Chapter 16: The European Parliament

Introduction

16-1 This chapter deals with the following aspects of the European Parliament:
- the general role of the European Parliament,
- the composition of the European Parliament,
- the rules of procedure of the European Parliament,
- the relationship between the European Parliament and the Council,
- the relationship between the European Parliament and the Commission,
- the relationship between the European Parliament and the public,
- the European Parliament as a party in proceedings before the Court of Justice,
- the investigative powers of the European Parliament,
- the legislative powers of the European Parliament,
- the budgetary powers of the European Parliament,
- the powers of the European Parliament in relation to Economic and Monetary Union,
- the powers of the European Parliament in relation to non-member states and
- the powers of the European Parliament in matters relating exclusively to the European Union.

16-2 Although the European Parliament began as a consultative Assembly, comprising members appointed by the Member States, it has since become a directly elected Parliament with a number of wide-ranging powers. As a legislative body, it falls some way short of a Parliament in the national sense, in that it cannot originate legislation, has limited powers to amend legislation and is still treated constitutionally as a consultative body with increased powers rather than as a body with inherent legislative powers in its own right. Even in legislative matters, however, it exercises far more power and influence than it did in the mid-1980s.

Role of the European Parliament

16-3 No single or clearly defined role is assigned to the European Parliament under the Treaty establishing the European Community: it is to "exercise the powers conferred on it by this Treaty".[1] It follows that a description of the role of the European Parliament consists of a more or less arbitrary classification of a variety of powers contained in a large number of different provisions of the Treaty. At one time the role of the European Parliament was described in the Treaty as "advisory and supervisory"; and it does indeed continue to exercise these functions, mainly in relation to the Council and Commission respectively.[2] But it also has a role in legislative matters, in the investigation of maladministration, in the approval of the Community's budget, in connection with economic and monetary union and with relations between the Community and non-member states.[3]

Composition of the European Parliament

16-4 In composition, the European Parliament consists "of representatives of the peoples of the States brought together in the Community".[4] Expressed in a slightly different way, "the European

Parliament is the assembly elected pursuant to the Treaties, the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage and national legislation deriving from the Treaties".[5]

16-5 Under the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage, as amended by Treaties of Accession[6], the number of representatives elected in each Member State is as follows:

Austria	21
Belgium	25
Denmark	16
Finland	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15
Italy	87
Luxembourg	6
Netherlands	25
Portugal	25
Sweden	22
United Kingdom	87.

The representatives are referred to as Members of the European Parliament[7], of whom there is an overall maximum of 700.[8] They are elected for a period of five years on the basis of direct universal suffrage "in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States".[9] Voting rights in the Member States are a matter of national law, subject to the detailed arrangements for the conduct of European Parliament elections[10] and the rules on voting rights for citizens of the European Union residing in other Member States.[11]

16-6 Under an oddly worded provision of the Treaty, expressed not as a legal rule but as a declaration of principle, "political parties at European level are important as a factor for integration within the [European] Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the [European] Union."[12] In practice, this means that, in the European Parliament's semi-circular chamber, members sit in political groups and not in national delegations.[13]

Rules of procedure of the European Parliament

16-7 Several basic rules of procedure are laid down by the Treaty; the remainder are contained in the rules adopted by the European Parliament itself. Those laid down by the Treaty are:

- that it should, after seeking an opinion from the Commission and with the approval of the Council acting unanimously, lay down the regulations and general conditions governing the performance of the duties of its members[14];
- that it should hold an annual session and meet, without requiring to be convened, on the

second Tuesday in March[15];
- that it may meet in extraordinary session at the request of its members or at the request of the Council or Commission[16];
- that it should elect its President and its officers from among its members[17];
- that it should act, except where the Treaty provides otherwise, by an absolute majority of the votes cast[18];
- that it should adopt its rules of procedure, acting by a majority of its members[19];
- that the rules of procedure should determine the quorum[20] and the manner in which the proceedings of the European Parliament are published[21]; and
- that the European Parliament should discuss in open session the annual general report submitted to it by the Commission.[22]

Other rules laid down in the Treaty concern the relationships between the European Parliament and the Council and Commission respectively.[23]

16-8 In the European Parliament's rules of procedure, there are 168 rules and nine Annexes, most of which are potentially important from a constitutional point of view. However, the following matters are selected for comment on their particular constitutional interest:
- location and sessions,
- officers and governing bodies and
- the committee system.

