

Council also has the final say on compulsory expenditures - essentially those arising from international agreements with third countries and those related to agriculture. As the controlling element in the legislative process, the Council's collective position, and therefore its voting procedure, is the crucial factor in whether or not proposed legislation will be passed.

The European Parliament has a co-legislative role with the Council in many fields. Pursuant to the TEU, Parliament has increased involvement in the legislative process. It has a role in the appointment of the Commission and final word on non-compulsory expenditure of the Community budget. However, the Parliament cannot initiate legislative proposals, except for elections by direct universal suffrage in accordance with a uniform procedure (Article 138 (3)).

The Proposal

All EC legislative procedures are based on a proposal. Essentially, the procedure requires the Commission to form and submit a proposal to the Council, which in turn will dispose of it via the stages appropriate to a measure of its kind. Depending on the nature and underlying subject matter, these subsequent stages may involve only the Commission and Council, or the participation of the Parliament and the EcoSoc Committee.

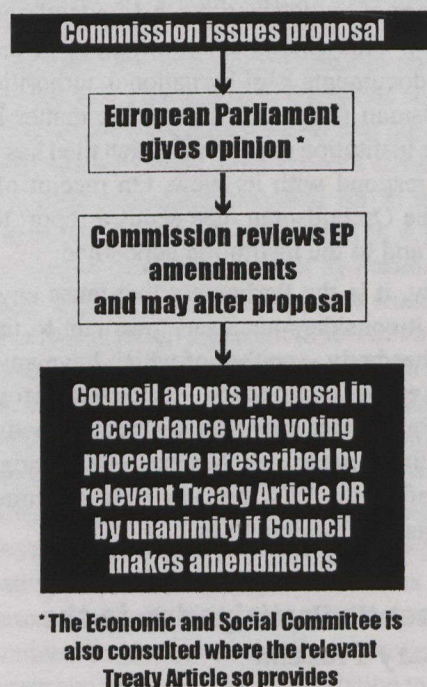
Acting on its sole initiative, or on an initiative it has taken at the request of Council or Parliament, the Commission prepares a draft proposal, the preparatory work being undertaken by the Commission department for the relevant area under the auspices of a Commissioner, frequently in consultation with national experts. Once prepared, the draft proposal - which consists of a complete text detailing the context and form of the measure - goes before the full Commission. At this stage, the proposal is an internal Commission working document which contains a SYN or SEC reference, or an internal number. When agreement on the proposed text is reached, the draft proposal is adopted as a "Commission Proposal" on a simple majority vote and is thus ready for its first public/external showing. After translation into the official languages of the Union, the proposal is published as a COM document, identifying a year and a date of issue, in the "C" series of the *Official Journal*. The document, which includes a comprehensive explanation setting out the Commission's objectives, is then forwarded to the Council, and Parliament when applicable. The proposal may be withdrawn, or amended, by the Commission at any stage as long as the Council has not acted.

The Decision-making Procedures

Within this legislative process, there are four types of procedures through which the institutions take part, in different degrees, to the elaboration of Community law. These procedures are: *consultation, cooperation, co-decision, and assent*.

Budgetary and implementing measures are adopted by specific procedures. There is a simplified set of procedures which applies for binding individual decisions and non-mandatory instruments and finally, instruments under the ECSC may be subject to a specific set of procedures of their own.

Consultation



The EC Treaty establishes a compulsory consultation of the European Parliament on all Commission proposals which address politically important measures. In practice, the Parliament is also consulted ("optional consultation") on all other draft legislation. While the Parliament will adopt a formal written opinion indicating recommended amendments at the conclusion of the consultation stage, there is no legal obligation for Council to take it into account.

In certain areas, the EcoSoc has also to be consulted, but the opinion delivered has no binding force.

Once the opinions are considered by the Commission, the draft proposal is first examined before specialised working parties of the Council, and then the Permanent Representatives. The Council may adopt the proposal in accordance with voting procedure prescribed by the Treaty or with unanimity if the Council amends the proposal. Appendix V presents the scope of this procedure.