

What is the difference between a directive and a regulation?

Why would the EU choose one over the other?

In the context of the European Commission, a regulation “shall have general application. It shall be binding in its entirety and directly applicable to member states” (Article 189 of the Treaty of Rome). Thus with a regulation every country has to accept the same definition. A directive contrasts with a regulation, as a regulation does not allow Member States the freedom to interpret the ruling in different ways.

According to the Treaty of Rome (Article 189) “a directive shall be binding as to the result to be achieved upon each member states to which is addressed but shall leave to the national authorities the choice of form and methods.” Therefore, a directive leaves Member States the opportunity to adjust legal text to national peculiarities or simply to make sure that it fits the national legislation of member states.

The Council, Commission and Parliament will choose to use either a directive or a regulation depending upon their objectives. Regulations have a direct effect upon national states without the state having to pass national legislation. In contrast however, directives require member states to alter their laws in harmony with the standard directive. The Commission and Parliament may choose to use a directive in order to give more autonomy in the legislative program to member states. When directives are used, there is usually a time period set by which the required measures should be implemented at the national level; this time period is often three years. This gives the national states control over the role-out of the legislation. When problems arise whereby states do not comply to directives, the European Commission may choose to get a regulation approved by Member States.

References

CyTRAP Labs. 2006. Regulation that matters - the EU - What is the difference between a regulation and a directive?

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