

Treaty on the European Union - Treaty on the Functioning of the European Union

List of decision-making procedures by article

(updated 17/12/2009)

The subject areas highlighted are those for which the legal basis is completely new, or where there has been a change in the type of legislative procedure.

Ordinary Legislative Procedure

SUBJECT OF THE ARTICLE	ARTICLE
Regulations on services of general economic interest	Article 14 TFEU
Procedures for the right of access to documents	Article 15, par. 3 TFEU
Data protection	Article 16, par. 2 TFEU
Measures to combat discrimination on grounds of nationality	Article 18 TFEU
Basic principles for anti-discrimination incentive measures	Article 19, par. 2 TFEU
Measures to facilitate the exercise of the right to move and reside freely in the Union	Article 21, par.2 TFEU
Procedures and conditions required for a citizens' initiative	Article 24 TFEU and Article 11 TEU
Customs cooperation	Article 33 TFEU
Application of competition rules to agricultural products	Article 42, first subparagraph TFEU
Legislation concerning the common agricultural policy and the common fisheries policy	Article 43, par. 2 TFEU

Free movement of workers	Article 46 TFEU
Social security measures for Community migrant workers ¹	Article 48 TFEU
Right of establishment	Article 50 TFEU
Exclusion of certain activities from the application of provisions on the right of establishment	Article 51 TFEU
Coordination of the provisions in Member States with regard to the right of establishment	Article 52, par. 2 TFEU
Coordination of the provisions in Member States concerning the taking-up and pursuit of activities as self-employed persons and the mutual recognition of qualifications ²	Article 53, par. 1 TFEU
Extending provisions on freedom to provide services to service providers who are nationals of a third State and established within the Union	Article 56 TFEU
Liberalisation of a specific service	Article 59, par. 1 TFEU
Services	Article 62 TFEU
Measures on the movement of capital to and from third countries	Article 64, par. 2 TFEU
Administrative measures relating to capital movements in connection with preventing and combating crime and terrorism	Article 75, first subparagraph TFEU
Visas, border checks, free movement of nationals of third countries, management of external frontiers, absence of controls at internal frontiers	Article 77, par. 2 TFEU
Measures for a common European asylum system	Article 78, par. 2 TFEU
Measures for a common immigration policy	Article 79, par. 2 TFEU
Incentive measures for the integration of nationals of third countries	Article 79, par. 4 TFEU

¹ Change from unanimity to qualified majority voting in the Council but with an 'emergency brake' mechanism: where a Member State considers that the measures concerned 'would affect fundamental aspects of its social security system, including its scope, cost or financial structure, or would affect the financial balance of that system', it may request that the matter be referred to the European Council (thus automatically suspending the legislative procedure). The European Council must then within a period of four months either refer the matter back to the Council, thus enabling the procedure to continue, or ask the Commission to submit a new proposal.

² All cases of measures for the coordination of the provisions in Member States concerning the taking-up and pursuit of activities as self-employed persons are now subject to qualified majority voting in the Council. (unanimity was required where the implementation of directives involved in at least one Member State amendment of the existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons).

Judicial cooperation in civil matters with cross-border implications (excluding family law) ³	Article 81, par. 2 TFEU
Judicial cooperation in criminal matters – procedures, cooperation, training, settlement of conflicts, minimum rules for recognition of judgments ⁴	Article 82 par. 1 and 2 TFEU
Minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension	Article 83, par. 1 and 2 TFEU
Measures to support crime prevention	Article 84 TFEU
Eurojust (structure, operation, field of action and tasks)	Article 85, par. 1 TFEU
Arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust's activities	Article 85, par. 1 TFEU
Certain aspects of police cooperation	Article 87, par. 2 TFEU
Europol (structure, operation, field of action and tasks)	Article 88, par. 2 TFEU
Procedures for scrutiny of Europol's activities by EP and national parliaments	Article 88, par. 2 TFEU
Implementation of the common transport policy ⁵	Article 91, par. 1 TFEU
Sea and air transport	Article 100, par. 2 TFEU
Measures for the approximation of national provisions concerning the establishment and functioning of the internal market to promote the objectives of Article 26	Article 114, par. 1 TFEU
Measures to eliminate distortions in the internal market	Article 116 TFEU
Intellectual property except language arrangements for the European intellectual property rights	Article 118, first subparagraph TFEU

³ Concerning the exclusion of family law, paragraph 3 of the same Article 81 TFEU also allows the Council to adopt a decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure.

⁴ An 'emergency brake' mechanism is provided for in paragraphs 3 and 4 of these articles whereby if a Member State considers that the measures concerned would affect fundamental aspects of its criminal justice system, it may request that the matter be referred to the European Council and the procedure suspended. The European Council must, within four months, either refer the matter back to the Council so that the procedure continues, or request the Commission or the group of Member States from which the initiative originates to submit a new proposal. If, within the four months, either no action has been taken by the European Council or if, within 12 months the new legislative procedure has not been completed, enhanced cooperation in the relevant area will automatically go ahead if at least nine Member States are in favour.

