



ERIF Insights Note 48

Omnibus - From Commission Proposal to Co-Legislators' Decision

The EU Omnibus Legislative Process

1. Introduction

Omnibus legislative proposals are a tool used by the European Commission to amend multiple EU legislative acts within a single initiative. They are typically employed to improve coherence, simplify regulatory frameworks, or respond to urgent political or economic needs. While omnibus proposals follow the Ordinary Legislative Procedure (OLP), their bundled nature highlights, in a particularly clear way, the constitutional balance between the Commission and the co-legislators: the European Parliament and the Council of the EU.

This note explains how an omnibus proposal progresses from Commission inception to final adoption, with particular attention to:

- the Commission's right of initiative,
- the procedural and legal limits on amendments by Parliament and Council, and
- the role of Better Regulation principles in fast-tracked or urgent files.

2. Commission Initiative and the Nature of Omnibus Proposals

2.1 Commission monopoly on legislative initiative

Under **Article 17(2) TEU**, the Commission holds the exclusive right to initiate EU legislation in most policy areas. Binding legislative acts under the Ordinary Legislative Procedure can only be adopted on the basis of a Commission proposal. Parliament and Council may request legislation (Articles 225 and 241 TFEU), but they cannot themselves initiate binding acts.

This monopoly is not merely procedural: it defines the substantive boundaries of the legislative process. The Commission proposal is the reference text that Parliament and Council may amend, but not replace with a fundamentally new initiative.

2.2 What makes an omnibus proposal distinct

An omnibus proposal is a single legislative act that amends multiple existing laws simultaneously. It is commonly used where:

- several legal acts require aligned or coordinated changes;



- simplification or burden reduction is sought across a regulatory framework; or
- urgency makes sequential amendments impractical.

A recent example is **Omnibus I (2025)**, which amended several instruments in the EU's sustainability reporting and due diligence framework to reduce administrative burdens while preserving policy objectives.

Contrary to concerns expressed by some stakeholders,, omnibus proposals do not loosen constitutional constraints. On the contrary, they often tighten legislative discipline, because any deviation from the original scope risks undermining the Commission's prerogatives.

2.3 Legal basis and scope

Every omnibus proposal must be grounded in one or more **Treaty legal bases**. The legal basis determines:

- the applicable legislative procedure,
- the voting rules in Council, and
- the substantive competence of the EU.

While an omnibus may cite multiple legal bases, all provisions must fall within those bases. Crucially, amendments by Parliament or Council may not extend the proposal beyond its legal basis. Doing so would render the amendment ultra vires and legally vulnerable.

The selection of the legal basis at the inception stage therefore locks in the outer limits of the entire legislative exercise.

3. Commission Preparatory Phase: Better Regulation in Practice

3.1 Better Regulation framework

Before tabling a proposal, the Commission applies its Better Regulation Guidelines¹, which promote evidence-based, transparent policymaking. Normally, this involves:

- an impact assessment,
- stakeholder consultations, and
- internal legal and policy checks, including climate consistency where relevant.

¹ https://commission.europa.eu/law/law-making-process/better-regulation/better-regulation-guidelines-and-toolbox_en



These guidelines are internal administrative rules, not legally binding obligations toward third parties. There is an explicit requirement to apply proportionately.

3.2 Urgency and procedural flexibility

Where urgency makes a full impact assessment impracticable, the Commission may rely on procedural derogations. In such cases, it may:

- forego a full impact assessment,
- rely on previous analytical work, and
- publish an analytical Staff Working Document (SWD) instead.

This approach was used for the substantive Omnibus I (2025) proposal, where economic pressures and timing constraints justified accelerated preparation. The Commission documented its reasoning and evidence in an SWD, drawing on prior assessments and updated data.

3.3 Stakeholder engagement under time pressure

Although formal public consultations may be skipped in urgent cases, stakeholder input is not necessarily excluded. In practice, the Commission may rely on:

- earlier calls for evidence,
- targeted workshops,
- position papers and open letters, and
- bilateral meetings with key stakeholders.

This targeted engagement is consistent with Better Regulation principles where time constraints apply.

3.4 Inter-service consultation

Before adoption, all proposals undergo **inter-service consultation (ISC)**, allowing relevant Directorates-General and the Legal Service to review the draft. For urgent omnibus proposals, the Commission's Rules of Procedure allow **fast-track ISC**, sometimes compressed to 24–48 hours.

Even in such cases, substantive coordination typically occurs well in advance through informal and political-level coordination.

3.5 Omnibus I Case

The **Omnibus I “content proposal”** in 2025 is illustrative. The Commission faced time pressure due to a deteriorating economic climate and urgent calls to reduce red tape for companies. Accordingly, no full impact assessment was done before



adoption. Instead, the Commission published a Staff Working Document alongside the proposal, laying out updated evidence and cost estimates drawn from previous impact assessments (for the CSRD and CSDDD) and new data on expected cost savings. This approach is explicitly allowed by the Better Regulation guidelines “where it is not feasible to carry out an impact assessment due to urgency”, provided that an analytical document is issued within three months. The Ombudsman’s subsequent inquiry² questioned this shortcut, but the Commission justified it by the urgent need to act and the robust analysis in the SWD.

