

Unanimity in the Lisbon Treaty and way forward to boost European Integration

di Silvia Polidori

Legal Advisor at the European GNSS Agency

Introduction

Nowadays Council and European Council decisions are still adopted in part upon unanimity vote legal basis.

Even though this represents an exception in the Treaties and member states generally tend not to exercise their veto right also in reality, the unanimity still represents a decisional blocking threat. It can be a serious obstacle against the correct functioning of the institutions, linked to the risks of corruption and blackmail that it allows, especially in moments of crisis.

For this reason, a step forward to boost European integration through an increase of the majority decision method would imply avoiding this kind of inconvenient.

Legal overview and analysis

The provisions of the Lisbon Treaty¹ which foresee a unanimous vote by the Council, or in other limited cases by the European Council, are 68 (13 as to TEU; 55 as to TFEU). They rise to 82 if we consider all the matters under unanimity, e.g. Article 153.2 on social policy foresees four different matters to which unanimity applies. A complete overview of those legal bases is provided below

¹ Including the Treaty on the European Union (TEU) and Treaty on the functioning of the European Union (TFEU).

per each Treaty, including their legal reference, subject and some specific comments, justifying the current use of the unanimity and supporting a possible switch to the majority decisional method.

The matters mostly related to the unanimity decision rule are the institutional ones, the enhanced cooperation and “passerelle” clauses, freedom, security and justice space, citizenship and fundamental rights, and common foreign, security and defence policy.

The decisions adopted by qualified majority by the Council represent only 20% of the measures with a legal majority basis. Nevertheless, this remaining 80% of decisions are often adopted by unanimous vote. This provides two advantages: on one side, those decisions are adopted more rapidly; on the other, the content of such decisions is generally more ambitious than the one related to the decisions taken unanimously according to a legal unanimity basis.

Such consensus is the concrete expression of European integration, meaning to allow various interests converging in a common aim, which is translated in the legal measure adopted.

Reasons in support of a switch from unanimity to majority decisional method

Already 10 years ago, during the preparatory works of the Convention on the Constitutional Treaty, several reasons supporting the majority votes have been highlighted in a reflection note by the European Commission².

They can be summarised as follows:

- The progressive introduction of the majority vote was already foreseen in the Treaty of Rome, representing its legal basis. Nevertheless, the “empty chair” crisis in 1966 and the related Luxembourg compromise confirmed the unanimity exception for decisions involving a very important interest of a member state. This proves that trends of protection by the member states of their own decisional powers have been recurrent in the history of the European Union.
- The qualified majority is implicit in the Community method.
- The more the number of member states increases, the more the qualified majority is needed, in order to shorten the decisional timing.
- Unanimity rule doesn't necessarily answer better to the interest of a member state, because it can be the result of pressure by a certain national group, or by a certain category of citizens only. It can also be disadvantageous for the blocked member state.
- Normally decisions foreseeing the majority vote are taken

² Ref. Bruxelles, 07/07/2003 – Reflection note on the qualified majority vote: questions and answers, submitted by the Task Force on the future of the Union and institutional matters.

unanimously. In fact they are the result of enhanced negotiations.

In this last case, it is demonstrated in practice that the majority vote represents a “dissuasive measure” to reach more easily a unanimous consensus. In fact, in a decision on majority vote basis, the member state which opposes to its content generally negotiates the withdrawal of the matters it refuses, in exchange of the acceptance by others of one or more amendments on different points of major interest for it. In that case, the member state votes within the minority, or even in favour of the decision after having obtained the approval of those points essential for it.