16-9 Under the Treaty, the seat of the European Parliament, like that of the other institutions, is determined by common accord of the Governments of the Member States.[24] The result of the application of this provision, together with the European Parliament's own wishes[25], is that there are in practice three different centres of activity:
- Strasbourg, the official seat, where the twelve periods of monthly plenary sessions, including the budget session, are held;
- Brussels, where periods of additional plenary sessions, as well as sessions of the parliamentary committees are held; and
- Luxembourg, where the European Parliament's General Secretariat and its departments are located.

As a rule, each month the parliamentary committees meet for two weeks; the third week is set aside for the meetings of the political groups; and the fourth week is for the plenary sessions.

16-10 Officers of the European Parliament, who must be elected from among its members[26], are as follows:
- the Oldest Member[27],
- the President[28],
- the 14 Vice-Presidents[29] and
- the Quaestors.[30]

16-11 Governing bodies of the European Parliament, responsible for the organisation of business, are as follows:
- the Bureau, comprising the President and Vice-Presidents, helped by the Quaestors[31],

- the Conference of Presidents, comprising the President and the chairmen of the political groups[32],
- the Quaestors[33],
- the Conference of Committee Chairmen[34] and
- the Conference of Delegation Chairmen.[35]

The Bureau is responsible for the activities of the European Parliament; the Conference of Presidents is responsible for such matters as setting the agenda for plenary sessions; and the Quaestors are responsible for administrative and financial matters directly affecting Members.

16-12 Much of the European Parliament's important and detailed work is carried out in the 20 standing Committees.[36] Reports on legislative proposals are prepared in the standing committees, which appoint a "rapporteur" for each topic under discussion. The reports are submitted to plenary sessions of the European Parliament. The standing Committees must be distinguished from the so-called "Intergroups" comprising groups of Members with an interest in a particular field or sector; these intergroups have no formal status.

Relations between the European Parliament and the Council

16-13 Several principles govern the relationship between the European Parliament and the Council:
- the Council's duty to obtain the opinion of the European Parliament on given subjects;
- the Council's right to request a meeting of the European Parliament,
- the Council's right to be heard by the European Parliament,
- the Council's duty to keep the European Parliament informed,
- the legislative process and
- the litigation between the Council and the European Parliament.

16-14 Many provisions of the Treaty enable the Council to take action, by way of legislation or otherwise, only "after consulting the European Parliament".[37] There is a slight but important difference in the wording of the two mainly, but not exclusively, legislative provisions on what are known as the co-decision and cooperation procedures.[38] Here, the Council may act only "after obtaining the opinion of the European Parliament". An even more important difference is where the Council is required not merely to obtain the opinion of the European Parliament, but to obtain its "assent".[39]

16-15 Under the Treaty, the Council has a right to request that the European Parliament should meet in extraordinary session.[40]

16-16 Also, under the Treaty, but in accordance with the conditions laid down in the Council's Rules of Procedure[41], the Council has a right to be heard by the European Parliament.[42]

16-17 Various provisions of the Treaty require the Council (sometimes, specifically through its President) to keep the European Parliament informed of the matters in question.[43]

16-18 An elaborate set of procedures regulates the relationship between the European Parliament

and the Council in legislative matters: these procedures are discussed below.[44] They range from consultation, through cooperation, to co-decision. As a rule, the substantive provisions of the Treaty specify which procedure should be adopted in the case in question.[45] An odd exception is the provision allowing regulations to be adopted giving the Court of Justice unlimited jurisdiction with regard to the penalties which may be imposed on a Member State for failing to fulfil its obligations under the Treaty. The provision refers to the possibility of the regulations being made either by co-decision or by the Council alone, but does not specify which of the two procedures must be adopted and in what circumstances.[46]

16-19 Relations between the European Parliament and the Council have to some extent been shaped by the litigation between the two Institutions. For the most part, actions taken by the European Parliament against the Council have concerned the legal basis of measures adopted by the Council and, more specifically, whether the legal basis adopted by the Council has provided the European Parliament with adequate means of participating in the legislative process. This is one of the principal issues in a case in which

