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Strengthening Democratic
Governance For Climate Transitions

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Separating the Technical from the Political: The Use of Delegated and Implementing Acts in EU Climate Policy and Implications for Democracy

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Key Messages

- Delegated and implementing acts represent a large share of decisions made in the European Union's climate policy, and their use has increased over time. In 2020, the European Commission adopted 135 delegated and 248 implementing acts. In 2024, this number was 193 and 846 respectively.
- Delegated and implementing acts can improve efficiency and responsiveness in governance. They allow for technical amendments to be made to legislation quickly, drawing on knowledge from expert groups, the comitology system, and, to a limited extent, external stakeholders.
- However, our analysis finds that delegated and implementing acts pose risks for democratic quality: they sometimes stray into political decision-making that instead requires more robust scrutiny mechanisms contained in the Ordinary Legislative Procedure. Eliminating deliberative oversight by the European Parliament and Council of the European Union on political issues may erode trust of the electorate.
- The risk of over-reach and over-use of delegated and implementing acts can be alleviated with greater attention to accountability, representation, knowledge and participation, if well balanced with the need for speed and efficiency in the process:
 - Accountability and representation can be improved with greater roles for the Parliament, including the possibility to debate and propose amendments, when there are political implications of the process. More resources should be allocated to both the Parliament and Council to keep abreast on the content of delegated and implementing acts, to scrutinise these acts through their respective deliberative channels, and to object if they extend into political decision-making;
 - Accountability should also be improved with greater transparency of non-legislative processes;
 - Knowledge input to the processes can be improved with more robust and systematic procedures for accessing knowledge, including through data collection and stakeholder engagement;
 - Participation should extend beyond the Commission's 'Have Your Say' portal; consultations with civil society and stakeholders should occur transparently as a standard practice.
- An essential ingredient in enhancing the democratic quality of these decision-making processes is ensuring clear mandates for delegated and implementing acts in the origin legislation. When there is ambiguity around the political or technical nature of the decision, the above proposed improvements form a layer of additional protection for ensuring the democratic quality of decision-making.

1. Introduction

We carried out an in-depth analysis of the use of delegated and implementing acts in the EU over time, both in general and in climate policy, and reflected on their democratic role ^[1]. Our analysis shows that while delegated and implementing acts are an efficient motor of EU climate policy development, they also contain deficiencies in terms of accountability, representation, knowledge, and participation.

In this policy brief, we highlight our key findings and outline policy lessons to ensure that delegated and implementing acts do not pose risks to the democratic quality of EU climate policy.

2. Key findings: The use of delegated and implementing acts increased over time

Delegated and implementing acts are key policy decisions that aim to update technical aspects of previously -adopted legislation efficiently. These decisions are overseen by the Commission. The acts, and the processes to adopt them, receive limited attention in EU climate policy research, with most contributions focusing on key legislative processes under the Ordinary Legislative Procedure. However, as in most policy fields ^[2], a large share of climate policy decisions made at the EU level pass through non-legislative processes ^{[1][3]}.

The Parliament and the Council grant the authority to the Commission to adopt either delegated or implementing acts for a piece of legislation negotiated and adopted under the Ordinary Legislative Procedure. Delegated acts are intended to make minor technical amendments to pieces of basic legislation and implementing acts are designed to provide implementing instructions to the member states. In the case of delegated acts, the Parliament and Council are given a two-month scrutiny period to object to the content of the acts (but cannot make amendments). For implementing acts, there is no role for the Parliament and the member states are given oversight of the process through experts who sit in committees that comprise the comitology system.

Delegated and implementing acts relieve the need for time-consuming full revisions of adopted legislation if updates are required. Such technical decisions can be made quickly. For all climate-related implementing acts adopted between January 2020 and September 2025, 56% were finalised between 1 and 10 days^[1]. For climate-related delegated acts, the average completion time was 15 months^[1].

As the EU's climate mix has become increasingly complex over time ^[4], there has been a corresponding increase in the use of delegated and implementing acts.

- In 2020, the Commission adopted 135 delegated and 248 impleme-

ning acts across all policy fields. In 2024, this number was 193 and 846 respectively.

- For climate-related decisions, 10 implementing acts were adopted in 2020, compared to 36 in 2024, while 11 delegated acts related to climate policy were adopted in 2020, compared to 19 in 2023 and 14 in 2024.
- For further comparison, note that a total of 28 implementing acts were adopted by the entire Commission in 2017^[1].