I would like to add another reason to the ones expressed above, as a useful example in support of the majority vote. The common foreign and security policy (CFSP) represents one of the areas where unanimity is mostly foreseen. A next radical step for a more integrated Europe would be to overcome veto in this sector. In fact there are other policy sectors under majority decisions which are very linked to the CFSP. An example is one of the future applications of the Galileo satellite navigation programme, i.e. the Public Regulated Service (PRS)³. Decisions concerning the Global Navigation Satellite System (GNSS)⁴ are generally adopted by qualified majority, including the one on the rules for access to the PRS⁵. But the application of this decision follows measures decided unanimously by the Council, which shall adopt necessary instructions to the European GNSS Agency and the concession holder of the system⁶. This is justified by the security aspects involved in the PRS, also linked to member states’ defence. A coherent approach would be to extend the qualified majority also to the security area of the Treaties. In the specific Galileo-PRS case, not only the whole legislative framework on GNSS would remain under majority decision by the Council, including the rules establishing and regulating the functioning of the European GNSS Agency⁷, but also those measures with

³ Ref. http://ec.europa.eu/enterprise/policies/satnav/galileo/applications/public-regulated-services/index_en.htm.

⁴ REGULATION (EU) No 1285/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council.

⁵ DECISION No 1104/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme - L 287/1.

⁶ COUNCIL JOINT ACTION 2004/552/CFSP of 12 July 2004 on aspects of the operation of the European satellite radio-navigation system affecting the security of the European Union.

⁷ Established by REGULATION (EU) No 912/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No

security impact. They would imply a possible full consent through a qualified majority decision, avoiding veto rights in crucial situations affecting the security of the member states.

In the perspective of a more integrated European Union, the unanimity vote represents a brake. Instead of exercising the veto right and defending its own prerogatives in an exclusive way, the majority vote allows a member state to confront its position with others and to find a better outcome, fruit of a stimulating debate.

If a new impetus is necessary to re-launch the European integration process, this can be possible through the establishment of new rules which increasingly replace the legal unanimity basis with the majority vote. Confrontation of different positions and open debate can bring to a more constructive result than a blocking veto!

683/2008 of the European Parliament and of the Council. A draft Regulation repealing the one in force is under approval.

**LIST OF PROVISIONS IN THE LISBON TREATY REQUIRING
UNANIMITY VOTE**

Treaty on the European Union

TEU	Legal Reference and Subject	Comments
1	<p>TITLE I - Common Provisions <i>Article 7.2</i></p> <p>FUNDAMENTAL RIGHTS Determination by the European Council of the existence of a serious and persistent breach by a Member State of the values of respect for human dignity, freedom, democracy, equality, rule of law and respect for human rights, including the rights of persons belonging to minorities (ref. Article 2 TEU).</p>	<p>The ex ante <i>determination of "risk of breach"</i> and subsequent <i>decision of suspension of certain rights</i> deriving from the Treaties to the MS in question are taken by the Council by <u>majority</u> (majority of four fifths of its members in the first case and qualified majority in the second case). Moreover, as the <i>determination of the "existence of a serious and persistent breach"</i> is the condition for the <i>decision of suspension</i> of certain MS rights, a veto on the <i>"determination of existence"</i> can also block the <i>"suspension of the rights."</i></p>
2	<p>TITLE III - PROVISIONS ON THE INSTITUTIONS <i>Article 17.5</i></p> <p>INSTITUTIONAL MATTERS Decisions by the European Council on:</p> <ol style="list-style-type: none"> 1. Alteration of the number of Commission members; 2. Establishment of the rotation system of the Commission members. 	<p>The European Council has already decided to modify the number of Commissioners and has maintained the current provision of one Commissioner per MS. This was a <i>sine qua non</i> condition to obtain the ratification of the Treaty by Ireland.</p>

		Therefore, a decision related to the rotation system is not necessary anymore.
3	<p>TITLE V GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY Chapter 1 General provisions on the Union's external action <i>Article 22</i></p> <p>CFSP Decisions of the European Council on the strategic interests and objectives of the Union, i.e. related to the common foreign and security policy and to other areas of the external action of the Union.</p>	
4	<p>TITLE V Chapter 2 Specific provisions on the common foreign and security policy Section 1 Common provisions <i>Article 24</i></p> <p>CFSP Definition and implementation of the common foreign and security policy by the European Council and the Council, except cases where the Treaties provide otherwise.</p>	The definition and implementation of the CFSP is still inter-governmental. This element, together with the delicate strategic issues involved, has justified until now the use of unanimity.
5	<p>TITLE V Chapter 2 Section 1</p>	Here the specific provision of “constructive abstention” appears,

