain before the conclusion of a withdrawal agreement, on which the transition period requested by the UK also depends. This EPRS In-depth Analysis considers the draft withdrawal agreement published by the European Commission on 19 March 2018, as well as the (few) additional points settled in negotiations in the period up to June 2018. It seeks to provide an overview of the main areas already settled by the negotiators, as well as of those areas of persisting difficulty or disagreement.

In-Depth Analysis DE, EN, FR
The Brexit negotiations: Issues for the first phase

EU and UK positions on citizens' rights: First phase of Brexit negotiations

The principle of subsidiarity requires decisions to be taken at the lowest practical level of government without, however, jeopardising mutually beneficial cooperation at the supranational level. Recent decades have seen efforts to strengthen the subsidiarity principle in EU law, including the introduction of the well-known early warning mechanism (EWM) for national parliaments. At the same time, the principle of subsidiarity remains a contested notion. This has important implications for the regulatory, political and judicial bodies monitoring compliance with the principle. In this context, commentators have called for a better (and shared) understanding of the principle and have formulated a number of suggestions as to how to monitor compliance with the principle more effectively.

Subsidiarity: Mechanisms for monitoring compliance

Implementation of the Interinstitutional Agreement on Better Law-Making

Negotiations on the arrangements for the UK's withdrawal from the EU started on 19 June 2017, with citizens' rights being one of the top priorities. However, the EU and the UK positions differ considerably. The EU aims at a withdrawal agreement which safeguards the existing right to residence as well as to equal treatment with nationals, including access to social security, for EU-27 citizens who have moved to the UK and for UK nationals resident in an EU-27 Member State prior to the withdrawal date. By contrast, the UK's intention is to create new rights, detached from EU law, whose conditions will be governed by UK law. The EU and UK positions also differ regarding the cut-off date which would govern the status of citizens. According to the EU, this should be the date of the UK's actual withdrawal from the EU, whereas the UK has proposed to agree on an earlier date. Differences between the two positions can also be observed with regard to the conditions for family reunification and access to social security benefits. Furthermore, whilst the EU proposes that the European Commission and the Court of Justice of the EU (CJEU) oversee compliance with the withdrawal arrangements by both the UK and the EU-27 Member States, the UK seeks enforceability of the citizens' rights through the UK judicial system and rejects the jurisdiction of the CJEU.

EU and UK positions on citizens' rights: First phase of Brexit negotiations

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Implementation of the Interinstitutional Agreement on Better Law-Making

On 13 April 2016, the Commission, Parliament and Council signed the Interinstitutional Agreement (IIA) on Better Law-Making, replacing its 2003 predecessor. About two years on from its entry into force, Parliament is expected to vote on an own-initiative joint report on the interpretation and implementation of the IIA during its May II plenary session. The report takes stock of progress made and identifies the main issues outstanding.

The Brexit negotiations: Issues for the first phase

Negotiations on the arrangements for the UK's withdrawal from the EU started on 19 June 2017. The European Commission is negotiating on behalf of the EU, on the basis of the European Council guidelines and the mandate given to it by the Council. The European Parliament, for its part, has laid down key principles and conditions for its approval of a UK withdrawal agreement. Three key priorities are set to dominate the first phase of the negotiations (with the future relationship between the EU and the UK being left to a second phase). These are: citizens' rights for EU-27 citizens in the UK and UK citizens in the EU-27; the settlement of the UK's financial obligations; and ensuring the Northern Ireland peace process is not compromised. This paper looks at the EU negotiating position and the major issues raised under those three priorities to date.