> the Court points out *in limine* that, as it has consistently held, an action for annulment brought by the [European] Parliament against an act of the Council or the Commission is admissible provided that the action seeks only to safeguard its prerogatives and that it is founded only on submissions alleging their infringement.[47]

These actions are not always successful, whether the European Parliament acts alone, is supported by the Commission or supports the Commission as intervener.[48]

Relations between the European Parliament and the Commission

16-20 Formal rules laid down in the Treaty govern the relationship between the Commission and the European Parliament. They are as follows:

- the Commission's duty to submit to the European Parliament, as well as to the Council, legislative proposals under the co-decision procedure[49];
- the Commission's duty to submit annually to the European Parliament a general report on the activities of the Community[50] and, periodically, various reports on specific topics[51],
- the Commission's duty to reply orally or in writing to questions put to it by the European Parliament or by its members[52],
- the right of Members of the Commission to attend all meetings of the European Parliament and, at their request, to be heard on behalf of the Commission[53],
- the right of the European Parliament, acting by a majority of its Members, to request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty[54] and
- the right of the European Parliament to pass a motion of censure on the Commission.[55]

16-21 If a motion of censure on the activities of the Commission is tabled before it, the procedure and consequences are as follows. The European Parliament must not vote on the motion until at least three days after the motion has been tabled and only by open vote. If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission have to resign as a body. They continue to

deal with current business until they are replaced.[56] In this case, the term of office of the Members of the Commission appointed to replace them expires on the date on which the term of office of the Members of the Commission obliged to resign as a body would have expired.[57]

Relationship between the European Parliament and the public

16-22 Four elements make up the relationship between the European Parliament and the public:
- representation of constituents by Members of the European Parliament,
- reception by the European Parliament of petitions,
- appointment by the European Parliament of an "ombudsman" and
- miscellaneous elements, such as public debate, publication and transparency.

16-23 It follows from the definition of the European Parliament's general role[58] that direct universal suffrage creates a constitutional system in which members of the public, as voting constituents, are represented in the European Parliament by their elected Member. However, since the constituencies and voting systems are based on national laws, there are some differences in the way in which representation is effected.[59]

16-24 Any citizen of the Union[60], and any natural or legal person residing or having its registered office in a Member State, has the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Community's fields of activity and which affects him, her or it directly.[61]

16-25 It is the duty of the European Parliament to appoint a person, described as an "Ombudsman", empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role. The Ombudsman conducts inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he refers the matter to the institution concerned, which has a period of three months in which to inform him of its views. The Ombudsman then forwards a report to the European Parliament and the institution concerned. The person lodging the complaint is informed of the outcome of such inquiries.[62]

16-26 Other provisions of the Treaty govern the Ombudsman's annual report to the European Parliament[63], his tenure of office[64], his independence[65] and the rules governing the performance of his duties.[66]

16-27 Plenary sessions of the European Parliament are public[67]; but the sessions of the standing committees are not. There are public records of proceedings; debates are published in the Official Journal.[68] In general, the European Parliament supports "transparency", in the sense of public exposure, in the legislative process.[69]

The European Parliament as a litigant in the Court of Justice

16-28 As already noted, in the context of the relationship between the European Parliament and the Council, there have been many occasions when the two institutions have clashed in litigation.[70] The European Parliament seldom acts against the Commission; but on one occasion, when the Council and the Commission were agreed on the legal basis of a regulation on radiation levels[71], the Commission was joined as a defendant with the Council in an action by the European Parliament.[72] In one case, the European Parliament was itself the defendant.[73]

16-29 However, much of the case law on the status of the European Parliament as a litigant antedated the Treaty on European Union, whose amendments to the Treaty establishing the European Community have clarified the position. Thus, the acts whose legality may be reviewed by the Court of Justice include "acts of the European Parliament intended to produce legal effects vis-a-vis third parties".[74] Moreover, the European Parliament has express power to bring an action of this kind itself, provided that it is for the purpose of protecting its prerogatives.[75] By the same token, the European Parliament is open to challenge in the Court if, in infringement of the Treaty, it fails to act.[76]

The investigative powers of the European Parliament

16-30 In the course of its duties, the European Parliament may, at the request of a quarter of its Members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Treaty on other institutions or bodies, alleged contraventions or maladministration in the implementation of Community law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings. The temporary Committee of Inquiry ceases to exist on the submission of its report. The detailed provisions governing the exercise of the right of inquiry are determined by common accord of the European Parliament, the Council and the Commission.[77]

The legislative powers of the European Parliament

16-31 Under the Treaty, the European Parliament has four different types of power in the field of legislation:

- consultation,
- cooperation,
- co-decision and
- assent.