	<p>Article 31.1</p> <p>CFSP Decisions on the common foreign and security policy by the European Council and the Council, outside exceptions provided in the same Chapter.</p>	<p>where the abstaining MS doesn't block the decision committing the Union. This happens only below the ceiling of one third of the MS comprising at least one third of the population of the Union, which implies, above this ceiling, the exercise of actual veto right.</p>
6	<p>TITLE V Chapter 2 Section 1 Article 31.3</p> <p>CFSP The European Council may unanimously adopt a decision stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2. Decision of the European Council stipulating the qualified majority for the Council decisions in cases other than those referred to in paragraph 2.</p>	<p>Here the provision opens to further possibilities of qualified majority, instead of the regular unanimity.</p>
7	<p>TITLE V Chapter 2 Section 1 Article 41.2</p> <p>CFSP Decision of the Council on:</p> <ol style="list-style-type: none"> 1. Cases where operating expenditure related to CFSP shall not be charged to the Union budget. 2. Cases where the gross national product scale is not used as the reference to charge the Member 	<p>Here the unanimity is used to reinforce the intergovernmental activity on the individual states side.</p>

	States.	
8	<p>TITLE V Chapter 2 Section 2 Provisions on the common security and defence policy <i>Article 42.2</i></p> <p>CFSP Decision of the European Council on a common Union defence.</p>	The subject of the decision represents a relevant step forward, though the unanimity is used.
9	<p>TITLE V Chapter 2 Section 2 <i>Article 42.4</i></p> <p>CFSP Decisions relating to the common security and defence policy, including those initiating a mission.</p>	
10	<p>TITLE V Chapter 2 Section 2 <i>Article 46.6</i></p> <p>CFSP Decisions and recommendations of the Council within the framework of permanent structured cooperation, other than determination of participating and withdrawing Member States.</p>	
11	<p>TITLE VI FINAL PROVISIONS <i>Article 48.6</i> <i>Simplified revision procedures</i></p>	The unanimity to amend the provisions of Part III of the TFEU which don't imply increase of Union competences allows to

	<p>INSTITUTIONAL MATTERS</p> <p>Decision by the European Council amending all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union relating to the internal policies and action of the Union.</p>	<p>avoid the call of an inter-governmental conference, but doesn't avoid the double unanimity (approval by 28 governments and ratification by 28 parliaments).</p>
12	<p>TITLE VI <i>Article 48.7</i></p> <p>INSTITUTIONAL MATTERS</p> <p>Decisions of the European Council:</p> <ol style="list-style-type: none"> 1. authorising the Council to act by a qualified majority in a given area or case, except decisions with military implications or those in the area of defence. 2. Where the Treaty on the Functioning of the European Union provides for legislative acts to be adopted by the Council in accordance with a special legislative procedure, the European Council may adopt a decision allowing for the adoption of such acts in accordance with the ordinary legislative procedure. 3. 	<p>The "passerelle" clause allows the transition from the unanimity to the qualified majority without modification of the Treaties.</p>
13	<p>TITLE VI <i>Article 49</i></p> <p>INSTITUTIONAL MATTERS</p> <p>Decision of the Council on the application by a new candidate member state of the Union.</p>	

