

Classification of decision-making procedures (before the Lisbon Treaty)

Caption: Classification of legislative procedures, with particular regard to the voting system at the Council involving decision-making by qualified majority or by unanimity.

Source: Note from Praesidium to Convention. Subject: Legislative procedures (including the budgetary procedure): - current situation, CONV 216/02. Brussels: Secretariat of the European Convention, 30.07.2002. 29 p. "Annex I; Annex II", p. 22-29.

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Classification of decision-making procedures in the EC Treaty

By voting system at the Council, Parliament's involvement and consultation of institutions or other bodies

Voting system at the Council	Parliament's involvement	Consultation of institutions or other bodies	Example	
Qualified majority	1) with codecision		Article 12	
		and consultation of the Court of Auditors	Article 280(4)	
		and consultation of the ESC	second paragraph of Article 172	
			and consultation of the ESC and of the CoR	Article 175(1)
	2) with cooperation			Article 99(5)
			and consultation of the ECB	Article 106
		3) with assent of the Parliament		Article 107(5)
		4) with opinion of the Parliament		Article 37(2)
			and consultation of the ESC	first paragraph of Article 172
			and consultation of the ESC, the CoR and the Employment Committee	Article 128(1)
		5) without participation by the Parliament		Article 26
			with consultation of the ECB	Article 59
			with consultation of the ECB and of the Economic and Financial Committee	Article 114(3)
			with consultation of the ESC	Article 75
Unanimity	1) with codecision		Article 42	
		and consultation of the CoR	Article 151(5), first indent	
	2) with assent of the Parliament			Article 300(3)
			(by a qualified majority) on a proposal from the Parliament	Article 190(4)
			and consultation of the ECB	Article 105(5)
			and consultation of the ESC and of the CoR	Article 161
	3) with opinion of the Parliament			Article 19(1)
			and consultation of the Court of Auditors	Article 279
			and consultation of the ECB	Article 111(1)
		and consultation of the ESC	Article 157(3)	

		and consultation of the ESC and the CoR	Article 175(2)
	4) without participation by the Parliament		Article 88(2)
		and with consultation of the ECB	Article 123(5)
		and with consultation of the ESC	Article 144
Some special procedures (e.g. adoption of the budget, discharge, some appointments) are not included in this list.			

By voting system at the Council, Parliament's involvement and legal basis

Voting system at the Council	Parliament's involvement	Legal basis	Article
Qualified majority	1) with codecision	Rules prohibiting any discrimination on grounds of nationality	12
		Freedom of movement for workers	40
		Right of establishment	44
		Coordination of provisions laid down by law, regulation or administrative action providing for special treatment of nationals of other Member States in exercising the right of establishment	46(2)
		Right of establishment for activities as self-employed persons	End of Article 47(2)
		Services	55
		Common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States; conditions under which non-resident carriers may operate transport services within a Member State; measures to improve transport safety	71(1)
		Extension of the rules of procedure laid down in Article 71(1) to include sea and air transport	80(2)
		Harmonisation measures relating to the internal market	95(1)
		Employment incentive measures	129 (New)
		Customs cooperation	135 (New)
		Working environment and conditions; workers' health and safety, information and consultation of workers; integration of excluded persons; equal opportunities and treatment; measure designed to encourage cooperation in order to combat social exclusion	137(1) and (2)
		Social policy (equal opportunities, treatment and pay)	141
		Implementation of decisions relating to the European Social Fund	148
		Education	149(4) (excluding recommendations)
Vocational training (measures to contribute to the achievement of the objectives of Article 150)	150(4)		
Public health (minimum conditions for the quality and safety of organs, measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health)	152(4)(a) and (b)		