This is expressed in the Treaty in the following terms. To the extent provided in the Treaty, the European Parliament participates in the process leading up to the adoption of Community acts by exercising its powers under the co-decision and cooperation procedures[78] and by giving its assent or delivering advisory opinions.[79]

The budgetary powers of the European Parliament

16-32 In the procedure leading up to the adoption of the Community's budget, the European Parliament has substantial powers. The procedure is complicated; in some respects it resembles the legislative procedures. Essentially, the Council, acting by a qualified majority, establishes the draft budget - the preliminary draft having been prepared by the Commission - and forwards it to the European Parliament.[80] The draft budget must be placed before the European Parliament not later than 5 October of the year preceding that in which the budget is to be implemented.[81] The European Parliament has the right

- to amend the draft budget, acting by a majority of its Members, and
- to propose to the Council, acting by an absolute majority of the votes cast, modifications to the draft budget relating to expenditure necessarily resulting from this Treaty or from acts adopted in accordance therewith.[82]

16-33 At this stage, the procedure may follow one of two courses. If, within 45 days of the draft budget being placed before it, the European Parliament has given its approval, the budget stands as finally adopted; and, if within this period the European Parliament has not amended the draft budget nor proposed any modifications thereto, the budget is deemed to be finally adopted.[83]

16-34 However, if within this period the European Parliament has adopted amendments or proposed modifications, the draft budget together with the amendments or proposed modifications is forwarded to the Council.[84] At this point, the Council has a number of options.[85] If it does not accept the amendments, the basic procedure has to be largely repeated, with shorter time limits. If it does accept them, either expressly or tacitly, they stand. When the whole procedure has been completed, the President of the European Parliament declares that the budget has been finally adopted.[86] However, it is open to the European Parliament, acting by a majority of its Members and two-thirds of the votes cast, and if there are important reasons, to reject the draft budget and ask for a new draft to be submitted to it.[87]

16-35 Each year, the Commission must submit to the European Parliament and the Council:

- the accounts of the preceding year relating to the implementation of the budget and
- a financial statement of the assets and liabilities of the Community.[88]

After hearing the Commission, if necessary, give evidence on the execution of expenditure or the operation of financial control systems[89], the European Parliament, acting on a recommendation of the Council, gives a discharge to the Commission in repect of the implementation of the budget.[90] If the European Parliament makes any observations in the decision giving discharge, the Commission is required, at the request of the European Parliament or the Council, to report on the measures taken in the light of these observations.[91]

The powers of the European Parliament in relation to Economic and Monetary Union

16-36 Most of the powers of the European Parliament in relation to economic and monetary union consist of the right to be informed, for example:

- about the Council's recommendation on guidelines for the economic policies of the Member States and of the Community[92];
- of the results of "multilateral surveillance" of the Member States' economic policies[93];

- of the Council's decision where a Member State experiences severe difficulties[94];
- of the Council's decision in any case in which a Member State fails to take action to reduce excessive deficits[95];
- about the adoption, adjustment or abandonment of the ECU central rates[96];
- on the activities of the European System of Central Banks and the monetary policy of the previous and current year[97]; and
- about the Council decision on the composition of the Economic and Financial Committee.[98]

16-37 In addition to the foregoing rights, the European Parliament must be consulted in certain cases and its assent is required in certain others. It must be consulted in connection with:
- provisions to replace the Protocol on excessive deficits[99];
- certain provisions on the European System of Central Banks[100];
- agreements on exchange rates between the ECU and non-Community countries[101];
- officers of the European Central Bank[102];
- fulfilment of conditions for the adoption of a single currency[103]; and
- abrogating the "derogations" of certain Member States.[104]

16-38 In two cases the assent of the European Parliament is required:
- where the Council proposes to confer on the European Central Bank specific tasks concerning policies relating to the supervision of credit institutions[105]; and
- where the Council proposes to adopt certain provisions (other than those referred to in the foregoing paragraph) on the European Stsrem of Central Banks.[106]

