

Folketinget – Europaudvalget

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Europaudvalgets sekretariat

Til

udvalgets medlemmer og stedfortrædere

**COSAC-sekretariatets rapport om EU's
lovgivningsprocedurer**

Til orientering for Europaudvalget vedlægges COSAC-sekretariatets rapport om EU's lovgivningsprocedurer.

COSAC-sekretariatet blev på COSAC-mødet i Dublin i maj 2004 opfordret til at udarbejde rapporten med henblik på forelæggelse på det netop afholdte COSAC-møde i Haag den 21. – 23. november 2004.

Med venlig hilsen

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THE LEGISLATIVE PROCEDURES OF THE EUROPEAN UNION

1.1 INTRODUCTION

The purpose of this note is to give a brief presentation of the development in *scope and functioning* of the legislative procedures of the European Union from the present treaties to the Constitutional Treaty.

The Constitutional Treaty first and foremost promotes the principle of European Union legislation being a joint task of the Council and the European Parliament. This is done by putting the Parliament on equal footing with the Council as co-legislator in a number of new policy fields. The Constitutional Treaty doesn't change the present legislative procedures of the EU as such. It abolishes the "*co-operation procedure*", but maintains the present "*co-decision procedure*", "*consultation procedure*", "*assent procedure*" and certain other specialised procedures, but under new names.

It is proposed that the co-decision procedure in the future shall be referred to as the "*ordinary legislative procedure*", because this will be the predominant way of adopting European Union legislation. The remaining procedures will as the general rule maintain the Council as the main legislative body and simply be referred to as "*specialised legislative procedures*", without distinguishing between whether the European Parliament is consulted, asked for consent or not involved at all.

The note will primarily focus on the *changes in the scope* of the legislative procedures proposed in the Constitutional Treaty, but will also briefly touch upon some changes proposed to the *functioning* of these - such as the introduction of the new "double majority voting system" in the Council.

Annexed to this note is a table giving a complete overview of all legal bases in the Constitutional Treaty which enables the Council and the Parliament to adopt "legislative acts"². The table indicates the proposed procedures for each legal base as well as the current procedures with regards to the:

- 1) *Influence of the European Parliament*
- 2) *Voting method of the Council*

When this is said, one should of course always recall treating estimations based on mere numbers cautiously. They can be misleading, because the individual legal bases of the treaties are used very differently in terms of frequency and have different political significance and weight.

¹ The cooperation procedure is currently found in TEC art. 252, but is only applicable in four areas within the Economic and Monetary Union. The procedure has not been used since 30 April 1999.

² The table only contains the legal bases that enable the Council and the Parliament to adopt "legislative acts", which in the Constitutional Treaty is defined as "EU-laws" or EU framework laws". Legal bases enabling the institutions to adopt other types of legally binding or non-binding acts - such as regulations, decisions, opinions and recommendations - are not included in the table.

1.2 THE PROCEDURES

1.2.1 The ordinary legislative procedure

The “ordinary legislative procedure”, which enables the Council and the European Parliament to adopt legislative acts jointly, will with the coming into force of the Constitutional Treaty become the predominant way of adopting EU-legislation. The procedure will be *applied in 73% (84) of all policy areas*, which means a significant strengthening of the influence of the European Parliament. The European Parliament becomes the Councils co-legislator in *50 new areas*, which covers both new policy areas and areas where Parliament today is either only consulted or not involved in the legislative process at all. This includes for instance the Common agricultural policy, the common fisheries policy, judicial cooperation in criminal matters, police cooperation and Europol, etc.

Ordinary legislative procedure (III-396)

The ordinary legislative procedure implies that if Council and Parliament have not reached an agreement after having each completed two readings of a Commission proposal, the proposal shall be referred to a conciliation committee composed of an equal number of representatives of the Council and the Parliament. It is then the task of the conciliation committee to try to strike a deal between the two delegations, which can be accepted by the Council and the Parliament.