Treaty on the Functioning of the European Union

TFEU	Legal Reference and Subject	Comments
1	<p>PART TWO NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION <i>Article 19.1</i></p> <p>FUNDAMENTAL RIGHTS Actions taken by the Council to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.</p>	<p>The Council has already adopted instruments of secondary legislation on non-discrimination matters. In particular, the Council has already adopted by unanimity vote various directives on matters of non-discrimination for reasons of sex, racial origin, age or religion. Nevertheless, these directives have foreseen various derogations in favor of some member states (in particular UK) taking into account their national specificities (e.g. UK can discriminate women for some working activities, as police or military forces). This demonstrates that unanimity vote can reduce the content of European law for the benefit of some member states.</p>
2	<p>PART TWO <i>Article 21.3</i></p> <p>CITIZENSHIP RIGHTS Adoption by the Council of measures concerning social security or social protection, for the purposes to move and</p>	

	reside freely within the territory of the Member States.	
3	<p>PART TWO <i>Article 22.1</i></p> <p>CITIZENSHIP RIGHTS Arrangements adopted by the Council on the exercise of every citizen's right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State.</p>	The Council has already adopted an instrument of secondary legislation on the matter of vote to municipal elections.
4	<p>PART TWO <i>Article 22.2</i></p> <p>CITIZENSHIP RIGHTS Arrangements adopted by the Council on the exercise of every citizen's right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State.</p>	
5	<p>PART TWO <i>Article 25</i></p> <p>CITIZENSHIP RIGHTS Adoption by the Council of provisions to strengthen or to add to the rights listed in Article 20(2), i.e.:</p> <p>(a) the right to move and reside freely within the territory of the Member States;</p> <p>(b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;</p> <p>(c) the right to enjoy, in the territory of a</p>	There are not yet acts adopted by the Council on the attribution of new citizenship rights. On this matter, the necessity of unanimity is reinforced by the necessity of 28 national ratifications.

	<p>third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;</p> <p>(d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.</p>	
6	<p>PART THREE UNION POLICIES AND INTERNAL ACTIONS TITLE IV FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL Chapter 4 Capital and payments <i>Article 64.3</i></p> <p>FREE MOVEMENT OF CAPITAL Adoption by the Council of measures which constitute a step backwards in Union law as regards the liberalisation of the movement of capital to or from third countries.</p>	<p>This provision reinforces the current status and related steps forward achieved, as regards the liberalisation of the movement of capital. In this case, unanimity guarantees that steps backwards on the subject are taken upon common agreement only.</p>
7	<p>PART THREE TITLE IV Chapter 4 <i>Article 65.4</i></p> <p>FREE MOVEMENT OF CAPITAL In the absence of measures ex Article 64(3), and in the absence of a Commission decision within three months from the request of the Member State concerned, decision by the Council, stating that</p>	<p>All decisions on fiscal matters require unanimity.</p>

	<p>restrictive tax measures adopted by a Member State concerning one or more third countries are to be considered compatible with the Treaties in so far as they are justified by one of the objectives of the Union and compatible with the proper functioning of the internal market.</p>	
8	<p>PART THREE TITLE V AREA OF FREEDOM, SECURITY AND JUSTICE Chapter 2 Policies on border checks, asylum and immigration <i>Article 77.3</i></p> <p>AREA OF FREEDOM Adoption by the Council of provisions concerning passports, identity cards, residence permits or any other such document to facilitate the right to move and reside freely within the territory of the Member States -Ref. Article 20(2)(a)-.</p>	
9	<p>PART THREE TITLE V Chapter 3 Judicial cooperation in civil matters <i>Article 81.3</i></p> <p>AREA OF JUSTICE Adoption by the Council of:</p> <ol style="list-style-type: none"> 1. measures concerning family law with cross-border implications; 2. decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure. 	<p>The unanimity is justified by family law differences in the 28 MS. In fact, it is not by chance that the first enhanced cooperation has been adopted on transnational divorce matter.</p>

10	<p>PART THREE TITLE V Chapter 4 Judicial cooperation in criminal matters <i>Article 82.2</i></p> <p>AREA OF JUSTICE Decision by the Council on any specific aspects of criminal procedure other than: (a) mutual admissibility of evidence between Member States; (b) the rights of individuals in criminal procedure; (c) the rights of victims of crime; on which it establishes minimum rules together with the Parliament.</p>	
11	<p>PART THREE TITLE V Chapter 4 <i>Article 83.1</i></p> <p>AREA OF JUSTICE On the basis of developments in crime, decision by the Council identifying other areas of crime in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.</p>	
12	<p>PART THREE TITLE V Chapter 4 <i>Article 86.1</i></p> <p>AREA OF JUSTICE Regulations by the Council to establish a European Public Prosecutor's Office from</p>	<p>A proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office has been adopted by the Commission in 2013 (Ref. Brussels, 17.7.2013</p>

