

Appendices

Appendix 4.1. EP Competencies – Consultation, Cooperation, Co-decision, Assent

Policy field	Measure / Policy	Art. TEC	Con-sultation	Co-operation	Co-decision	Assent
Enhanced Cooperation	authorisation	11	x			
	authorisation when enhanced cooperation relates to an area which is covered by co-decision					x
Prohibition of discrimination on the basis of nationality		12			x	
Anti-discrimination matters	measures to combat discrimination	13 (1)	x			
	incentive measures to support member state anti-discriminatory actions	13 (2)			x	
EU citizenship	right to move and reside freely within the territory of the member states	18			x	
	voting and standing as a candidate in local and European elections	19	x			
	application and extension of citizens' rights	22	x			
Agriculture		37(2)	x			
Free movement of workers	measures required to bring about freedom of movement for workers	40			x	
	social security for migrant workers	42			x	
Right of establishment	measures to attain freedom of establishment	44			x	
Right of establishment and right to provide service	special treatment for foreign nationals	46, 55			x	
	mutual recognition of diplomas and certificates, coordination of provisions concerning self-employed persons	47, 55			x	
Free movement of services	measures to achieve the liberalisation of a specific service	52	x			
Visas, Asylum, Immigration and other policies related to free movement of persons	external border control, asylum, immigration, judicial cooperation in criminal matters, administrative cooperation	61-67	x			
	judicial cooperation in civil matters, asylum and refugees (if Council has previously adopted guidelines), visas for less than three months	67			x	
Transport	common rules applicable to international transport, conditions under which non-resident carriers may operate transport services, improvement of transport safety	71(1), 80			x	

Policy field	Measure / Policy	Art. TEC	Con-sultation	Co-operation	Co-decision	Assent
Transport, cont.	provisions concerning the principles of the regulatory system for transport that would be liable to have serious effect on standard of living and on employment	71(2), 80	x			
Competition	agreements aiming at or leading to distortion of competition, abuse of dominant position	83	x			
	regulations for state aid, categories of exemptions	89	x			
Tax provisions	harmonisation of indirect taxation	93	x			
Approximation of laws	harmonisation of national provisions which affect the common market	94	x			
	harmonisation of the internal market	95			x	
Economic and Monetary Policy	rules for the multilateral monitoring procedure	99(5)		x		
	definitions for the application of the prohibition of privileged access	102(2)		x		
	definitions for guarantees against Community liability	103(2)		x		
	harmonisation of movement of coins	106(2)		x		
	changing the protocol on the excessive deficit procedure	104(14)	x			
	conferral of specific tasks on the ECB	105(6)				x
	amendment of the Statute of the ESCB	107(5)				x
	other aspects of EMU	107(6), 111(1), 112, 117(1) and (7), 121(2)	x			
	appointment of executive board of ECB	112	x			
Employment	guidelines for national employment policies	128 (2)	x			
	incentive measures to encourage co-operation between member states	129			x	
	establishment of an advisory Employment Committee	130	x			
Common Commercial Policy	extension of the scope	133(7)	x			
Customs Cooperation	measures to strengthen customs cooperation between member states	135			x	
Social provisions	certain social policy matters: protection of workers' health and safety, working conditions, information and consultation of workers, integration of persons excluded from the labour market, equality between men and women, combat of social exclusion, modernisation of social protection systems	137			x	

Policy field	Measure / Policy	Art. TEC	Con-sultation	Co-operation	Co-decision	Assent
Social provisions, cont.	certain social policy matters: social security, protection of workers where their contract is terminated, representation of social partners, employment of third-country nationals	137	x			
	equal opportunities in matters of employment and occupation	141			x	
	establishment of a Social Protection Committee	144	x			
European Social Fund	implementing decisions	148			x	
Education, vocational training and youth	incentive measures in the field of education	149			x	
	measures in the field of vocational training	150			x	
Culture	incentive measures	151			x	
Public health	safety measures for organs and blood, measures in the veterinary and phytosanitary fields, protection and improvement of human health	152			x	
Consumer protection	measures to support, supplement and monitor member states' policies	153			x	
Trans-European networks	guidelines and funding	156			x	
Industry	adjustment of industry to structural changes, encouragement of an environment favourable to initiative of and cooperation between undertakings	157			x	
Economic and social cohesion	specific actions outside the Structural Funds	159			x	
	definition of tasks, objectives and the organisation of the Structural Funds and Cohesion Funds	161				x
	implementation of the European Regional Development Fund	162			x	
Research and technological development	adoption of multiannual framework programme	166 (1)			x	
	implementation of multiannual framework programme	166 (4)	x			
	setting up of joint undertakings for research	172	x			
	implementation rules, supplementary programmes	172			x	
Environment	launch of actions, adoption and implementation of general action programmes	175 (1)			x	
	provisions of a fiscal nature, measures affecting town planning, management of water resources, land use and waste management, measures affecting a member state's choice between different energy sources	175 (2)	x			
Development cooperation		179			x	