The Council takes all decisions under the ordinary legislative procedure with a qualified majority, whereas the Parliament needs a simple majority of the votes cast during first and third readings. However during second readings an absolute majority of Parliaments component members are needed if it wishes to reject or amend the Council's position.

Promote direct dialogue

Without changing the ordinary legislative procedure as such, the Constitutional Treaty tries to facilitate the procedure by encouraging direct contacts between the two legislative branches. The Parliament and the Council are in a new article called upon to consult each other and by common agreement make arrangements for their cooperation throughout the legislative process by concluding (binding) inter-institutional agreements³. However, this is not a new practise. The article is in reality a consolidation of already existing practises of concluding inter-institutional agreements⁴ on better lawmaking and organising informal direct contacts between the institutions throughout the legislative process in the so-called *trialogues*.

1.2.2 The specialised legislative procedures

There will remain 31 policy areas in the Constitutional Treaty, where the Council is maintained as the main legislative body and where the European Parliament is, as the general rule, only consulted⁵. This includes among other things measures for the

³ See article III-397.

⁴ See inter-institutional agreements between European Parliament, Council and the Commission from May 1999 and December 2003, OJ C 148/1 1999 and OJ C 321/1 2003.

⁵ “*Specialised procedures*” are in reality covering five different procedures with regard to the involvement of the European Parliament: 1) consultation, 2) consent, 3) Own initiative and approval, 4) budget-procedure and 5) no involvement. The Council adopts its decisions with unanimity in most cases under

harmonisation of legislation concerning turnover taxes, certain measures in relation to social security and social protection of workers or family law with cross-border implications. However there are also a number of policy field where Parliament is empowered to give its "consent". This means that the approval of Parliament is required in one single reading before Council can enact a decision⁶. Parliament cannot put forward amendments, but only approve or reject. This procedure will among other things be used for the adoption of *measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, to create additional rights for the citizens of the EU or to set up the European Public prosecutor.*

Finally the Constitutional Treaty foresees a number of "specialised procedures", where it is the European Parliament that holds the right of initiative and the final right of approval and the Council that gives its consent. This applies among other things to the adoption of measures for the *election of members of the European Parliament, regulations governing the performance of the duties of the members of the European Parliament or general conditions governing the performance of the European Ombudsman's duties.*

1.3 VOTING RULES OF THE COUNCIL

1.3.1 Scope

The general voting method in the Council for legislative acts will be "*qualified majority*" (QMV) with the coming into force of the Constitutional Treaty. QMV will be used in 80% of all policy fields (92). Voting procedures are proposed changed from unanimity to QMV in 25 policy fields, while introduced in 18 new areas.

Only in a small number of sensitive areas (23) will the Council maintain unanimity. This includes among other things adoption of legislation concerning *turnover taxes, establishment of new (or abolition of) own resources for the EU, the creation of additional rights to the European Union citizens or certain measures concerning social security and the social protection of workers.*

1.3.2 New voting method

The Constitutional Treaty calls for a change of the functioning of the voting methods of the Council. A new "*double majority system*" is proposed to replace the qualified majority system, which was introduced with the Nice Treaty, but doesn't come into force before 1 January 2005.

Under this new double majority system a qualified majority shall represent at least 55% of the Member States in the Council comprising at least 15 of them representing Member States comprising at least 65% of the total population of the Union⁷.

The qualified majority according to the Nice Treaty in EU-25 requires the support of the majority of the Member States representing at least 232 votes out of 321.

Additionally a Member State may request verification that the Member States behind the QMV represent at least 62% of the total population of EU-25.

these procedures (72%), but uses also QMV in certain cases (28%). Additional national ratification is required in a small number of cases (3).

⁶ This procedure is identical to the existing "assent procedure"

⁷ See article I-25.