⁵ There is no more derogation from qualified majority voting in the Council. (Where the application of provisions concerning the principles of the regulatory system for transport would have been liable to have a serious effect on the standard of living and on employment in certain areas and on the operation of transport facilities, unanimity was required).

Multilateral surveillance procedure (broad guidelines of the economic policies)	Article 121, par. 6 TFEU
Modifications of certain articles of the Statutes of the ESCB and ECB	Article 129, par. 3 TFEU
Measures necessary for the use of the euro	Article 133 TFEU
Incentive measures for cooperation in the field of employment	Article 149 TFEU
Social policy (to encourage cooperation and adopt minimum requirements for gradual implementation)	Article 153, par. 2, second subparagraph (except points (c), (d), (f) and (g) of par. 1 ⁶) TFEU
Equal opportunities, equal treatment of men and women in matters of employment and equal pay	Article 157, par. 3 TFEU
Implementing regulations relating to the European Social Fund	Article 164 TFEU
Incentive measures in the field of education	Article 165, par. 4 TFEU
Incentive measures in the field of sport	Article 165, par. 4 TFEU
Vocational training policy	Article 166, par. 4 TFEU
Incentive measures in the field of culture ⁷	Article 167, par. 5 TFEU
Public health – measures to tackle common safety concerns in the health sphere	Article 168, par. 4 TFEU
Public health – incentive measures to protect human health and in particular to combat the major cross-border health scourges, and measures to tackle tobacco and alcohol abuse	Article 168, par. 5 TFEU
Consumer protection	Article 169, par. 3 TFEU
Trans-European networks	Article 172 TFEU
Industry	Article 173, par. 3 TFEU
Measures in the area of economic and social cohesion outside the Structural Funds	Article 175, third subparagraph TFEU
Structural Funds	Article 177, first subparagraph TFEU

⁶ In the areas covered by these points, the legislation is adopted by the Council unanimously, after consulting the EP, the Economic and Social Committee and the Committee of the Regions. Nevertheless, the second subparagraph of paragraph 2 contains a bridging clause whereby the Council may decide, unanimously after consulting the EP, that the ordinary legislative procedure will be applied to points (d), (f) and (g) of paragraph 1.

⁷ Change from unanimity to qualified majority voting in the Council.

Cohesion Fund	Article 177, second subparagraph TFEU
European Regional Development Fund	Article 178, first subparagraph TFEU
Framework Programme for Research	Article 182, par. 1 TFEU
Implementation of European research area	Article 182, par. 5 TFEU
Implementation of the Framework Programme for Research: rules for the participation of undertakings and dissemination of research results / Supplementary research programmes for some Member States / Participation in research programmes undertaken by several Member States	Article 188, second subparagraph TFEU
Space policy	Article 189, par. 2 TFEU
Environment (Community measures to achieve environmental objectives except measures of a fiscal nature)	Article 192, par. 1 TFEU
Environment general action programmes	Article 192, par. 3 TFEU
Energy, excluding measures of a fiscal nature	Article 194, par. 2 TFEU
Tourism - measures to complement the action of the Member States in the tourism sector	Article 195, par. 2 TFEU
Civil protection against natural and man-made disasters	Article 196, par. 2 TFEU
Administrative cooperation in implementing Union law by Member States	Article 197, par. 2 TFEU
Implementing measures of the common commercial policy	Article 207, par. 2 TFEU
Implementation of development cooperation policy	Article 209, par. 1 TFEU
Economic, financial and technical cooperation with third countries other than developing countries	Article 212, par. 2 TFEU
General framework for humanitarian operations	Article 214, par. 3 TFEU
European Voluntary Humanitarian Aid Corps	Article 214, par. 5 TFEU
Regulations governing political parties and their funding	Article 224 TFEU
Creation of specialised courts	Article 257 TFEU
Modification of Statute of Court of Justice	Article 281, second subparagraph TFEU
Rules and general principles concerning mechanisms for control by Member States of the Commission's	Article 291, par. 3 TFEU

exercise of implementing powers	
European Administration	Article 298, par. 2 TFEU
Adoption of financial rules	Article 322, par. 1 TFEU
Fight against fraud affecting the Union's financial interests	Article 325, par. 4 TFEU
Staff Regulations of Officials and Conditions of Employment of other servants of the Union	Article 336 TFEU
Measures for the production of Union statistic	Article 338, par. 1 TFEU

Special Legislative Procedures

Ad hoc procedures:

SUBJECT OF THE ARTICLE	PROCEDURE	ARTICLE
Annual budget	Joint decision of EP and Council	Article 314 TFEU

European Parliament acts:

SUBJECT OF THE ARTICLE	PROCEDURE	ARTICLE
Statute for Members of the European Parliament	Adoption by EP, on its own initiative, after obtaining approval of Council (unanimously as regards taxation regime) and after consulting Commission	Article 223, par. 2 TFEU
Provisions governing the exercise of the right of inquiry	Adoption by EP, on its own initiative, after obtaining consent of Council and Commission	Article 226, third subparagraph TFEU
Statute of European Ombudsman	Adoption by EP, on its own initiative, after obtaining approval of Council and after consulting Commission	Article 228, par. 4 TFEU