The powers of the European Parliament in relation to non-member states

16-39 Where the Council wishes to conclude agreements between the Community and one or more states or international organisations, it may do so only after consulting the European Parliament.[107] This condition does not apply to agreements concluded in connection with the common commercial policy[108], unless the agreement covers a field for which the co-decision or cooperation procedure is required for the adoption of internal rules.[109] Where the European Parliament is consulted, it must deliver its opinion within a time-limit which the Council may lay down according to the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.[110] However, association agreements[111], other agreements establishing a specific institutional framework by organising cooperation procedures, agreements having important budgetary implications for the Community and agreements entailing amendment of an act adopted under the co-decision procedure may be concluded only after the assent of the European Parliament has been obtained.[112] The Council and the European Parliament may, in an urgent situation, agree upon a time-limit for the assent.[113]

16-40 Where a non-member state, which must be a European state, applies to become a member of the European Union, the assent of the European Parliament is required before the Council may act on the application.[114]

The powers of the European Parliament in matters relating exclusively to the European Union.

16-41 Under the Treaty on European Union, the European Parliament is given certain powers and duties.[115] These include the right to receive from the European Council a report after each of its meetings and a yearly written report on the progress achieved by the Union[116] and a largely consultative role in connection with the common foreign and security policy[117] and with the policy of police and judicial cooperation in criminal matters.[118]

Conclusion

16-42 From the foregoing paragraphs it is clear that the European Parliament has power
- to monitor (on the basis of the many reports which must be made to it),
- to influence (by means of its consultative and cooperative roles),
- to decide jointly with the Council (where the co-decision principle applies),
- to block (where its assent is required but withheld) and
- to control (in some limited areas, such as censuring the Commission or shaping the budget).

1. Article 189 (formerly 137), EC Treaty.

2. See paragraphs 16-13 to 16-19 and 16-20 and 16-21 below.

3. See paragraph 16-31, below.

4. Article 189 (formerly 137), EC Treaty.

5. Rule 1(1), Rules of Procedure of the European Parliament. Throughout this book references to the European Parliament's Rules of Procedure are to the 14th Edition, dated August, 1999. On the last six words of the passage quoted here, it should be noted that national legislation does not "derive from" the Treaties.

6. Article 190 (formerly 138), EC Treaty, and Treaty of Accession of Austria, Finland and Sweden, 1994.

7. The designation "Member of the European Parliament" is laid down in Rule 1(2) of the Rules of Procedure. This is the English version; foreign language versions in the other ten languages of the Community are also prescribed. In the United Kingdom, the wording is often abbreviated to "MEP" on the perfectly respectable analogy of a member of the United Kingdom Parliament ("MP"). The abbreviation "Euro-MP", sometimes seen in the press, is neither elegant nor legally valid.

8. Article 189 (formerly 137), second paragraph, EC Treaty.

9. Article 190(4) (formerly 138(4)), EC Treaty.

10. Article 190(3) (formerly 138(3)), EC Treaty.

11. Article 19 (formerly 8b), EC Treaty. See paragraph 14-12 above.

12. Article 191 (formerly 138a), EC Treaty.

13. Rules 29 to 31, Rules of Procedure. In August, 1998, there were eight political groups, as follows:

Group of the Party of European Socialists (PES)
Group of the European People's Party (EPP)
Union for Europe Group (UFE)
Group of the Liberal Democratic and Reformist Party (ELDR)
Confederal Group of the European United Left/Nordic Green Left (EUL/NGL)
Green Group in the European Parliament (Green)
Group of the European Radical Alliance (ERA)
Group of Independents for a Europe of Nations (I-EdN)

14. Article 190(5) (formerly 138(5)), EC Treaty.

15. Article 196 (formerly 139), first paragraph, EC Treaty.

16. Article 196 (formerly 139), second paragraph, EC Treaty.

17. Article 197 (formerly 140), first paragraph, EC Treaty.

18. Article 198 (formerly 141), first paragraph, EC Treaty. An example of the Treaty "providing otherwise" will be found in Article 201 (formerly 144), second paragraph, EC Treaty, governing motions of censure on the Commission. See paragraph 16-21 below.