Policy field	Measure / Policy	Art. TEC	Con-sultation	Co-operation	Co-decision	Assent
Economic, financial and technical cooperation with third countries	measures contributing to the development and consolidation of democracy and the rule of law	181a(2)	x			
Uniform electoral system		190(4)				x
Statute for political parties at European level		191			x	
<u>Institutional matters:</u> Jurisdiction	Court of First Instance: creation of judicial panels to determine classes of action	225a	x			
	conferral of jurisdiction related to Community industrial property rights	229a	x			
	amendments to the Statute of the Court of Justice	245	x			
Court of Auditors	appointment of members	247(3)	x			
European Investment Bank	amendments to the Statute of the European Investment Bank	266	x			
Transparency	general principles and limits of access to documents of the European Parliament, the Council and the Commission	255(2)			x	
Financial Provisions	budget: fixing the Community's own resources	269	x			
	budget: rules for establishing and implementing the budget	279	x			
	fraud: prevention of and fight against fraud affecting the financial interests of the Community	280			x	
General Provisions	statistics: measures for the production of statistics	285			x	
	protection of personal data: establishment of an independent supervisory body	286			x	
	application of the Treaty to remote regions	299	x			
International agreements	international agreements except international trade agreements and agreements which require Parliament's assent	300(3)	x			
	international agreements establishing a specific institutional framework, having important budgetary implications or entailing amendments of acts adopted under the co-decision procedure	300(3)				x
Common Market	further measures to attain the overall objectives	308	x			

Policy field	Measure / Policy	Art. TEU	Con-sultation	Assent
	determination of the existence of a serious breach of fundamental rights by a member state	7		x
Common Foreign and Security Policy	adoption of the main aspects and basic choices	21	x	
Police and judicial cooperation	adoption of (framework) decisions and conventions	39	x	
	authorisation of enhanced cooperation	40a(2)	x	
	transfer of measures to the EC pillar	42	x	
Treaty revision	convening of an intergovernmental conference	48	x	
Enlargement	accession of new member states	49		x

Appendix 4.2. ESC and CoR Competencies – Compulsory Consultation

Policy field	Measure /Policy	Art. TEC	ESC	CoR	EP Consultation	EP Co-Decision
Agriculture	Commission proposals for guidelines and implementation for the setting up of CAP	37 (1)	x			
Free movement of workers	measures required to bring about freedom of movement for workers	40	x			x
Right of establishment	measures to attain freedom of establishment	44	x			x
Free movement of services	measures to achieve the liberalisation of a specific service	52	x		x	
Transport	common rules applicable to international transport, conditions under which non-resident carriers may operate transport services, improvement of transport safety	71(1), 80	x	x		x
	provisions concerning the principles of the regulatory system for transport that would be liable to have serious effect on standard of living and on employment	71(2), 80	x		x	
	abolition of discriminatory rates charged by carriers	75	x			
Tax provisions	harmonisation of indirect taxation	93	x		x	
Approximation of laws	harmonisation of national provisions which affect the common market	94	x		x	
	harmonisation of the internal market	95	x			x
Employment	guidelines for national employment policies	128 (2)	x	x	x	
	incentive measures to encourage co-operation between member states	129	x	x		x
Social provisions	certain social policy matters <i>*co-decision under Art. 137(2), consultation of EP under Art. 137(3)</i>	137 (2) and (3)	x	x	[x]*	[x]*
	opinions of Commission on certain aspects of social policy; <i>ESC consults Commission alone</i>	140	x			
	measures to ensure equal opportunities and treatment of men and women in matters of employment and occupation	141	x			x
European Social Fund	implementing decisions	148	x	x		x
Education, vocational training and youth	incentive measures in the field of education	149	x	x		x
	measures in the field of vocational training	150	x	x		x
Culture	incentive measures	151		x		x
Public health		152	x	x		x
Consumer protection		153	x			x
Trans-European networks	guidelines and funding	156	x	x		x
Industry	specific industrial policy measures	157	x			x
Economic and social cohesion	specific actions outside the Structural Funds	159	x	x		x