Table 1: Qualified majority in the Council:

	Voting weights today (until 31 December 2004)	Voting weights in NICE (From 1 January 2005)	Population in EU 25 – 2003 ^a	Population share in EU-25 in 2003 (relevant for Constitutional Treaty and NICE)	Share of countries in EU-25 (relevant for Constitutional Treaty)
Belgium	5	12	10.396.400	2.27%	4%
Czech Republic	5	12	10.211.500	2.23%	4%
Denmark	3	7	5.397.600	1.18%	4%
Germany	10	29	82.531.700	18.00%	4%
Estonia	3	4	1.350.600	0.29%	4%
Greece	5	12	11.041.10	2.41%	4%
Spain	8	27	42.345.300	9.23%	4%
France	10	29	61.684.700	13.45%	4%
Ireland	3	7	4.027.500	0.88%	4%
Italy	10	29	57.888.200	12.62%	4%
Cyprus	2	4	730.400	0.16%	4%
Latvia	3	4	2.319.200	0.51%	4%
Lithuania	3	7	3.445.900	0.75%	4%
Luxembourg	2	4	451.600	0.10%	4%
Hungary	5	12	10.116.700	2.21%	4%
Malta	2	3	399.900	0.09%	4%
Netherlands	5	13	16.258.000	3.55%	4%
Austria	4	10	8.114.000	1.77%	4%
Poland	8	27	38.190.600	8.33%	4%
Portugal	5	12	10.474.700	2.28%	4%
Slovenia	3	4	1.996.400	0.44%	4%
Slovakia	3	7	5.380.100	1.17%	4%
Finland	3	7	5.219.700	1.14%	4%
Sweden	4	10	8.975.700	1.96%	4%
United Kingdom	10	29	59.651.500	13.07%	4%
TOTAL POPULATION	119	321	458.599.300	100%	100%
QUALIFIED MAJORITY	88	232 and a majority of Member States		65% (298.089.350) (Constitutional Treaty) 62% (284.331.400) (Nice Treaty)	55% and 15 Member States

^a The population figures are based on the Council's decision 2004/701/EF, Euratom" of 11 October 2004. See OJ L 319/15 of 20 October 2004.

1.4 THE LEGISLATIVE INSTRUMENTS OF THE UNION

The Constitutional Treaty proposes that two types of legal acts shall be reserved for the legislative work of the EU in the future⁹;

- “European Union laws”
- “European Union framework laws”

European Union laws shall, as it is currently the case with *regulations*, have general application and be binding in their entirety and directly applicable in all 25 Member States. *European framework laws* shall, as *directives* be binding, as to the result to be achieved, upon each Member State to which it is addressed. The latter leave it to the Member States to decide the form and method of their transposition.

According to the Constitutional Treaty all *draft legislative acts* shall be transmitted directly to the European Parliament, the Council and the national Parliaments¹⁰. They will as the main rule be adopted jointly by the Parliament and the Council in accordance with the *ordinary legislative procedure*. National Parliaments shall ensure the legislative proposals’ compliance with the principle of subsidiarity¹¹.

TABLE II: Number of unique Commission proposals for regulations, directives and decisions for the adoption by European Parliament and the Council or just by the Council

Year/ doc.type	Directives	Regulations	Decisions	Total
1995	69	279	134	482
1996	62	243	133	438
1997	54	228	150	432
1998	63	230	204	497
1999	38	172	206	416
2000	66	220	211	499
2001	47	178	221	446
2002	54	188	205	447
2003	57	208	209	474
2004 *)	48	170	228	446

*) Documents registered in the CELEX database on 11 November 2004

All other legal acts such as “regulations”, decisions and recommendations will be reserved for non-legislative activities such as exercising delegated or implementing powers - and therefore be defined as non-legislative. Regulations and decisions will be legally binding, while recommendations shall be non-binding.

⁹ EU laws and EU framework laws are according to the Constitutional Treaty defined as “legislative acts”.

¹⁰ It is still an open question when the formal date of transmission of the draft legislative acts is.

¹¹ See article I-11, p.3 of the Constitutional Treaty.