19. Article 199 (formerly 142), first paragraph, EC Treaty. See note 5 above.

20. Article 198 (formerly 141), second paragraph, EC Treaty, and Rule 112 of the Rules of Procedure.

21. Article 199 (formerly 142), second paragraph, EC Treaty, and Rules 133 and 134, Rules of Procedure..

22. Article 200 (formerly 143), EC Treaty.

23. These are discussed below. See paragraphs 16-13 to 16-21 and Chapter 20.

24. Protocol on the location of the seats of the institutions; Article 289 (formerly 216), EC Treaty. See Table III.

25. For example, in Rule 11 of the Rules of Procedure.

26. Article 197 (formerly 140), first paragraph, EC Treaty.

27. Rule 12 of the Rules of Procedure.

28. Rules 14 and 19 of the Rules of Procedure.

29. Rules 15 and 20 of the Rules of Procedure.

30. Rules 16 and 25 of the Rules of Procedure.

31. Rules 21, 22 and 28 of the Rules of Procedure.

32. Rules 23, 24 and 28 of the Rules of Procedure.

33. Rules 25 and 28 of the Rules of Procedure.

34. Rule 26 of the Rules of Procedure.

35. Rule 27 of the Rules of Procedure.

36. The procedure for the standing Committees is contained in Rules 135 to 152 of the Rules of Procedure.

37. For example, Article 175(2) (formerly 130s(2)), EC Treaty.

38. Articles 250 and 251 (formerly 189a and 189b), EC Treaty, respectively. These are discussed further in chapter 21.

39. For example, under Articles 105(6) and 300(3) (formerly 228(3)), second paragraph, EC Treaty.

40. Article 196 (formerly 139), seond paragraph, EC Treaty.

41. See chapter 17.

42. Article 197 (formerly 140), fourth paragraph, EC Treaty.

43. For example, Article 111(1) (formerly 109(1)), last sentence, EC Treaty.

44. See chapter 21.

45. For example, Article 89 (formerly 94), EC Treaty, provides for the consultation procedure; Article 138(2) (formerly 118a(2)), EC Treaty, for the cooperation procedure; and Article 47(1) (formerly 57(1)), EC Treaty, for the co-decision procedure.

46. Article 229 (formerly 172), EC Treaty.

47. Case C-360/93, *European Parliament v Council of the European Union.*

48. Case C-42/97, *European Parliament v Council of the European Union*, in which the legality of a Council Decision on the promotion of linguistic diversity was unsuccessfully challenged; Case C-22/96, *European Parliament, supported by the Commission, v Council*, in which the legality of a Council Decision on telematics was unsuccessfully challenged; and Case C-209/97, *Commission, supported by the European Parliament, v Council, supported by the Republic of France*, in which the legality of a Council Regulation on customs and agricultural matters was unsuccessfully challenged.

49. Article 251(2) (formerly 189b(2)), EC Treaty.

50. Which the European Parliament is required to discuss in open session: Article 200

(formerly 143), EC Treaty. The Commission's duty to the European Parliament is implicit; its explicit duty is simply to publish the report annually, "not later than one month before the opening of the session of the European Parliament": Article 212 (formerly 156), EC Treaty.

51. For example, under Article 159 (formerly 130b), second paragraph, EC Treaty.

52. Article 197 (formerly 140), third paragraph, EC Treaty.

53. Article 197 (formerly 140), second paragraph, EC Treaty.

54. Article 192 (formerly 138b), second paragraph, EC Treaty.

55. Article 201 (formerly 144), EC Treaty.

56. That is, in accordance with Article 214 (formerly 158), EC Treaty.

57. Article 201 (formerly 144), EC Treaty. This procedure was followed in 1999 when it was clear that a motion of censure was likely to be passed unless the Commissioners resigned first, which they did.

58. Article 189 (formerly 137), EC Treaty. See paragraph 16-4 above.

59. Article 190(3) (formerly 138(3)), EC Treaty, provides for a "uniform procedure" in all the Member States; but this does not go so far as to harmonise voting law and the law of electoral districts.

60. Article 21 (formerly 8d), EC Treaty.

61. Article 194 (formerly 138d), EC Treaty; and Rules 156 to 158 of the Rules of Procedure.

62. Article 195(1) (formerly 138e(1)), first and second paragraphs, EC Treaty; and Rules 159 to 161 of the Rules of Procedure.