		Incentive measures designed to protect and improve human health	152(4)(c)
		Consumer protection	153(4)
		Trans-European networks, guidelines	156, first paragraph
		Other measures concerning trans-European networks	156
		Implementing decisions relating to the ERDF	162
		Research framework programme	166
		Adoption of the measures referred to in Articles 167, 168 and 169 - research	172
		Environment (Community action in order to achieve the objectives referred to in Article 174)	175(1)
		Action programme in other areas of the environment	175(3)
		Development cooperation	179
		Regulations governing political parties at European level and the rules regarding their financing	191
		General principles on transparency	255(2) (New)
		Fight against fraud affecting the financial interests of the Community	280(4)
		Statistics	285(1)
		Establishment of an independent supervisory body for data protection	286(2)
	2) with simple consultation	Authorisation to launch closer cooperation activities	11(2)
		Common agricultural policy	37(3)
		Liberalisation of services	52(1)
		Establishing the list of third countries required to issue a visa, and those which are exempt from that requirement, and the establishment of a uniform format for visas	67(3)
		Adoption of regulations on competition	83
		Adoption of regulations on State aid	89
		Provisions for the implementation of the Protocol on the excessive deficit procedure	104(14), last subparagraph
		Amendment of certain provisions of the Protocol on the Statute of the ESCB and the ECB	107(6)
		Limits and the conditions under which the ECB may impose fines	110(3)
		Decision on entering the third stage of EMU	121(3) and (4) in addition to the EMI report after evaluation by the Council
		Decision on the entry of a State outside the single currency	122(2)

		Drawing up guidelines which the Member States shall take into account in their employment policies, on the basis of the conclusions of the European Council	128(2)
		Specific research programmes	166(4)
		Research, setting up of joint undertakings	172(1)
		Economic, financial and technical cooperation with third countries	181a
		Establishing the Staff Regulations of Officials of the European Communities and the Conditions of Employment of other servants of the Communities	283
		Adoption of measures in favour of the outermost regions	299(2)
		Signing, provisional application and suspension of international agreements	300(2), first subparagraph
		Adoption of provisions on the Statute of the ESCB	42 of the Protocol on the Statute of the ESCB and of the ECB
	3) with cooperation	Multilateral surveillance	99(5)
		Application of the prohibition on privileged access	102(2)
		Application of the prohibition on assuming commitments or granting overdraft facilities	103(2)
		Measures to harmonise the denominations and technical specifications of coins	106(2)
	4) with assent	Amendment of the Protocol on the Statute of the ESCB and of the ECB on a recommendation from the ECB	107(5)
	5) without participation by the Parliament	Fixing of Common Customs Tariff duties	26
		Exclusion in a Member State of certain activities from the scope of the provisions on the right of establishment	45, second paragraph
		Extension of the provisions on the supplying of services to include nationals of a third country established in the Community	49, second paragraph
		Adoption of other measures on the movement of capital to or from third countries	57(2), first part
		Adoption of strictly necessary safeguard measures where, in exceptional circumstances, movements of capital to or from third countries cause serious difficulties for the EMU	59
		Adoption of urgent measures on the movement of capital and on payments	60(1)
		Decision on the amendment or abolition of	60(2), second

	unilateral measures taken by a Member State against a third country with regard to capital movements and payments	subparagraph
	Adoption of provisional measures with regard to law and order and internal security for the benefit of certain States	64(2)
	Abolition of discrimination in the transport sector	75(3)
	Appropriate provisions concerning sea and air transport	80(2)
	Approval of measures concerning charges other than turnover taxes, excise duties and other forms of indirect taxation	92
	Adoption of directives to eliminate distortion within the common market	96, second subparagraph
	Council recommendation regarding broad economic policy guidelines	99(2)
	Severe economic difficulties in a Member State caused by natural disasters	100(2), end
	Decision on whether an excessive deficit exists	104(6)
	Decision concerning the adjustment or abandonment of the ECU central rates	111(1), end
	Exchange rate policy	111(2)
	Arrangements for the negotiation and the conclusion of international agreements on the monetary or foreign exchange regime	111(3)
	Decision on the position of the Community at international level regarding the EMU	111(4), first sentence
	Composition of the Economic and Financial Committee	114(3)
	Grant and revocation of mutual assistance where a Member State is in difficulties or is seriously threatened with difficulties as regards its balance of payments	119(2) and (3)
	Adjustment, suspension or abolition of protective measures	120(3)
	Decision on whether a Member State shall have a derogation for the purpose of excluding it from rights and obligations within the ESCB	122(1)
	Recommendations on employment	128(4)
	Adoption of measures to harmonise the systems for granting aid in the field of commercial policy	132(1)
	Commercial policy	133(4)
	Application of other agreements between management and labour	139 (2)
	Recommendations in the field of education	149(4), second indent