ANNEX:

Overview of legal bases in the Constitutional Treaty where the ordinary legislative procedure will be applied

Legal bases in PART I of the Constitutional Treaty

	New or old procedure?	Article	Decision-making procedure today	Role of the European Parliament today
1		I-37, p. 3: Control by Member States of the Commission's exercise of implementing powers. (TEC art. 202)	Unanimity	Consultation
2	New article	I-47, p.4: Rules for Citizens' initiative		
3		I-50, p.3: General principles and limits to the right of access of documents. (TEC art. 255, p.2)	QMV	Co-decision
4	New article ¹²	I-51, p.2: Rules relating to the protection of individuals with regard to the processing of personal data by Union institutions.	QMV	Co-decision

Legal bases in PART III of the Constitutional Treaty

	New or old procedure?	Article	Decision-making procedure today	Role of the European Parliament today
5	New article	III-122: Principles and conditions for services of general economic interest.		
6		III-123: Rules to prohibit discrimination on grounds of nationality. (TEC art. 12)	QMV	Co-decision
7		III-124, p.2: Basic principles for Union incentive measures to support action taken by Member States to fight discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. (TEC art. 13 p.2)	QMV	Co-decision
8		III-125, p.1: Facilitation of the exercise of the right to move and reside freely. (TEC art. 18, p.2)	QMV	Co-decision
9		III-134: Freedom of movement for	QMV	Co-decision

¹² Article I-51, p.2 is a new legal base. However, the articles TEC 95 about the internal market and TEC article 286, p. 2 have been used in the past to adopt EU rules within the scope of this article, such as the data protection directive (95/46/TEC).

		workers. (TEC art. 40)		
10		III-136: Social security for migrant workers and their dependants (emergency break ¹³). (TEC art. 42)	Unanimity	Co-decision
11		III-138, p.1: Attainment of freedom of establishment. (TEC art 44 p1)	QMV	Co-decision
12		III-139: Exemptions from certain activities in the Member States in relation to the freedom of establishment. (TEC art 45)	QMV	None
13		III-140, p.2: Coordination of national provisions providing for special treatment of foreign nationals. (TEC art 46)	QMV	Co-decision
14		III-141: Facilitation of taking up and pursuing activities as self-employed persons (including mutual recognition of diplomas, certificates and other evidence of formal qualifications) (TEC art 47)	Partly unanimity and partly QMV.	Co-decision
15		III-144: Extension of the freedom to provide services to nationals of a third State. (TEC art. 49)	QMV	None
16		III-147, p.1: Measures to achieve the liberalisation of a specific service. (TEC art 52, p.1)	QMV	Consultation
17		III-152: Measures to strengthen customs cooperation. (TEC art 135)	QMV	Co-decision
18		III-157, p.2: Measures on the movement of capital to or from third countries. (TEC art. 57, p.2)	QMV	None
19	New article	III-160: Framework for administrative measures with regard to capital movements and payment with the objective of preventing and combating terrorism and related activities.		
20		III-172, p.1: Measures with the	QMV	Co-decision

¹³ If a Member State in the Council considers that a draft law or framework law would affect fundamental aspects of its social security system, it may request the matter be referred to the European Council.

		objective of the establishment and functioning of the internal market. <i>(TEC art 95, p.1)</i>		
21		III-174: Elimination of distortions of the conditions of competition of the internal market. <i>(TEC art. 96)</i>	QMV	None
22	New article	III-176: Measures for the creation of European intellectual property rights protection. <i>(TEC art. 308 has been used in the past)</i>	Unanimity	Consultation
23		III-179, p.6: Rules for the multilateral surveillance procedure of Member States' economic development, etc. <i>(TEC art. 99, p.5)</i>	QMV	Cooperation procedure
24		III-187, p.3: Amendment of certain articles in the statute of the ECB and the ECBS. <i>(TEC art. 107, p.5)</i>	Either unanimity or QMV depending on whether it's based on a recommendation from the ECB or a proposal from the Commission.	Assent
25	New article	III-191: Measures necessary to use the euro as the single currency.		
26		III-207: Incentive measures designed to encourage cooperation between Member States and to support their actions in the field of employment through the exchange of information and best practises. <i>(TEC art. 129)</i>	QMV	Co-decision
27		III-210, p.1 a) working environment, b) working conditions, e) consultation of workers, h) integration of persons excluded from the labour market, i) equality between men and women, j) combating social exclusion, k) modernisation of social protection systems. <i>(TEC art 137 a), b), e), h), i), j) and k).)</i>	QMV	Co-decision
28		III-214, p.3: Equal opportunities and equal treatment of women and men in matters of employment and occupation. <i>(TEC 141,3)</i>	QMV	Co-decision
29		III-219, p.3: Implementing measures relating to the European Social Fund. <i>(TEC art. 148)</i>	QMV	Co-decision
30		III-221: Specific measures outside the Structural Funds.	QMV	Co-decision