	Eurojust.	COM(2013) 534 final)
13	<p>PART THREE TITLE V Chapter 4 <i>Article 86.4</i></p> <p>AREA OF JUSTICE Decision by the European Council to extend the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension.</p>	
14	<p>PART THREE TITLE V Chapter 5 Police cooperation <i>Article 87.3</i></p> <p>AREA OF JUSTICE Measures established by the Council concerning operational cooperation between Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.</p>	
15	<p>PART THREE TITLE V Chapter 5 <i>Article 89</i></p> <p>AREA OF JUSTICE Conditions and limitations laid down by the Council, under which the competent authorities of the Member States (ref. in Articles 82 and 87) may operate in the territory of another Member State in liaison and in agreement with the authorities of</p>	

	that State.	
16	<p>PART THREE TITLE VI TRANSPORT <i>Article 92</i></p> <p>AREA OF FREEDOM Measure adopted by the Council granting a derogation to the rule that no Member State may make the various provisions governing the subject on 1 January 1958 or, for acceding States, the date of their accession less favourable in their direct or indirect effect on carriers of other Member States as compared with carriers who are nationals of that State.</p>	
17	<p>PART THREE TITLE VII COMMON RULES ON COMPETITION, TAXATION AND APPROXIMATION OF LAWS Chapter 1 Rules on competition Section 2 Aids granted by States <i>Article 108</i></p> <p>STATE AID Decision by the Council stating that aid granted or intended to be granted by a State shall be considered compatible with the internal market, in derogation from the provisions of Article 107 or from the regulations provided for in Article 109, if such a decision is justified by exceptional circumstances.</p>	
18	PART THREE	Second provision on fiscal

	<p>TITLE VII Chapter 2 Tax provisions <i>Article 113</i></p> <p>TAXATION Provisions adopted by the Council for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.</p>	matters.
19	<p>PART THREE TITLE VII Chapter 3 Approximation of laws <i>Article 115</i></p> <p>APPROXIMATION OF LAWS Directives issued for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the internal market.</p>	The unanimity foreseen in this provision intends to protect the interests of all MS at the general level of the directives, which will leave each of them discretion on their implementation.
20	<p>PART THREE TITLE VII Chapter 3 Approximation of laws <i>Article 118</i></p> <p>APPROXIMATION OF LAWS Regulations of the Council establishing language arrangements for the European intellectual property rights.</p>	
21	PART THREE	The peculiar content of

	<p>TITLE VIII ECONOMIC AND MONETARY POLICY Chapter 1 Economic policy <i>Article 126</i></p> <p>ECONOMIC POLICY Appropriate provisions adopted by the Council relating to the implementation of the procedure on excessive government deficits, to replace the Protocol on the excessive deficit procedure.</p>	those provisions justifies the unanimity.
22	<p>PART THREE TITLE VIII Chapter 2 Monetary policy <i>Article 127</i></p> <p>MONETARY POLICY Regulations by the Council conferring specific tasks upon the European Central Bank concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.</p>	Unanimity justified by attribution of new specific institutional tasks to the ECB.
23	<p>PART THREE TITLE VIII Chapter 5 Transitional provisions <i>Article 140</i></p> <p>MONETARY POLICY In case of decisions to abrogate a derogation: the Council shall, acting with the <i>unanimity</i> of the Member States whose currency is the euro and the Member State concerned, irrevocably fix the rate at which the euro shall be substituted for the</p>	Unanimity justified by important financial repercussions on MS.