		Recommendations in the field of public health	152(4), end
		Determination of the salaries, allowances and pensions of Members of the Commission and of the Court of Justice	210
		Determination of the conditions of employment, salaries, allowances and pensions of the Members of the Court of Auditors	247(8)
		Determination of the allowances of members of the ESC	258, final subparagraph
		Establishment of the draft budget	272 (3)
		Authorisation of expenditure in excess of the provisional one-twelfth	273, second subparagraph
		Conclusion of agreements between the Community and one or more States or international organisations	301
		Decision on the type of sanctions to be imposed on a Member State that has breached the principles of Article 6(1) of the Treaty on European Union	309 (2)
		Decision to vary or revoke sanctions imposed on a Member State that has breached the principles of Article 6(1) of the Treaty on European Union	309 (3)
		Procedures for integrating the Schengen Secretariat into the General Secretariat of the Council	7 of the Protocol integrating the Schengen acquis
		Amendment or revocation, at the request of a Member State, of decisions taken by the Commission on imports into the European Community of petroleum products refined in the Netherlands Antilles	3(3) of the Protocol on petroleum products refined in the Netherlands Antilles
Unanimity	1) with codecision	Provisions with a view to facilitating the exercise of the rights of citizens to move and reside freely within the territory of the Member States	18(2) (QMV)
		Internal market (social security measures for Community migrant workers)	42
		Coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons. Coordination of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons	47
		Culture	151 (except for recommendations)

	2) with assent	Specific tasks of the ECB	105(6)
		Amendment of the Statute of the ESCB and of the ECB	107(5)
		Structural Funds and Cohesion Fund	161 (QMV from 2007 or adoption of the financial perspective)
		Elections in accordance with a uniform procedure	190(4)
		Association Agreements (provided for in Article 310) and other agreements establishing a specific institutional framework, having important budgetary implications and entailing amendment of an act adopted under the codecision procedure	300(3), second subparagraph
		Special procedure: Nomination and appointment of the President of the Commission and its members	214 (QMV)
	3) with simple consultation	Adoption of appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation	13 (Codecision + QMV for paragraph 2)
		Citizenship: right to vote and to stand as a candidate	19(1)
		Extension of rights linked to citizenship, ratification by Member States	22
		Measures to establish an area of freedom, security and justice (during a transitional period of 5 years)	67(1) (codecision + QMV for Article 65 except family law) (subsequent transition to QMV + codecision for Articles 63, 62(3) and 62(2)(a) (QMV + consultation of the EP for Article 66)
		Provisions concerning the principles of the regulatory system for transport application of which would be liable to have a serious effect on the standard of living and on employment	71(2)
		Harmonisation of indirect taxation	93
		Harmonisation of laws	94
		Exchange-rate system for the ECU in relation to non-Community currencies	111(1), first sentence
		Decision concerning the external representation of EMU	111(4), end (QMV)
		Commercial policy: extension to agreements on	133(5) (QMV)