		(TEC art. 159)		
31		III-223: Defining the tasks, the priority objectives and the organisation of the Structural Funds. (TEC art. 161)	Unanimity, but QMV from 2007	Assent
32		III-223: Setting up the Cohesion Fund. (TEC art. 161)	Unanimity, but QMV from 2007	Assent
33		III-224: Implementing measures relating to The European Regional Development Fund. (TEC art. 162)	QMV	Co-decision
34		III-231, p.2: Common agricultural policy and the common fisheries policy. (TEC art. 37, p.2)	QMV	Consultation
35		III-234, p.1: Measures to achieve the objectives of the Unions policy on the environment. (TEC art. 175, p.1)	QMV	Co-decision
36		III-234, p.3: General action programmes within the field of environment. (TEC art. 175, p.3)	QMV	Co-decision
37		III-235, p.3: Consumer protection. (TEC art. 153, p.4)	QMV	CO-decision
38		III-236: Common transport policy. (TEC art. 71, p.1 and p.2.)	QMV in art. 71, p.1 but unanimity in art. 71, p.2)	Co-decision in art. 71, p.1, but consultation in art. 71, p.2.
39		III-245, p.2: Sea and air transport. (TEC art. 80, p.2)	QMV	Co-decision
40		III-247, p.2: Trans-European networks. (TEC art. 156)	QMV	Co-decision.
41		III-251, p.1: The multiannual framework programme for research and technological development. (TEC art. 166)	QMV	Co-decision
41	New article	III-251, p.4: Measures necessary for the implementation of the European research area.		
42		III-252, p.1: Implementation of the multiannual framework programme for research and technological development. (TEC art. 167)	QMV	Co-decision

43		III-252, p.2: Supplementary programmes for research and technological development involving certain Member States only. (TEC art. 168)	QMV	CO-decision
44		III-252, p.3: Participation in research and development programmes undertaken by several Member States. (TEC art. 169)	QMV	Co-decision
45	New article	III-254, p.2: European space programme.		
46	New article	III-256, p.2: Measures to achieve objectives within the field of Energy. (TEC art. 308 has been used in the past)	Unanimity	Consultation
47		III-265, p.2: Controls on persons when crossing internal and external borders, etc. (TEC art. 62 and 67)	Unanimity ¹⁴ /QMV	Consultation/Co-decision.
48		III-266, p.2: Asylum. (TEC art. 63, p.1 and 2 and 67)	Unanimity/QMV	Consultation/co-decision ¹⁵
49		III-267, p.2: Immigration. (TEC art. 63, p.3 and 4 and 67)	Unanimity ¹⁶	Consultation
50	New article	III-267, p.4: Measures to provide incentive measures and support action of Member States with a view to promoting the integration of third-country nationals.		
51	Partly new article ¹⁷	III-269, p.2: Judicial cooperation in civil matters. (TEC art. 65 and 67)	QMV - Unanimity in Council is however maintained with regard to measures concerning Family law with cross-border implications.	Co-decision except measures concerning Family law, where EP is consulted.
52		III-270, p.1: Judicial cooperation in criminal matters; mutual recognition of judgements and judicial decisions. (TEU art. 31)	Unanimity	Consultation
53	New article	III-270, p.2: Judicial cooperation in criminal matters; minimum rules concerning mutual admissibility of evidence between Member States, the rights of individuals in criminal		

¹⁴ Certain aspects of this article are already adopted by QMV (art. 62, p.2)

¹⁵ TEC art. 63, p.1 and p.2 indent a is adopted in accordance with the co-decision procedure, provided that the Council has previously adopted common rules and basic principles on these issues, while TEC art. 63, p.2 indent b maintains unanimity and consultation.

