

## Volume 1 / Issue 3 Autumn 2006 - EU Section

### The Council of Europe

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The power to legislate is shared by the Council and the European Parliament. In most situations, European laws are made by a codecision procedure.

This means that the Council and the Parliament jointly adopt proposals for legislation that have come from the European Commission. The Council and the Parliament can make amendments to the legislation under this procedure.

However, there are certain important areas, for example, tax legislation, where the Parliament may only give an opinion as to whether a proposed piece of legislation can become law. Also, the Council only acts, as a rule, on a proposal from the Commission, and the Commission normally has responsibility for ensuring that EU legislation, once adopted, is correctly applied.

#### How the EU Makes Decisions

In general, it is the European Commission that proposes new legislation, but it is the Council and Parliament that pass the laws. Other institutions and bodies also have roles to play.

The rules and procedures for EU decision-making are laid down in the treaties. Every proposal for a new European law is based on a specific treaty article, referred to as the legal basis of the proposal. This determines which legislative procedure must be followed. The three main procedures are consultations, assent and co-decision.

Under the consultation procedure, the Council consults the Parliament as well as the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR). The Parliament has three opportunities:

If the Parliament asks for amendments, the Commission will consider all the changes the Parliament suggests. If it accepts any of these suggestions, it will send the Council an amended proposal. The Council examines the amended proposal and either adopts it or amends it further. In this procedure, as in all others, if the Council amends a Commission proposal it must do so unanimously.

The assent procedure means that the Council has to obtain the European Parliament's assent before certain very important decisions are taken. In this case the Parliament cannot amend a proposal – it must either accept or reject it. Acceptance ("assent") requires an absolute majority of the vote cast.

Finally, co-decision is now used for most EU law-making. In the co-decision procedure, Parliament does not merely give its opinion; it shares legislative power equally with the Council.

If the Council and the Parliament cannot agree on a piece of proposed legislation, it is put before a conciliation committee composed of equal numbers of Council and Parliament representatives. Once this committee has reached an agreement, the text is sent once again to Parliament and the Council so that they can finally adopt it as law.

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### Different Ways the Council Makes Decisions

There are different ways that the Council makes its decisions. A unanimous decision is required in important areas, for example, common foreign and security policies and taxation. Each member state has a vote in those areas.

In other fields the Council makes its decisions by Qualified Majority Voting. Each Member State has a specific number of votes (see Figure 3), which is related to the size of its population. A qualified majority will be reached, if a majority of member states approve and if a minimum of 72.3 % of votes are cast in favour.

The proposed Constitution agreed by the European Council in 2004 tackles these questions head on. It spells out much more clearly than in previous treaties what the European Union is and where it is going. It also lays down the new rules for a more streamlined decision-making process.



Tarja Halonen, President of Finland (l) and José Manuel Barroso, President of the European Commission, photographed prior to their meeting in Helsinki on 3 July 2006.

*Since November 1, 2004, the total number of votes is 321. The number of votes each country can cast is as follows:*

- + Germany, France, Italy and the UK 29
- + Spain and Poland 27
- + Netherlands 13
- + Belgium, Czech Republic, Greece, Hungary and Portugal 12
- + Austria and Sweden 10
- + Denmark, Ireland, Lithuania, Slovakia and Finland 7
- + Cyprus, Estonia, Latvia, Luxembourg and Slovenia 4
- + Malta 3

1. To approve the Commission proposal,
2. To reject it, or
3. To request amendments.

### Modernising the System with the Constitution

The EU is growing bigger and bigger. But the decision-making system, which was originally designated for a community of just six nations, has continued to evolve over the course of half a century.

The EU now has 25 Member States and its membership will increase further in the years ahead. The decision-making system therefore needs simplifying and streamlining.

To avoid paralysis, most decisions will have to be taken by qualified majority voting rather than requiring each individual country to agree.

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