		services and intellectual property	
		Measures in the field of social security, of social protection of workers where their employment contract is terminated, representation and collective defence of the interests of workers and employers, conditions of employment for third-country nationals in possession of a residence permit and financial contributions for promotion of employment and job-creation	137(3). (Parts of the Article will go over to QMV + codecision following a unanimous Council decision)
		Industry	157(3)
		Measures to achieve economic and social cohesion	159 (QMV + codecision)
		Provisions of a fiscal nature, measures concerning town and country planning and land use, measures affecting energy supplies and biodiversification	175(2)
		Determination of classes of action or proceedings brought before the Court of First Instance, the composition of this Court and the necessary adjustments and additional provisions for the Statute of the Court of Justice	225(2)
		Amendment of the Statute of the Court of Justice	245, second subparagraph
		Appointment of members of the Court of Auditors	247(3) (QMV)
		Decision on own resources	269
		Adoption of the financial regulations	279 (QMV)
		Signing, provisional application and suspension of application of agreements concluded by the Council in fields for which unanimity is required for the adoption of internal rules and for association agreements	300(2), end of first subparagraph
		Adoption of measures necessary to attain the Community's objectives	308
		Common definition of origin for petroleum products from third countries and associated countries	6 of the Protocol on petroleum products refined in the Netherlands Antilles
		Adoption of appropriate provisions to lay down the details of the convergence criteria referred to in Article 121 of the EC Treaty	6 of Protocol on the convergence criteria
	4) without participation by the Parliament	Adoption of measures on the movement of capital to or from third countries which constitute a step back in Community law as regards liberalisation	End of Article 57(2)
		Decisions on the compatibility with the common market of State aid having regard to	88(2)

	competition	
	Measures appropriate to the economic situation	100(1) (QMV)
	Grant of Community financial assistance to a State in severe difficulties	100(2) (QMV)
	Adoption of conversion rates irrevocably fixed between national currencies and between those currencies and the ECU and other measures necessary for the rapid introduction of the ECU as the single currency	123(4) (QMV)
	Abrogation of a derogation granted to a State outside the single currency and other measures necessary to that end	Article 123(5)
	Application of agreements concluded between the social partners in the fields covered by Article 137(3)	139(2)
	Assigning to the Commission tasks in connection with the implementation of common measures, particularly as regards social security for the migrant workers	144
	Recommendations in the field of culture	151(5), second indent
	Adoption of provisions as regards the detailed rules and the procedure for the association of the overseas countries and territories with the Community	187
	Appointment of the Secretary-General (High Representative for the CFSP) and the Deputy Secretary-General of the Council	207(2) (QMV)
	Alteration of the number of Members of the Commission	(Article 213(1), second subparagraph)
	Decision not to replace a Commissioner following resignation or compulsory resignation	215, second paragraph (QMV)
	Increase in the number of Court of Justice Judges	221, fourth paragraph
	Increase in the number of Advocates-General	222, third paragraph
	Approval of the Rules of Procedure of the Court	223 (QMV)
	Approval of the rules of Procedure of the Court of First Instance	225(4) (QMV Article 224)
	Approval of the Rules of Procedure of the Court of Justice	245, third paragraph
	Appointment of the members of the Economic and Social Committee and determination of their allowances	258, second paragraph (QMV)
	Appointment of the members of the Committee of the Regions and their alternates	263, third paragraph (QMV)
	Establishment of the rules governing the	290

		languages of the institutions of the Community	
		Amendments to the list of products covered by the provisions connected to the production of or trade in arms, munitions and war material	296(2)
		Measures necessary for the implementation of the Schengen acquis	2(1), second subparagraph of the Protocol integrating the Schengen acquis
		Determination of the legal basis for each of the provisions or decisions which constitute the Schengen acquis	2(1), end of second subparagraph, of the Protocol integrating the Schengen acquis
		Conclusion of a separate Agreement with Iceland and Norway for the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and Iceland and Norway on the other, in domains of the Schengen acquis which apply to these States	6, second paragraph, of the Protocol integrating the Schengen acquis

The amendments made by the Treaty of Nice are indicated in italics.