¹⁶ The Council may with unanimity decide to introduce QMV and co-decision for the immigration policy after 1 May 2004, TEC art. 67, p.2.

¹⁷ Article III-269 adds 3 additional objectives to the Judicial cooperation in Civil matters; e), g) and h).

		procedures and the right of victims of crime.		
54		III-271, p. 1: Minimum rules concerning the definition of criminal offences and sanctions in the areas of particular serious crime with a cross-border dimension. (TEU art. 31)	Unanimity	Consultation
55	New article	III-271, p.2: Minimum rules with regard to the definition of criminal offences and sanctions in relation to the approximation of criminal laws and regulations of the Member States.		
56	New article	III-272: Measures to promote and support the action of Member States in the field of crime prevention.		
57	New article	III-273: Eurojust. (TEU art. 31)	Unanimity	Consultation
58	New article	III-273: Arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust's activities.		
59		III-275, p.2: Police cooperation. (TEU art. 30)	Unanimity	Consultation
60	New article	III-276, p.2: Europol. (TEU art. 30)	Unanimity	Consultation
61	New article	III-276, p. 2: Procedures for scrutiny of Europol's activities by the European Parliament and national parliaments.		
62		III-278, p.4: Public health. (TEC art. 152, p.4 ¹⁸)	QMV	Co-decision
63	New article	III-278, p.5: Incentive measures designed to protect and improve human health and in particular to combat the major cross-border health scourges.		
64		III-279, p.3: Competitiveness of the Union's industry. (TEC art. 157, p.3)	QMV	Co-decision
65		III-280, p.5: Incentive measures within the field of culture. (TEC art. 151, p.5)	Unanimity	Co-decision
66	New article	III-281, p.2: Tourism. (TEC art. 308 has previously been	Unanimity	Consultation

¹⁸ Part of art. 278, p4. Is new. "Measures concerning monitoring, early warning and combating serious cross-border threats to health" is thus not mentioned in TEC art. 152, p. 4.

		<i>used)</i>		
67	Partly new article ¹⁹ .	III-282, p.3: Incentive measures within the fields of education, youth and sport. <i>(TEC art. 149, p.4)</i>	QMV	
68		III-283, p.3: Vocational training. <i>(TEC art. 150, p.4)</i>	QMV	Co-decision
69	New article	III-284, p.2: Civil protection. <i>(TEC art. 308 has previously been used)</i>	Unanimity	Consultation
70	New article	III-285, p.2: Administrative cooperation.		
71		III-315, p.2: Framework for implementing the common commercial policy. <i>(TEC art. 133)</i>	QMV	None
72		III-317, p.1: Measures for the implementation of the development cooperation policy. <i>(TEC art. 179, p.1)</i>	QMV	Co-decision
73		III-319, p.2: Economic financial and technical cooperation with third countries. <i>(TEC art. 181a, p.2)</i>	QMV	Consultation
74	New article	III-321, p.3: Framework for the implementation of humanitarian aid.		
75	New article	III-321, p.5: Setting up the European Voluntary Humanitarian Aid Corps.		
76		III-331: Regulations for the governing of the political parties at European level and their funding. <i>(TEC art. 191)</i>	QMV	Co-decision
77		III-359, p.1-2: Establishment of specialised courts. <i>(TEC art. 225a)</i>	Unanimity	Consultation
78		III-364: Confer on the Court of Justice of the European Union jurisdiction in disputes relating to application of acts adopted on the basis of the Constitution which create European intellectual property rights. <i>(TEC art. 229a)</i>	Unanimity and ratification by national parliaments	Consultation
79		III-381: Amendment of certain provisions of the Statute of the Court	Unanimity	Consultation