Although their use has increased over time, not all delegated and implementing acts are perceived as purely technical. Tensions can arise between the lack of democratic quality of decisions taken and their partly political nature. In this policy brief we lay out how such acts pose risks for the democratic quality of EU climate policy, and the means by which these risks may be addressed.

3. The risks of over-use of delegated and implementing acts for climate democracy

The democratic deficiencies of delegated and implementing acts are evident across several pillars of democratic quality: accountability, representation, participation, and knowledge^[5].

First, both accountability and political representation are reduced due to the limited role played by the Parliament. This also limits opportunities for transparency and meaningful deliberation. The lack of a Parliamentary role in implementing acts may contribute to quick and efficient decision-making, although it means these processes are highly opaque. Even for delegated acts, the short scrutiny period offered to the Parliament limits opportunities for pluralistic debate, which weakens both the political representativeness and accountability of such processes.

Second, knowledge is not systematically integrated into decision-making in delegated and implementing acts to the same degree as acts passing through the Ordinary Legislative Procedure. Delegated acts draw on knowledge from expert groups, external stakeholder meetings to some extent, and, in some cases, may contain an impact assessment. However, only 27% of the delegated acts pertaining to climate policy between 2020 and October 2025 involved a meeting of an expert group^[1]. Implementing acts, on the



other hand, draw on knowledge from committees in the comitology system, which are composed of experts drawn from the EU's member states. The uptake of knowledge varies across processes.

Third, decisions on delegated and implementing acts occur with limited public participation and consultation, and with little access to discussions and meetings. Overall, 64% of delegated acts and 31% of implementing acts were put forward for public consultation. Even when they occurred, consultations often garnered scant input from the public. For example, nearly half (47%) of the delegated act consultations received 10 or fewer responses from the public^[1].

These democratic deficiencies are particularly important for climate democracy when delegated and implementing acts address issues that are political in nature, which these processes were not designed to address. A striking example of this is the EU Sustainable Taxonomy, which classifies energy sources and activities according to sustainability criteria. Such a decision has clear political ramifications. Whether gas or nuclear energy qualify as sustainable sources of energy is a matter of political debate and contestation^{[6][7]}. From a climate democracy perspective, this decision therefore required heightened transparency, accountability, knowledge and participation through deliberative discussion and democratic scrutiny, such as under

the Ordinary Legislative Procedure. Although most delegated and implementing acts have held true to their technical purpose, the EU Taxonomy is illustrative of the risks associated with the in-built democratic deficiencies inherent in decision-making processes intended for technical updates that sometimes stray into political issues.



4. Conclusions and policy recommendations

Our analysis shows the increased use of delegated and implementing acts in both EU policy in general, and in EU climate policy in particular. These processes are important pillars of good governance, when applied in an appropriate manner to adopt technical updates and implementation guidelines for basic legislation. However, non-legislative acts are not designed to update legislation on political matters and should not be used for such purposes. The democratic deficiencies inherent in these processes pose risks to EU climate democracy

overall, including for accountability, representation, knowledge, and participation. If employed inappropriately, delegated and implementing acts may therefore lead to a gradual erosion of trust in the EU system by the electorate. These processes should be improved to enhance their democratic quality for technical decision-making. The following recommendations are meant to inspire such enhancements while also providing safety mechanisms to ensure that non-legislative acts do not venture into political decision-making.

We recommend that:

1. Delegated and implementing acts should only be used for their intended purpose—making minor technical amendments to legislation or giving implementing instructions to the member states.
2. The Parliament and Council should be given more resources to stay abreast on the content of delegated and implementing acts, allow for debate of the content of such non-legislative acts, and object to cases where the Commission oversteps its mandate of making technical amendments.
3. The Commission should improve its communication with NGOs and civil society working on climate policy. Civil society organisations monitor EU policy development closely and raise concerns when the Commission makes political decisions in non-political processes. The Commission should maintain a culture of openness to these organisations and actively consider their concerns.
4. The Commission should strive to allow greater public participation in delegated and implementing act processes. The ‘have your say portal’ is not well known and often receives feedback from the public that is not related to the act in question and is therefore discarded by the Commission. Granting more public access to the policymaking process should also include wider stakeholder consultations for delegated and implementing acts, conducted in a transparent manner.
5. Expert group and comitology meetings should become more transparent, allowing the public and stakeholders to gain greater access and understanding about what is discussed and decided in such meetings.
6. The Commission should more systematically draw on broader knowledge and expertise when drafting delegated and implementing acts.

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