Policy field	Measure /Policy	Art. TEC	ESC	CoR	EP Con-sultation	EP Co-Decision
Economic and social cohesion, cont.	definition of tasks, objectives and the organisation of the Structural Funds	161	x	x		
	implementation of the European Regional Development Fund	162	x	x		x
Research and technological development	adoption of multiannual framework programme	166 (1)	x			x
	implementation of multiannual framework programme	166 (4)	x		x	
	setting up of joint undertakings for research	172	x		x	
	implementation rules, supplementary programmes	172	x			x
Environment	specific measures * <i>co-decision under Art. 175(1), consultation of EP under Art. 175(2)</i>	175	x	x	[x]	[x]

Appendix 4.3. ESC Treaty Articles Before –During – After Nice IGC 2000

TEC before revision	Commission's proposal	TEC after revision																																																												
<p><u>Article 257 TEC</u> An Economic and Social Committee is hereby established. It shall have advisory status.</p> <p>The Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public.</p>	<p><u>Article 257 TEC</u> An Economic and Social Committee is hereby established. It shall have advisory status.</p> <p>The Committee shall consist of representatives of the various categories of civil society.</p>	<p><u>Article 257 TEC</u> An Economic and Social Committee is hereby established. It shall have advisory status.</p> <p>The Committee shall consist of representatives of the various categories economic and social components of organised civil society, and in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations, consumers and the general public.</p>																																																												
<p><u>Article 258 TEC</u></p> <p>The number of members of the Economic and Social Committee shall be as follows:</p> <table border="0"> <tr><td>Belgium</td><td>12</td></tr> <tr><td>Denmark</td><td>9</td></tr> <tr><td>Germany</td><td>24</td></tr> <tr><td>Greece</td><td>12</td></tr> <tr><td>Spain</td><td>21</td></tr> <tr><td>France</td><td>24</td></tr> <tr><td>Ireland</td><td>9</td></tr> <tr><td>Italy</td><td>24</td></tr> <tr><td>Luxembourg</td><td>6</td></tr> <tr><td>Netherlands</td><td>12</td></tr> <tr><td>Austria</td><td>12</td></tr> <tr><td>Portugal</td><td>12</td></tr> <tr><td>Finland</td><td>9</td></tr> <tr><td>Sweden</td><td>12</td></tr> <tr><td>United Kingdom</td><td>24</td></tr> </table> <p>The members of the Committee shall be appointed by the Council, acting unanimously, for four years. Their appointment shall be renewable.</p> <p>The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.</p> <p>The Council, acting by qualified majority, shall determine the allowances of the members of the Committee.</p>	Belgium	12	Denmark	9	Germany	24	Greece	12	Spain	21	France	24	Ireland	9	Italy	24	Luxembourg	6	Netherlands	12	Austria	12	Portugal	12	Finland	9	Sweden	12	United Kingdom	24	<p><u>Article 258 TEC</u> The Economic and Social Committee shall consist of (...) members.</p> <p>[deletion of distribution by Member State]</p> <p>The members of the Committee shall be appointed by the Council, acting by qualified majority. Their appointment shall be renewable.</p> <p>The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.</p> <p>The Council, acting by qualified majority, shall determine the allowances of the members of the Committee.</p>	<p><u>Article 258 TEC</u> The number of members of the Economic and Social Committee shall not exceed three hundred and fifty.</p> <p>The number of members of the Economic and Social Committee shall be as follows:</p> <table border="0"> <tr><td>Belgium</td><td>12</td></tr> <tr><td>Denmark</td><td>9</td></tr> <tr><td>Germany</td><td>24</td></tr> <tr><td>Greece</td><td>12</td></tr> <tr><td>Spain</td><td>21</td></tr> <tr><td>France</td><td>24</td></tr> <tr><td>Ireland</td><td>9</td></tr> <tr><td>Italy</td><td>24</td></tr> <tr><td>Luxembourg</td><td>6</td></tr> <tr><td>Netherlands</td><td>12</td></tr> <tr><td>Austria</td><td>12</td></tr> <tr><td>Portugal</td><td>12</td></tr> <tr><td>Finland</td><td>9</td></tr> <tr><td>Sweden</td><td>12</td></tr> <tr><td>United Kingdom</td><td>24</td></tr> </table> <p>[...second paragraph deleted...]</p> <p>The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.</p> <p>The Council, acting by qualified majority, shall determine the allowances of the members of the Committee.</p>	Belgium	12	Denmark	9	Germany	24	Greece	12	Spain	21	France	24	Ireland	9	Italy	24	Luxembourg	6	Netherlands	12	Austria	12	Portugal	12	Finland	9	Sweden	12	United Kingdom	24
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TEC before revision	Commission's proposal	TEC after revision
