

In 1992, the TEU attributed the following rights to the Parliament:

- to request the Commission to submit proposals on particular initiatives where it is considered important;
- to approve the appointments of the Commission and its President;
- to establish Committees of Inquiry for investigating infringements of Community legislation, and for maladministration in implementation;
- to engage in discussion of the Annual General Report submitted by the Commission
- to veto legislation in certain fields via the co-decision procedure;
- to participate in, and exercise control over, the budgetary process.

The Parliament and the Council

The TEU also granted Parliament powers in a number of important areas via a procedure, referred to in Article 189b of the Treaty, and known as the co-decision procedure⁸. The Parliament gained powers to adopt legislation and directives on a joint, and equal footing with the Council in the following areas :

- the single market; social policy; economic and social cohesion; research; and the new areas governed by the TEU – trans-European networks; consumer protection; education; culture and health.

Expanded budgetary and legislative powers, pursuant to the TEU, have increased Parliament's influence vis-à-vis the Council. The introduction of the co-decision procedure into the legislative process, particularly, has created more of a balance between the two institutions' respective legislative powers. The relationship between the Parliament and the Council under this procedure has been likened to that between two Chambers of certain national parliaments. The co-decision essentially provides Parliament with the opportunity to prevent the adoption of an act; an opportunity not available to it in the original Treaties, and places the Parliament in a position to "collaborate" with the Council on a joint text.

It is important to note that the potential for this collaborative role is limited as it applies largely in areas for which the legislative process was essentially completed in 1993, or for which the Community has rather limited powers. As a result of the IGC, the scope of

the co-decision procedure has broadened thus substantially increasing the effective involvement of Parliament in the legislative process.

In terms of a reporting process between the Parliament and the Council, the President-in-Office of the Council formally presents at the beginning of the Presidential term the "Programme for the Presidency" to Parliament in plenary session. An accounting of the results at the end of the six-month term is also presented. Ministers of the Council attend Parliament's plenary sessions, and participate in important debates. They have to respond to oral or written questions put to them by MEPs. Only the answers from the Commission can give rise to debate. In addition, a representative of the Council presents an oral report to the Parliament on Council activities three times a year.

Council-Parliament Interaction in the Legislative Process

The Council initiates the consultation of Parliament when it proposes to enact regulations, directives or decisions on the basis of a Commission proposal. As a matter of practice, the Council has agreed to consult the Parliament in instances where such consultation is not explicitly provided for in the Treaty.

The Commission may make alterations to its proposal, but always prior to Council's formal action on such a proposal. Parliament's opinion, expressed during the consultation process, may be reflected in modified versions of the proposal being submitted by the Commission. However, Parliament's opinions have no binding force within the consultation procedure. Although the Treaty requires that there be mention of the consultation of Parliament in the resulting act, there is no requirement that this mention includes the nature of that opinion. The consultation of Parliament is nevertheless an "essential procedural requirement" where provided for in the Treaty, and Council's failure to comply is sufficient grounds for the annulment of an act by the ECJ.

Under the consultation procedure the Council decides whether to adopt the Commission proposal. If the proposal is amended, the Council will have to proceed by unanimity. However, the ECJ has established that if amendments "substantially alter" the proposal, there must be a further consultation with Parliament on the amended version.

The cooperation procedure elaborates on the foregoing consultation between the Council and the Parliament with the aim of strengthening the latter's legislative role, and applies to all matters concerning the completion of the internal market⁹. Two readings of a

⁸ Supra.