	<p>currency of the Member State concerned, and take the other measures necessary for the introduction of the euro as the single currency in the Member State concerned.</p>	
24	<p>PART THREE TITLE X SOCIAL POLICY <i>Article 153</i></p> <p>SOCIAL POLICY</p> <p>1. Actions by the Council in the fields of:</p> <p>(c) social security and social protection of workers;</p> <p>(d) protection of workers where their employment contract is terminated;</p> <p>(f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;</p> <p>(g) conditions of employment for third-country nationals legally residing in Union territory.</p> <p>2. Decision by the Council to render the ordinary legislative procedure applicable to:</p> <p>(d) protection of workers where their employment contract is terminated;</p> <p>(f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;</p> <p>(g) conditions of employment for third-country nationals legally residing in Union territory.</p>	
25	<p>PART THREE TITLE X <i>Article 155</i></p>	

	<p>SOCIAL POLICY</p> <p>Actions by the Council where the agreement stemming from a dialogue between management and labour contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 153(2).</p>	
26	<p>PART THREE</p> <p>TITLE XX</p> <p>ENVIRONMENT</p> <p><i>Article 192.2</i></p> <p>ENVIRONMENTAL POLICY</p> <p>1. Adoption by the Council of:</p> <p>(a) provisions primarily of a fiscal nature;</p> <p>(b) measures affecting:</p> <ul style="list-style-type: none"> - town and country planning, - quantitative management of water resources or affecting, directly or indirectly, the availability of those resources, - land use, with the exception of waste management; <p>(c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.</p> <p>2. Application by the Council of the ordinary legislative procedure to the decision on actions by the Union to achieve the following objectives (ref. Article 191):</p> <ul style="list-style-type: none"> - preserving, protecting and improving the quality of the environment, - protecting human health, - prudent and rational utilisation of natural resources, - promoting measures at international level to deal with regional or worldwide 	

	environmental problems, and in particular combating climate change.	
27	<p>PART THREE TITLE XXI ENERGY <i>Article 194</i></p> <p>ENERGY POLICY Measures established by the Council to achieve the following objectives when they are primarily of a fiscal nature:</p> <p>a) ensure the functioning of the energy market; (b) ensure security of energy supply in the Union; (c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and (d) promote the interconnection of energy networks.</p>	
28	<p>PART FOUR ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES <i>Article 203</i></p> <p>ASSOCIATION Provisions laid down by the Council on detailed rules and the procedure for the association of the countries and territories with the Union.</p>	
29	<p>PART FIVE THE UNION'S EXTERNAL ACTION TITLE II COMMON COMMERCIAL POLICY <i>Article 207.4</i></p> <p>COMMON COMMERCIAL POLICY 1. Negotiation and conclusion of</p>	

	<p>agreements in the fields of trade in services and the commercial aspects of intellectual property, as well as foreign direct investment, where such agreements include provisions for which unanimity is required for the adoption of internal rules.</p> <p>2. Negotiation and conclusion of agreements:</p> <p>(a) in the field of trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity;</p> <p>(b) in the field of trade in social, education and health services, where these agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them.</p>	
30	<p>PART FIVE</p> <p>TITLE V</p> <p>INTERNATIONAL AGREEMENTS</p> <p><i>Article 218.8</i></p> <p>INTERNATIONAL AGREEMENTS</p> <p>1. Negotiation and conclusion of agreements between the Union and third countries or international organisations which cover a field for which unanimity is required for the adoption of a Union act as well as of association agreements and the agreements referred to in Article 212 with the States which are candidates for accession.</p> <p>2. Agreement on accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms.</p>	
31	<p>PART FIVE</p> <p>TITLE V</p>	