The Brexit negotiations: Issues for the first phase

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**EU citizenship rights**
Publication type: Briefing
Date: 23-03-2017
Author: Laura TILINDYTE-HUMBURG
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: third country | competence of the Member States | Treaty on European Union | EU Member State | residence permit | visa policy | family | European election | freedom of movement | nationality | EU Charter of Fundamental Rights | European citizenship | foreign national | Treaty on the Functioning of the EU | consulate
Summary: According to Article 20(1) of the Treaty on the Functioning of the European Union (TFEU), every person holding the nationality of a Member State is a Union citizen. Union citizenship is additional to national citizenship and does not replace it. The concept of Union citizenship was introduced in the Treaty on European Union, signed in Maastricht in 1992, which endowed Union citizens with a number of novel rights, including political rights. Union citizens enjoy the right to move and reside freely in other Member States, to vote and to stand as candidates in municipal and European elections, to petition the Parliament, to apply to the European Ombudsman, and to enjoy in a third country the protection of the diplomatic and consular authorities of any other Member State. The Lisbon Treaty, signed in 2007, granted Union citizens another novel right – the right to start a Citizens’ Initiative. It is estimated that about 15 million Union citizens live in a Member State other than that of their nationality. The rights related to free movement and residence are governed by a central piece of legislation (Directive 2004/38), which covers most aspects of the freedom of movement of persons. It enables Union citizens to travel, (seek) work, study or retire in another Member State – and to enjoy equal treatment while doing so. Yet, EU Treaties and secondary law make clear that the rights granted to Union citizens are not absolute but subject to conditions and limitations.

**Possible adjustments to the EU institutional set-up**
Publication type: At a Glance
Date: 10-02-2017
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: European treaties | referendum | national parliament | energy policy | EU migration policy | institutional reform | European integration | powers of the institutions (EU) | foreign policy
Summary: The last comprehensive EU treaty reform ended with the 2007 Lisbon Treaty. With the EU facing multiple challenges since then, the European Parliament’s own-initiative report, due to be discussed in February, on possible evolutions of and adjustments to the EU institutional set-up invites a broad reflection on the future of the Union. It suggests a range of reforms, including in the areas of economic governance, foreign policy, fundamental rights, transparency, accountability and others.

**Improving the functioning of the EU: Making fuller use of the Lisbon Treaty’s provisions**
Publication type: At a Glance
Date: 10-02-2017
Author: Laura TILINDYTE-HUMBURG
Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: qualified majority | Economic and Monetary Union | European defence policy | national parliament | Treaty on European Union | right of asylum | European integration | European Union | common security and defence policy
Summary: The EU Treaties were last time amended by the Treaty of Lisbon, which entered into force on 1 December 2009. However, some of its provisions are not (yet) being exploited to the fullest. The own-initiative report on improving the functioning of the EU building on the potential of the Lisbon Treaty aims to identify this potential and ways to better exploit it. The plenary is due to discuss the report, jointly with two related reports, during the February II part-session.

**Hearing of Commissioner-designate Sir Julian King**
Publication type: At a Glance
Date: 08-09-2016
Author: Laura TILINDYTE-HUMBURG
Policy area: Area of Freedom, Security and Justice | EU Democracy, Institutional and Parliamentary Law
Keyword: European security | European Commissioner | public hearing | framework agreement | European Parliament
Summary: On 12 September, Parliament's Civil Liberties Committee will hold a hearing of Commissioner-designate Sir Julian King (Security Union). He has been nominated as a result of the resignation of Lord Hill following the outcome of the UK referendum on withdrawal from the Union. Under the EU Treaties, a new Member of the Commission is appointed by the Council by common accord with the Commission President, after consulting Parliament.
Referendums on EU issues

Publication type Briefing
Date 18-05-2016

Author Laura TILINDYTE-HUMBURG

Policy area EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts

Keyword governance | European Union membership | direct democracy | referendum | European Constitution | representative democracy | EU Member State | political involvement | European integration | association agreement (EU) | Treaty of Lisbon

Summary Referendums give citizens a direct say over matters which would otherwise be decided by elected (or non-elected) representatives. Thus, as instruments of direct democracy, they may foster citizens’ involvement and legitimise important decisions. In fact, referendums have been on the rise in Europe and elsewhere in the world in recent decades, and have become a recurrent feature of European politics. Since 1972, Europe has seen 54 referendums on EU matters, concerning membership, treaty ratification or specific policy issues (e.g. adoption of the euro); further referendums are to follow in 2016. At the same time, the degree to which EU countries make use of referendums differs significantly: while the majority of Member States have held one referendum on European integration, mostly relating to membership, a handful resort to referendums more frequently. Despite the increased interest in some states, referendums remain controversial. On the one hand, advocates of direct democracy stress that referendums can, inter alia, foster citizens’ engagement and thereby improve legitimacy and governance. Critics, on the other hand, highlight the pitfalls of referendums. Especially in the aftermath of the French and Dutch rejection of the Constitutional Treaty in 2005, they suggest, inter alia, that in referendums voters tend to answer questions other than those on the ballot paper. Some critics, more generally, question the suitability of a ‘yes’ or ‘no’ vote to decide on complex, multidimensional matters within the European setting. Looking at a sample of past EU referendums, the following pages provide an overview of these conflicting views, as expressed in (academic) commentary.