¹⁹ The possibility to adopt incentive measures in the field of "sport" and "young peoples' participation in democratic life" are new compared to TEC art. 149, p.4.

		of Justice of the EU. (TEC art. 245)		
80	New article	III-398, p.2: Provisions that promote an open, efficient and independent European administration.		
81		III-412: Financial rules for establishing and implementing the budget and for presenting and auditing accounts. (TEC art. 279)	Unanimity ²⁰	Consultation
82		III-415, p.4: Prevention of and fight against fraud affecting the Union's financial interests. (TEC art. 280, p.4)	QMV	Co-decision
83		III-427: The Staff Regulations of officials and the conditions of Employment of other servants of the Union. (TEC art. 283)	QMV	Consultation
84		III-429: Measures for production of statistics. (TEC art. 285, p.1)	QMV	Co-decision

Overview of policy areas in PART I where special legislative procedures will be applied

	New or old procedure?	Article	Decision-making procedure in the constitutional treaty/ Decision making procedures in existing treaty	Role of the European Parliament in the constitutional treaty/role of the EP in existing treaty
1		I-18: Flexibility clause. (TEC art. 308)	Unanimity/Unanimity ²¹	Consent/ Consultation
2		I-54, p.3: New categories of own resources of the EU or abolition of existing categories. (TEC art. 269)	Unanimity and ratification by national parliaments/Unanimity and ratification by national parliament	Consultation/Consultation
3		I-54, p.4: Implementing measures of the Union's own resources system. (TEC art. 269)	QMV/Unanimity and ratification by national parliaments	Consent/consultation
4	New article	I-55, p.2: Multiannual financial framework.	Unanimity ²²	Consent

²⁰ Qualified majority will however be introduced from 1 January 2007.

²¹ The Commission is according to the Constitutional Treaty obliged to draw national parliaments' attention to proposals based on art. I-18.

Overview of policy areas in PART III where special legislative procedures will be applied

	New or old procedure?	Article	Decision-making procedure in the constitutional treaty/ Decision making procedures in existing treaty	Role of the European Parliament in the constitutional treaty/role of the EP in existing treaty
5		III-124, p.1: Measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. <i>(TEC art. 13, p.1)</i>	Unanimity/Unanimity	Consent/consultation
6	New article	III-125, p.2: Measures concerning passport, identity cards, residence permits or any other such document and measures concerning social security or social protection.	Unanimity	Consultation
7		III-126: The right to vote and stand as a candidate in municipal elections and elections to the European Parliament. <i>(TEC art. 19, p.1 and 2)</i>	Unanimity/unanimity	Consultation/consultation
8	New article ²³	III-127: Measures to facilitate diplomatic and consular protection of citizens of the Union in third countries.	QMV	Consultation
9		III-129: Additional rights to the citizens of the Union. <i>(TEC art. 22)</i>	Unanimity and national ratification/Unanimity and national ratification	Consent/consultation
10		III-157, p.3: Measures which constitute a step backwards in Union law as regards the liberalisation of the movement of capital to or from third countries. <i>(TEC art. 57, p.2)</i>	Unanimity/unanimity	Consultation/non
11		III-171: Measures for the harmonisation of legislation concerning turnover taxes, excise duties. <i>(TEC art. 93)</i>	Unanimity/unanimity	Consultation/consultation
12		III-173: Approximation of laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the internal market.	Unanimity/unanimity	Consultation/consultation

²² However, article I-55, p.4 contains a passarelle enabling the European Council with unanimity to authorise the Council to adopt the law laying down the multiannual financial framework with QMV.

