

The Council's decision-making powers in Community affairs

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The 1951 Treaty establishing the European Coal and Steel Community (ECSC) — which expired on 23 July 2002 — vested in the Council a consultative role. The Council was authorised to deliver opinions and, in certain cases, assent, but it was rarely empowered to adopt decisions. When the Council was consulted by the High Authority — and, subsequently, by the Commission — its deliberations were not necessarily wound up by the taking of a vote. In some cases, the ECSC Treaty required unanimous assent (Article 28 of the ECSC Treaty).

The 1957 Rome Treaties conferred on the Council the power to take decisions, thereby making it the central institution of the Communities (Article 145 of the Treaty establishing the European Economic Community (EEC) and Article 115 of the Treaty establishing the European Atomic Energy Community (EAEC or Euratom)). For the adoption of the majority of Community acts, the decision-making procedure of the Council, following a Commission proposal and, where appropriate, after consulting the European Parliament, is the procedure ordinarily laid down in the Treaties.

Initially, the Council had exclusive decision-making powers in all areas of activity of the Communities. However, successive reforms to the Community Treaties changed the decision-making process, and the European Parliament became a colegislator on an equal footing with the Council. The introduction of the cooperation procedure under the 1986 Single European Act and, above all, implementation of the codecision procedure under the 1992 Treaty on European Union were milestones in this development. The 2001 Treaty of Nice extended the scope of the codecision procedure to most of the legislative measures that required the Council to act by qualified majority.

Based on the institutional balance between the three main institutions, the 'Community method' of decision-making, specific to the first pillar of the European Union, makes general use of the vote by a qualified majority in the **Council**, the active participation of **Parliament** in the procedure and the right to propose legislation of the **Commission**.

Lastly, with regard to Community affairs, the Council adopts, on a proposal from the Commission, alone or with the European Parliament, the following acts (Article 249 of the EC Treaty):

- a **regulation** is binding in its entirety, has general application and is directly applicable in all Member States;
- a **directive** is binding upon each Member State to which it is addressed but leaves to the national authorities the choice of form and methods;
- a **decision** is binding in its entirety upon those to whom it is addressed;
- **recommendations** and **opinions** have no binding force but may carry considerable political weight.