Regional participation in EU decision-making: Role in the legislature and subsidiarity monitoring

Publication type In-Depth Analysis
Date 14-04-2016

Author Laura TILINDYTE-HUMBURG

Policy area EU Democracy, Institutional and Parliamentary Law | EU Law: Legal System and Acts

Keyword European treaties | governance | region-EU relationship | multi-level governance | regional parliament | drafting of EU law | powers of the institutions (EU) | interinstitutional relations | Council of the European Union | European Committee of the Regions | simplification of legislation | principle of subsidiarity | action for annulment (EU)

Summary The role of sub-national bodies in EU decision-making has grown. In this regard, significant changes were introduced by the Treaty of Lisbon, which inserted an explicit reference to the sub-national dimension of the subsidiarity principle, and granted the Committee of the Regions the right to bring an action for annulment. While the ‘Early Warning Mechanism’ for subsidiarity monitoring is primarily concerned with national parliaments, regional parliaments with legislative powers form a separate category of bodies caught by the protocol and may play an advisory role. Existing research, however, points to problems and challenges which regional parliaments face in engaging in genuine subsidiarity monitoring. Ex-ante subsidiarity monitoring is complemented by the possibility of ex post judicial review. Generally, challenges to Union acts on subsidiarity grounds are infrequent. At the same time, it is agreed that the very possibility of judicial review forces greater weight to be given to subsidiarity concerns during the preparation of Union law and encourages EU institutions to consider carefully whether an issue is best addressed at the European, national, regional or local level.

Interinstitutional Agreement on Better Law-Making

Publication type At a Glance
Date 01-03-2016

Author Laura TILINDYTE-HUMBURG

Policy area Transposition and Implementation of Law | EU Law: Legal System and Acts

Keyword simplification of legislation | impact study | transparency in decision-making | drafting of EU law | application of EU law | delegated legislation | interinstitutional agreement

Summary According to Article 295 TFEU, the European Parliament, the Council and the Commission may conclude interinstitutional agreements (IIAs) setting out arrangements for their cooperation. A number of such agreements are in place, including the 2003 IIA on Better Law-Making, which is now to be replaced by a new agreement. With the aim of ensuring a high quality of legislation, the new agreement contains provisions concerning the various stages of the policy cycle, including programming, legislating and implementation.
A common reproach that has long been levelled at the set-up of European governance has concerned its ‘democratic deficit’. In particular, this has encompassed the idea that the European integration process has traditionally strengthened the executive power at the expense of national parliaments, and pointed to the relatively modest powers initially granted to the European Parliament. Strengthening the democratic quality of EU decision-making became a central concern in the 2001 White Paper on European Governance which identified openness, participation and accountability among the principles of good governance. Against this background, the Commission has gradually developed and formalised numerous mechanisms aimed at broadening participation in order to increase legitimacy, transparency and effectiveness of its policies. While the Commission’s consultation framework does not remain without its critics, it has undergone significant improvements. The current Article 11 TEU, introduced by the Lisbon Treaty, aims to give a new boost to ‘participatory democracy’ in the EU, alongside ‘representative democracy’, and mandates the Commission to carry out broad consultations with parties concerned. The Commission’s Better Regulation Package, adopted in May 2015, incorporates new consultation guidelines which, inter alia, expand the scope of stakeholder input throughout the policy cycle, further open up the impact assessment process to stakeholders’ comments and signal renewed commitment to providing adequate feedback to stakeholders. It should also be mentioned that EU institutions, including the Commission, have developed a variety of mechanisms aimed at improving dialogue with wider society, formal stakeholder consultation being one of them. The following pages do not aim at providing a taxonomy of all of these mechanisms, but give a brief overview of the Commission Consultation Guidelines, which are yet to be implemented in practice.