	<p>Article 219.1</p> <p>INTERNATIONAL AGREEMENTS Formal agreements concluded by the Council on an exchange-rate system for the euro in relation to the currencies of third States, in an endeavour to reach a consensus consistent with the objective of price stability.</p>	
32	<p>PART FIVE TITLE VII SOLIDARITY CLAUSE Article 222.3</p> <p>SOLIDARITY CLAUSE Council decisions with defence implications on arrangements for the implementation by the Union of the solidarity clause (ref. Article 222.1: “the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster.”)</p>	
33	<p>PART SIX INSTITUTIONAL AND FINANCIAL PROVISIONS TITLE I INSTITUTIONAL PROVISIONS Chapter 1 The institutions Section1 The European Parliament Article 223.1</p> <p>INSTITUTIONAL MATTERS Provisions laid down by the Council and necessary for the election of Members of the Parliament by direct universal suffrage</p>	

	in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.	
34	<p>PART SIX TITLE I Chapter 1 Section 1 <i>Article 223.2</i></p> <p>INSTITUTIONAL MATTERS Approval by the Council of all rules or conditions relating to the taxation of Members or former Members of the Parliament.</p>	
35	<p>PART SIX TITLE I Chapter 1 Section 4 The Commission <i>Article 246</i></p> <p>INSTITUTIONAL MATTERS Council decision establishing that a vacancy of a Member of the Commission caused by resignation, compulsory retirement or death needs not be filled, in particular when the remainder of the Member's term of office is short.</p>	Institutional decision
36	<p>PART SIX TITLE I Chapter 1 Section 5 The Court of Justice of the European Union <i>Article 252</i></p> <p>INSTITUTIONAL MATTERS</p>	Institutional measure

	Increase by the Council of the number of Advocates-General of the Court of Justice of the EU.	
37	<p>PART SIX TITLE I Chapter 1 Section 5 <i>Article 257</i></p> <p>INSTITUTIONAL MATTERS Appointment by the Council of the members of the specialised courts.</p>	Institutional decision
38	<p>PART SIX TITLE I Chapter 1 Section 5 <i>Article 262</i></p> <p>INSTITUTIONAL MATTERS Provisions by the Council to confer jurisdiction, to the extent that it shall determine, on the Court of Justice of the European Union in disputes relating to the application of acts adopted on the basis of the Treaties which create European intellectual property rights.</p>	
39	<p>PART SIX TITLE I Chapter 2 Legal acts of the Union, adoption procedures and other provisions Section 1 The legal acts of the Union <i>Article 292</i></p> <p>INSTITUTIONAL MATTERS (<i>General provision:</i>) Recommendations</p>	

	adopted by the Council in those areas in which unanimity is required for the adoption of a Union act.	
40	<p>PART SIX TITLE I Chapter 2 Section 2 Procedures for the adoption of acts and other provisions <i>Article 293</i></p> <p>INSTITUTIONAL MATTERS Council amendment of a proposal from the Commission, except in the cases referred to in paragraphs 10 and 13 of Article 294, in Articles 310, 312 and 314 and in the second paragraph of Article 315.</p>	
41	<p>PART SIX TITLE I Chapter 2 Section 2 <i>Article 294</i></p> <p>INSTITUTIONAL MATTERS Adoption by the Council of amendments on which the Commission has delivered a negative opinion.</p>	
42	<p>PART SIX TITLE I Chapter 3 The Union's advisory bodies Section 1 The Economic and Social Committee <i>Article 301</i></p> <p>INSTITUTIONAL MATTERS Decision by the Council determining the</p>	Institutional decision

	Economic and Social Committee's composition.	
43	<p>PART SIX TITLE I Chapter 3 Section 2 The Committee of the Regions <i>Article 305</i></p> <p>INSTITUTIONAL MATTERS Decision by the Council determining the Committee of the Regions composition.</p>	Institutional decision
44	<p>PART SIX TITLE I Chapter 4 The European Investment Bank <i>Article 308</i></p> <p>INSTITUTIONAL MATTERS Amendment by the Council of the Statute of the Investment Bank.</p>	Institutional decision
45	<p>PART SIX TITLE II FINANCIAL PROVISIONS Chapter 1 The Union's own resources <i>Article 311</i></p> <p>FINANCIAL MATTERS Council decision laying down the provisions relating to the system of own resources of the Union, where it may establish new categories of own resources or abolish an existing category.</p>	
46	<p>PART SIX TITLE II</p>	

