

The Council's decision-making powers in the field of JHA

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The Council's decision-making powers in the field of JHA

The Council is the main forum for consultation and decisions on cooperation in the field of justice and home affairs (JHA), established by the 1992 Treaty on European Union (Title VI of the EU Treaty). Falling within the area of the method of intergovernmental cooperation, this domain, the third pillar of the European Union, was reduced to police and judicial cooperation when it was in part communitarised by the Treaty of Amsterdam in 1997. From 1999 on, policy on immigration, visas and asylum, as well as on judicial cooperation in civil matters, became common policies forming part of the first pillar.

In the field of JHA, the Member States inform and consult one another within the Council with a view to coordinating their action. The Council adopts measures and promotes cooperation. It may, acting unanimously on the initiative of any Member State or the Commission, adopt common positions, framework and other decisions and establish conventions which it recommends for adoption by the Member States (Article 34 of the EU Treaty).

Common positions define the European Union approach to a particular matter.

Framework decisions are adopted for the purpose of approximation of the laws and regulations of the Member States. They are binding upon the Member States as to the result to be achieved but leave to the national authorities the choice of form and methods.

Being binding, **decisions** are adopted for any other purpose, excluding any approximation of the laws and regulations of the Member States. The measures necessary to implement these decisions are adopted by the Council, acting by a qualified majority.

Established by the Council, **conventions** enter into force in those Member States which adopt them once they have been adopted by at least half of the Member States. Measures implementing such conventions are adopted within the Council by a majority of two thirds of the contracting parties.

Since the entry into force of the Treaty of Amsterdam, the Council consults the European Parliament before adopting framework decisions, decisions or conventions (Article 39 of the EU Treaty).

Under the third pillar, the Council authorises the establishment of enhanced cooperation among Member States and decides on the transfer of actions coming under Title VI of the EU Treaty to the Community pillar (Title IV of the Treaty establishing the European Community).