<p><u>Article 259 TEC</u></p> <p>1. For the appointment of the members of the Committee, each Member State shall provide the council with the list containing twice as many candidates as there are seats allotted to its nationals.</p> <p>The composition of the Committee shall take account of the need to ensure adequate representation of the various categories of economic and social activity.</p> <p>2. The Council shall consult the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social actors to which the activities of the Community are of concern.</p>	<p><u>Article 259 TEC</u></p> <p>1. The Member States and organisations representing civil society at the European level may present candidates for membership of the Committee. The Council, acting by qualified majority on a proposal from the Commission after consulting the European Parliament, shall determine detailed rules for the designation of members of the Committee.</p> <p>2. The Council, after consulting the Commission, shall appoint the members of the Committee, taking account of the need to ensure adequate representation of the various categories of civil society and to ensure geographical balance.</p>	<p><u>Article 259 TEC</u></p> <p>1. The members of the Committee shall be appointed for four years, on proposal from the Member States. This term of office shall be renewable. The Council, acting by qualified majority, shall adopt the list of members drawn up in accordance with the proposals made by the Member States.</p> <p>2. The Council shall consult the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social actors to which the activities of the Community are of concern.</p>
<p><u>Article 260 TEC</u></p> <p>1. The Committee shall elect its chairman and officers from among its members for a term of two years.</p> <p>2. It shall adopt its Rules of Procedure.</p> <p>3. The Committee shall be convened by its chairman at the request of the Council or of the Commission. It may also meet on its own initiative.</p>	<p><u>Article 260 TEC</u></p> <p>no changes proposed</p>	<p><u>Article 260 TEC</u></p> <p>1. The Committee shall elect its chairman and officers from among its members for a term of two years.</p> <p>2. It shall adopt its Rules of Procedure.</p> <p>3. The Committee shall be convened by its chairman at the request of the Council or of the Commission. It may also meet on its own initiative.</p>
<p><u>Article 261 TEC</u></p> <p>1. The Committee shall include specialised sections for the principal fields covered by this Treaty.</p> <p>2. These specialised sections shall operate within the general terms of reference of the Committee. They may not be consulted independently of the Committee.</p> <p>3. Subcommittees may also be established within the Committee to prepare on specific questions or in specific fields, draft opinions to be submitted to the Committee for its consideration.</p> <p>4. The Rules of Procedure shall lay down the methods of composition and the terms of reference of the specialised sections and of the subcommittees.</p>	<p><u>Article 261 TEC</u></p> <p>no changes proposed</p>	<p><u>Article 261 TEC</u></p> <p>1. The Committee shall include specialised sections for the principal fields covered by this Treaty.</p> <p>2. These specialised sections shall operate within the general terms of reference of the Committee. They may not be consulted independently of the Committee.</p> <p>3. Subcommittees may also be established within the Committee to prepare on specific questions or in specific fields, draft opinions to be submitted to the Committee for its consideration.</p> <p>4. The Rules of Procedure shall lay down the methods of composition and the terms of reference of the specialised sections and of the subcommittees.</p>

TEC before revision	Commission's proposal	TEC after revision
<p>Article 262 TEC</p> <p>1. The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may issue an opinion on its own initiative in cases in which it considers such action appropriate.</p> <p>2. The Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.</p> <p>3. The opinion of the Committee and that of the specialised section, together with a record of the proceedings, shall be forwarded to the Council and the Commission.</p> <p>4. The Committee may be consulted by the European Parliament.</p>	<p>Article 262 TEC</p> <p>1. The Committee shall give its opinion on a legislative proposal from the Commission or any other question where it considers such action appropriate.* The Committee may also be consulted by the European Parliament, the Council or by the Commission.</p> <p>2. The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.</p> <p>3. The opinion of the Committee and that of the specialised section, together with a record of the proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.</p> <p>4. [deleted]</p> <p>*The Treaty provisions for mandatory consultation will have to be adapted.</p>	<p>Article 262 TEC</p> <p>1. The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may issue an opinion on its own initiative in cases in which it considers such action appropriate.</p> <p>2. The Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.</p> <p>3. The opinion of the Committee and that of the specialised section, together with a record of the proceedings, shall be forwarded to the Council and the Commission.</p> <p>4. The Committee may be consulted by the European Parliament.</p>