4. Parliamentary Examination: First Reading Discipline

Once adopted by the Commission, the omnibus proposal enters the Ordinary Legislative Procedure.

In the European Parliament, the proposal is assigned to a lead committee (and, where relevant, associated committees). Members may table amendments, but these are subject to strict admissibility rules.

Under **Rule 188 of the Parliament’s Rules of Procedure**, amendments must relate directly to the text they seek to amend. Amendments introducing new policy areas or unrelated obligations are inadmissible and may be ruled out of order.

This rule operationalizes the Treaty principle that Parliament cannot assume a de facto right of initiative. In the context of omnibus proposals, it prevents the insertion of “legislative riders” unrelated to the Commission’s proposal.

After committee and plenary votes, Parliament adopts its first-reading position, consisting of the Commission proposal as amended within scope.

5. Council Examination and the Role of Article 293 TFEU

In parallel, the proposal is examined within the Council of the EU, beginning in working parties and progressing through COREPER to ministers.

Unlike the Parliament, the Council has no formal amendment admissibility rule. Instead, scope discipline is ensured by **Article 293(1) TFEU**, which provides that:

- the Council may amend a Commission proposal by qualified majority only if the Commission accepts the amendment;
- if the Commission does not accept an amendment, unanimity is required.

² https://www.eriforum.eu/uploads/2/5/7/1/25710097/erif_insights_no_47_-eu_ombudsman_review_of_omnibus_procedure.pdf



This unanimity requirement acts as a powerful deterrent against out-of-scope amendments. In practice, Member States are reluctant to pursue changes that the Commission opposes, particularly in omnibus files where coherence is essential.

The Commission’s position therefore remains central throughout Council negotiations.

6. Trilogues, Withdrawal Risk, and Final Adoption

Where Parliament and Council positions diverge, trilogue negotiations are held. These informal negotiations involve all three institutions and aim to reach a compromise text.

The Commission plays a dual role:

- mediator between the co-legislators, and
- guardian of the proposal’s legal coherence and Treaty compliance.

If negotiations threaten to distort the proposal’s fundamental objective, the Commission may signal its opposition or, in extremis, withdraw the proposal. This power was confirmed by the Court of Justice in **Case C-409/13 (Council v Commission, 2015)**, which upheld the Commission’s right to withdraw a proposal that had been fundamentally altered.

Once agreement is reached, the final text is formally adopted by Parliament and Council in identical form and published in the Official Journal.

Urgent omnibus components can be adopted very quickly, as demonstrated by the “stop-the-clock” directive within Omnibus I, which entered into force within weeks.

7. Summary Table – Key Stages of the Omnibus Legislative Cycle

Stage	Actors Involved	Key Steps	Legal Basis / Rules
Commission inception & drafting	Commission (lead DG, SG, Legal Service, College)	Identify need for Omnibus; prepare draft; apply Better Regulation tools (IA or SWD); stakeholder outreach; inter-service consultation (fast-track if urgent)	Art. 17(2) TEU; Better Regulation Guidelines; Commission Rules of Procedure
Proposal adoption	College of Commissioners	Formal adoption of COM proposal; identification of legal bases; transmission	Arts. 288–294 TFEU

Stage	Actors Involved	Key Steps	Legal Basis / Rules
		to Parliament and Council	
Parliament first reading	EP committees and plenary	Amendments debated and voted; inadmissible out-of-scope amendments excluded; first-reading position adopted	Art. 294 TFEU; EP Rule 188
Council first reading	Council working parties, COREPER, ministers	Examination and amendments; Commission acceptance decisive; unanimity required if Commission objects	Art. 293(1) TFEU
Trilogues	EP, Council, Commission	Informal negotiations to reach compromise; Commission guards scope and coherence	Art. 294 TFEU; Interinstitutional Agreement 2016
Final adoption	Parliament and Council	Formal adoption of agreed text; publication and entry into force	Art. 294 TFEU; institutional balance principle

8. Conclusions

Omnibus legislative proposals follow the same constitutional logic as other EU laws, but they make the limits of co-legislative power particularly visible. The Commission's monopoly on initiative, reinforced by procedural rules in Parliament and unanimity constraints in Council, ensures that omnibus proposals remain tightly anchored to their original objectives and legal bases.

While the Commission enjoys flexibility under Better Regulation rules—especially in urgent cases—this flexibility is balanced by internal safeguards and documentation requirements, although a number of stakeholders, including ERIF, have concerns about the potential loss of regulatory quality. Once a proposal enters the legislative phase, both co-legislators operate within clearly defined boundaries, and attempts to expand scope are institutionally discouraged.

In practice, omnibus legislation offers speed and coherence, but at the cost of reduced latitude for late-stage policy expansion. The process ultimately reflects the EU's constitutional balance: efficiency in responding to complex or urgent needs, combined with firm protection of the Commission's right of initiative and the integrity of the legislative framework.