63. Article 195(1) (formerly 138e(1)), third paragraph, EC Treaty.

64. Article 195(2) (formerly 138e(2)), EC Treaty.

65. Article 195(3) (formerly 138e(3)), EC Treaty.

66. Article 195(4) (formerly 138e(4)), EC Treaty.

67. Rule 104 of the Rules of Procedure.

68. Rules 133 to 134 of the Rules of Procedure.

69. Rule 55 of the Rules of Procedure.

70. In addition to the case quoted in note 47 above, see, for example, Case C-271/94, *European Parliament v Council of the European Union.* The European Parliament contested the legal basis of Council Decision EC/445/94.

71. Council Regulation EEC/3954/87.

72. Case 70/88, *European Parliament v Council and Commission*.

73. Case 294/83, *Parti Ecologiste "Les Verts" v European Parliament*.

74. Article 230 (formerly 173), first paragraph, EC Treaty. See further chapter 19.

75. Article 230 (formerly 173), third paragraph, EC Treaty.

76. Article 232 (formerly 175), first paragraph, EC Treaty. The conditions on which an action of this sort can be brought are discussed further in chapter 19.

77. Article 193 (formerly 138c), EC Treaty.

78. Articles 250 and 252 (formerly 189b and 189c), EC Treaty, respectively. See chapter 21.

79. Article 195 (formerly 138b), EC Treaty.

80. Article 272(3) (formerly 203(3)), EC Treaty.

81. Article 272(4) (formerly 203(4)), first paragraph, EC Treaty.

82. Article 272(4) (formerly 203(4)), second paragraph, EC Treaty. See also Rule 85 of the Rules of Procedure.

83. Article 272(3) (formerly 203(3)), third paragraph, EC Treaty.

84. Article 272(4) (formerly 203(4)), fourth paragraph, EC Treaty.

85. Article 272(5) and (6) (formerly 203(5) and (6)), EC Treaty .

86. Article 272(7) (formerly 203(7)), EC Treaty.

87. Article 272(8) (formerly 203(8)), EC Treaty.

88. Article 275 (formerly 205a), EC Treaty.

89. Article 276(2) (formerly 206(2)), EC Treaty.

90. Article 276(1) (formerly 206(1)), EC Treaty. See also Rules 86 and 87 of the Rules of Procedure.

91. Article 276(3) (formerly 206(3)), EC Treaty.

92. Article 99(2) (formerly 103(2)), third paragraph, EC Treaty.

93. Article 99(4) (formerly 103(4)), second paragraph, EC Treaty.

94. Article 100(2) (formerly 103a(2)), EC Treaty.

95. Article 104(11) (formerly 104c(11)), EC Treaty.

96. Article 111(1) (formerly 109(1)), last sentence, EC Treaty.

97. Article 113(3) (formerly 109b(3)), EC Treaty. See also Rules 36 and 39 of the Rules of Procedure.

98. Article 114(3) (formerly 109c(3)), EC Treaty.

99. Article 104(14) (formerly 104c(14)), EC Treaty.

100. Article 107(6) (formerly 106(6)), EC Treaty.

101. Article 111(1) (formerly 109(1)), EC Treaty.

102. Article 112(2)(b) (formerly 109a(2)(b)), EC Treaty.

103. Article 121 (2), (3) and (4) (formerly 109j(2), (3) and (4)), EC Treaty.

104. Article 122(2) (formerly 109k(2)), EC Treaty.

105. Article 105(6), EC Treaty.

106. Article 107(5) (formerly 106(5)), last sentence, EC Treaty.

107. Article 300(1) and (3) (formerly 228(1) and (3)), EC Treaty.

108. Article 133(3) (formerly 113(3)), EC Treaty.

109. As to these procedures, see paragraph 16-31 above and, generally, chapter 21.

110. Article 300(3) (formerly 228(3)), first paragraph, EC Treaty.

111. That is, agreements concluded under Article 310 (formerly 238), EC Treaty.

112. Article 300(3) (formerly 228(3)), second paragraph, EC Treaty.

113. Article 300(3) (formerly 228(3)), third paragraph, EC Treaty.

114. Article 49 (formerly O), EU Treaty (which replaced the corresponding provision of the EEC Treaty).

115. Article 5 (formerly E), EU Treaty.

116. Article 4 (formerly D), third paragraph, EU Treaty.

117. Article 21 (formerly J.11), EU Treaty.

118. Article 39 (formerly K.11), EU Treaty.