	<p>Chapter 2 The multiannual financial framework <i>Article 312</i></p> <p>FINANCIAL MATTERS</p> <p>1. Council regulation laying down the multiannual financial framework.</p> <p>2. Adoption by the European Council of a decision authorising the Council to act by a qualified majority when adopting the multiannual financial framework regulation.</p>	
47	<p>PART SIX TITLE III ENHANCED COOPERATION <i>Article 329</i></p> <p>ENHANCED COOPERATION Council decision on authorisation to proceed with enhanced cooperation.</p>	
48	<p>PART SIX TITLE III <i>Article 331.2</i></p> <p>ENHANCED COOPERATION Actions taken by the Council in the field of participation of a Member State in enhanced cooperation in progress in the framework of the common foreign and security policy and adoption of any transitional measures necessary on the application of acts already adopted within the framework of enhanced cooperation.</p>	
49	<p>PART SIX TITLE III <i>Article 332</i></p>	<p>This provision is justified by the nature of the enhanced cooperation itself, which is</p>

	<p>ENHANCED COOPERATION</p> <p>Council decision deviating from the provision which foresees that expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States.</p>	<p>implemented by some MS only and on their own initiative.</p>
50	<p>PART SIX</p> <p>TITLE III</p> <p><i>Article 333.1</i></p> <p>ENHANCED COOPERATION</p> <p>Council decision stipulating that it will act by a qualified majority, where a provision of the Treaties which may be applied in the context of enhanced cooperation stipulates that the Council shall act unanimously.</p>	<p>These are "passerelle" clauses, which allow the transition from the unanimity to the qualified majority and from the special legislative procedure to the ordinary legislative procedure without modification of the Treaties.</p>
51	<p>PART SIX</p> <p>TITLE III</p> <p><i>Article 333.2</i></p> <p>ENHANCED COOPERATION</p> <p>Council decision stipulating that it will act by the ordinary legislative procedure, where a provision of the Treaties which may be applied in the context of enhanced cooperation stipulates that the Council shall adopt acts under a special legislative procedure.</p>	<p>These are "passerelle" clauses, which allow the transition from the unanimity to the qualified majority and from the special legislative procedure to the ordinary legislative procedure without modification of the Treaties.</p>
52	<p>PART SEVEN</p> <p>GENERAL AND FINAL PROVISIONS</p> <p><i>Article 342</i></p> <p>INSTITUTIONAL MATTERS</p> <p>Council regulations determining the rules governing the languages of the institutions of the Union.</p>	<p>Institutional measure</p>

53	<p>PART SEVEN <i>Article 346.2</i></p> <p>SECURITY Changes made by the Council to the list of the following products: arms, munitions and war material -Ref. Article 346.1 (b)- for which any Member State may take measures as it considers necessary for the protection of the essential interests of its security.</p>	
54	<p>PART SEVEN <i>Article 352</i></p> <p>MEASURES TO ATTAIN OBJECTIVES 1. Appropriate measures adopted by the Council if action by the Union is necessary, within the framework of the policies defined in the Treaties, to attain one of the objectives set out in the Treaties, and the Treaties have not provided the necessary powers. 2. Where the measures in question are adopted by the Council in accordance with a special legislative procedure, it shall also act unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament.</p>	The unanimity decision procedure replaces in fact in these cases the regular procedure foreseen for the revision of the Treaties.
55	<p>PART SEVEN <i>Article 355</i></p> <p>STATUS OF A DANISH, FRENCH OR NETHERLANDS COUNTRY OR TERRITORY Decision of the European Council amending the status, with regard to the</p>	

	Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 1 and 2 of Article 355.	
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List of acronyms and abbreviations

TUE: Treaty on the European Union

TFUE: Treaty on the functioning of the European Union

MS: member state/s

CFSP: common foreign and security policy

PRS: Public Regulated Service

GNSS: Global Navigation Satellite Systems

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