Council acts:

SUBJECT OF THE ARTICLE	PROCEDURE	ARTICLE
Measures to combat discrimination	Adoption by Council acting unanimously after obtaining consent of EP	Article 19, par. 1 TFEU
Extension of citizenship-related rights	Adoption by Council acting unanimously after obtaining consent of EP - National ratification required	Article 25 TFEU
European Public Prosecutor's Office	Adoption by Council acting unanimously after obtaining consent of EP	Article 86, par. 1 TFEU
Uniform electoral procedure	Adoption by Council acting unanimously after obtaining	Article 223, par. 1 TFEU

	consent of EP - National ratification required	
Multiannual financial framework	Adoption by Council acting unanimously after obtaining consent of EP ⁸	Article 312, par. 2 TFEU
Measures concerning social security or social protection	Adoption by Council acting unanimously after consulting EP	Article 21, par. 3 TFEU
Citizenship: right to vote and stand for election in Member State of residence in municipal and European elections	Adoption by Council acting unanimously after consulting EP	Article 22, par. 1 and 2 TFEU
Adoption of measures which constitute a step backwards in Union law as regards the liberalisation of the movement of capital to or from third countries	Adoption by Council acting unanimously after consulting EP	Article 64, par. 3 TFEU
Measures concerning passports, identity cards and residence permits	Adoption by Council acting unanimously after consulting EP	Article 77, par. 3 TFEU
Judicial cooperation in civil matters concerning measures relating to family law with cross-border implications ⁹	Adoption by Council acting unanimously after consulting EP	Article 81, par. 3 TFEU
Operational police cooperation	Adoption by Council acting unanimously after consulting EP	Article 87, par. 3 TFEU
Interventions by the authority of a Member State on the territory of another Member State	Adoption by Council acting unanimously after consulting EP	Article 89 TFEU
Harmonisation of turnover taxes and indirect taxation	Adoption by Council acting unanimously after consulting EP and Economic and Social Committee	Article 113 TFEU
Approximation of provisions with a direct impact on	Adoption by Council acting unanimously after consulting	Article 115 TFEU

⁸ The European Council may take a unanimous decision authorising the Council to act by a qualified majority when adopting the regulation laying down the multiannual financial framework.

⁹ The Council may take a unanimous decision, after consulting the EP, to switch to the ordinary legislative procedure (second subparagraph of paragraph 3 of Article 81 TFEU).

the internal market	EP and Economic and Social Committee	
Language arrangements for European intellectual property rights	Adoption by Council acting unanimously after consulting EP	Article 118, second subparagraph TFEU
Replacing the Protocol on the excessive deficit procedure	Adoption by Council acting unanimously after consulting EP and European Central Bank	Article 126, par. 14 TFEU
Specific tasks of European Central Bank concerning prudential supervision	Adoption by Council acting unanimously after consulting EP and European Central Bank	Article 127, par. 6 TFEU
Social policy: social security and social protection of workers, protection of workers where their employment contract is terminated, representation and collective defence, conditions of employment for third-country nationals ¹⁰	Adoption by Council acting unanimously after consulting EP, Economic and Social Committee and Committee of the Regions	Article 153, par. 2, third subparagraph (as regards points (c), (d), (f) and (g) of par. 1) TFEU
Environment: provisions of a fiscal nature, town and country planning, management of water resources, land use and the supply and diversification of energy resources	Adoption by Council acting unanimously after consulting EP, Economic and Social Committee and Committee of the Regions	Article 192, par. 2 TFEU
Energy: fiscal measures	Adoption by Council acting unanimously after consulting EP	Article 194, par. 3 TFEU
Jurisdiction of the Court in the area of intellectual property	Adoption by Council acting unanimously after consulting EP	Article 262 TFEU
Modification of the Protocol on the Statute of the European Investment Bank	Adoption by Council acting unanimously at the request of the European Investment Bank and after consulting EP and Commission, or on a proposal from the Commission and after consulting EP and European Investment Bank	Article 308 TFEU
Union own resources - ceiling and creation of new resources	Adoption by Council acting unanimously after consulting EP - National ratification required	Article 311, third subparagraph TFEU

¹⁰ The Council may take a unanimous decision, after consulting the EP, to switch to the ordinary legislative procedure for points (d), (f) and (g) (second subparagraph of paragraph 2 of Article 153 TFEU).

Implementing measures of the Union's own resources system	Adoption by Council after obtaining consent of EP	Article 311, fourth subparagraph TFEU
Measures to facilitate diplomatic protection	Adoption by Council after consulting EP	Article 23 TFEU
Rules and definitions for the application of the Protocol on the excessive deficit procedure	Adoption by Council after consulting EP	Article 126, par. 14 TFEU
Research: specific programmes implementing framework programme	Adoption by Council after consulting EP and Economic and Social Committee	Article 182, par. 4 TFEU