²³ TEC art. 20 sets out that "Member States shall establish the necessary rules among themselves and start the international negotiations required to secure this protection". However the article does not, as III-127, give the EU competence to adopt such rules.

		<i>(TEC art. 94)</i>		
13	New article	III-176: Establishment of language arrangements for the European intellectual property rights.	Unanimity	Consultation
14		III-184, p.13: Measure to replace the Protocol on the excessive deficit procedure. <i>(TEC art. 104, p.14)</i>	Unanimity/unanimity	Consultation/consultation
15		III-185, p.6: Conferral of specific tasks upon the European Central Bank concerning policies relating to the prudential supervision of credit institutions and other financial institutions. <i>(TEC art. 105, p.6)</i>	Unanimity/unanimity	Consultation/assent
16		III-210, p.1c: Social security and social protection of workers, d) protection of workers where their employment contracts is terminated, f) representation and collective defence of the interests of workers and employers, g) conditions of employment for third-country nationals. <i>(TEC art. 137, p.1 c), d), f) and g)</i>	Unanimity/unanimity	Consultation/consultation
17		III-234, p.2: environmental measures establishing provisions of fiscal nature, measures affecting town and country planning; quantitative management of water resources or affecting the availability of those resources; land use, with the exception of waste management, etc. <i>(TEC art. 175, p.2)</i>	Unanimity/unanimity	Consultation/consultation
18		III-251, p.3: Establishment of specific programmes to implement the multiannual framework programme for research and technological development. <i>(TEC art. 166, p.3 and 4)</i>	QMV/QMV	Consultation/consultation
19	New article	III-256, p.3: Measure within the field of energy primarily of a fiscal nature.	Unanimity	Consultation
20		III-269, p.3: Family law with cross-border implications. <i>(TEC art. 65 and 67)</i>	Unanimity/unanimity	Consultation/consultation
21	New article	III-274, p.1: European Public Prosecutor.	Unanimity	Consent
22		III-275, p.3: Operational cooperation between authorities of Member States' including	Unanimity/unanimity	Consultation/consultation

		police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences. <i>(TEU, art. 30, p. 1a)</i>		
23		III-277: Conditions and limitations under which the competent authorities of the Member States may operate in the territory of another Member State in liaison and in agreement with the authorities of that state. <i>(TEU art. 32)</i>	Unanimity/unanimity	Consultation/consultation
24		III-291: Association of the countries and territories with the Union. <i>(TEC art. 187)</i>	Unanimity/unanimity	Consultation/non
25		III-330, p.1: Measures for the election of Members of the European Parliament. <i>(TEC art. 190, p.4)</i>	Unanimity and national ratification/unanimity and national ratification.	Right of initiative and consent/right of initiative and assent ²⁴
26		III-330, p.2: Regulations and general conditions governing the performance of the duties of the Members of the European Parliament. <i>(TEC art. 190, p.5)</i>	QMV, but unanimity for taxation/QMV but unanimity for taxation	Right of initiative and approval/right of Own initiative and approval
27		III-333: Provisions governing the exercise of the right of inquiry of Temporary Committees of inquiry of the European Parliament. <i>(TEC art. 193)</i>	QMV/simple majority??	Own initiative and approval
28		III-335, p.4: Regulations and general conditions governing the performance of the Ombudsman's duties. <i>(TEC art. 195, p.4)</i>	QMV/QMV	Own initiative and approval
29		III-393: Amendment of the statute of the European Investment Bank. <i>(TEC art. 266)</i>	Unanimity/unanimity	Consultation/consultation
30		III-404: Annual budget of the European Union. <i>(TEC art 272)</i>	QMV/QMV	Budgetprocedure/budgetprocedure
31		III-424: regulations and decisions aimed, in particular, at laying	QMV/QMV	Consultation/consultation

²⁴ The term "assent" in the current treaties is replaced by "consent" in the Constitutional Treaty.

		down conditions of application of the Constitution to certain regions taking account of the structural, social and economic situation of the French overseas departments <i>(TEC art. 299, p.2)</i>		
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