

# ANNEX III

## LEGAL BASES FOR THE ORDINARY LEGISLATIVE PROCEDURE

Legal basis	Description	Procedural points <sup>1</sup>
Article 14	Services of general economic interest	
Article 15(3)	Access to the documents of the institutions	
Article 16(2)	Independent control authorities for the protection of personal data	
Article 18	Prohibition of discrimination on grounds of nationality	
Article 19(2)	Basic principles in the fight against discrimination	
Article 21(2)	Facilitation of freedom of movement and residence of citizens of the Union	
Article 24	Citizens' initiative	
Article 33	Customs cooperation	
Article 42, first paragraph	Application of rules on competition to production of and trade in agricultural products	Consultation of the EESC

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1 With the entry into force of the Treaty of Lisbon, qualified majority voting is the rule at the Council for the adoption of acts in accordance with the ordinary legislative procedure (Article 16(3) TEU). However, if in addition to the legal basis which makes adoption subject to the ordinary legislative procedure the draft act contains a legal basis which requires unanimity, then unanimity is required for the adoption of the act (for example Article 352(1) TFEU).

Article 43(2)	Common organisation of agricultural markets	Consultation of the EESC
Article 46	Freedom of movement for workers	Consultation of the EESC
Article 48	Rules on social security for migrant workers	Article 294, subject to the second paragraph of Article 48
Article 50(1)	Freedom of establishment	Consultation of the EESC
Article 51, second paragraph	Exclusion of certain activities from the application of the provisions on freedom of establishment	
Article 52(2)	Coordination of the provisions on special treatment for the establishment of foreign nationals	
Article 53(1)	Mutual recognition of diplomas with a view to the freedom of establishment	
Article 56, second paragraph	Extension to third-country nationals of the freedom to provide services	
Article 59(1)	Liberalisation of services	Consultation of the EESC

Article 62	Exclusion of certain activities from the application of the provisions on freedom to provide services	
	Coordination of the provisions on special treatment for foreign nationals as regards the freedom to provide services	
	Mutual recognition of diplomas with a view to the freedom to provide services	
Article 64(2)	Movements of capital to or from third countries involving direct investment	
Article 75, first paragraph	Administrative measures relating to the prevention of terrorism, applicable to capital movements and payments	
Article 77(2)	Measures concerning border checks, asylum and immigration	
Article 78(2)	Measures concerning a common European asylum system	
Article 79(2)	Common immigration policy	
Article 79(4)	Measures to provide incentives and support for the integration of third-country nationals	

Article 81(2)	Judicial cooperation in civil matters	
Article 82(1)	Judicial cooperation in criminal matters	Article 294, subject to Article 76(b)
Article 82(2)	Minimum rules on the mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters	Article 294, subject to Article 76(b) and Article 82(3)
Article 83(1)	Minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious and cross-border crime	Article 294, subject to Article 76(b) and Article 83(3)
Article 83(2)	Approximation of laws (minimum rules on the definition of criminal offences and sanctions)	Article 294, subject to Article 76(b) and Article 83(3)
Article 84	Measures to promote and support the action of Member States in the field of crime prevention	Article 294, subject to Article 76(b)
Article 85(1)	Eurojust's structure, operation, field of action and tasks	Article 294, subject to Article 76(b)
Article 87(2)	Measures concerning police cooperation	Article 294, subject to Article 76(b)
Article 88(2)	Europol's structure, operation, field of action and tasks	Article 294, subject to Article 76(b)

Article 91(1)	Common transport policy (by rail, road and inland waterway)	Consultation of the EESC and CoR
Article 100(2)	Common transport policy (sea and air transport)	Consultation of the EESC and CoR
Article 114(1)	Measures for the approximation of laws in the internal market	Consultation of the EESC
Article 116, second paragraph	Elimination of distortions of competition	
Article 118, first paragraph	Measures for the uniform protection of intellectual property rights in the Union	
Article 121(6)	Rules for the multilateral surveillance procedure for economic policies	
Article 129(3)	Amendment of certain articles of the Statutes of the ESCB	Legislative initiative on a recommendation from the ECB (with consultation of the Commission) or on a proposal from the Commission (with consultation of the ECB)
Article 133	Measures necessary for the use of the euro	Consultation of the ECB
Article 136(1)	Certain measures relating to the euro	Article 294, subject to Article 136(2) and Article 238(3)

Article 149, first paragraph	Incentive measures in the field of employment	Consultation of the EESC and CoR
Article 153(2), first and second subparagraphs	Certain measures relating to social policy	Article 294, subject to the third subparagraph of Article 153(2) Consultation of the EESC and CoR
Article 157(3)	Application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation	Consultation of the EESC
Article 164	Implementing regulations relating to the European Social Fund	Consultation of the EESC and CoR
Article 165(4), first indent	Incentive measures in the field of education	Consultation of the EESC and CoR
Article 166(4)	Measures relating to vocational training policy	Consultation of the EESC and CoR
Article 167(5), first indent	Incentive measures in the field of culture	Consultation of the CoR
Article 168(4)	Certain public-health measures	Consultation of the EESC and CoR
Article 168(5)	Certain measures relating to human health	Consultation of the EESC and CoR
Article 169(3)	Supporting and supplementary measures relating to consumer protection	Consultation of the EESC

Article 172, first paragraph	Guidelines, action and support for projects of common interest in the field of trans-European networks	Article 294, subject to the second paragraph of Article 172 Consultation of the EESC and CoR
Article 173(3)	Specific support measures in the industrial field	Consultation of the EESC
Article 175, third paragraph	Specific actions (outside the Structural Funds) in the fields of economic, social and territorial cohesion	Consultation of the EESC and CoR
Article 177, first paragraph	Tasks, priority objectives and organisation of the Structural Funds	Consultation of the EESC and CoR
Article 177, first paragraph	General rules and other provisions applicable to the Structural Funds	Consultation of the EESC and CoR
Article 177, second paragraph	Creation of a Cohesion Fund in the fields of environment and trans-European networks in the area of transport infrastructure	Consultation of the EESC and CoR
Article 178	Implementing regulations relating to the EAGGF	Consultation of the EESC and CoR
Article 182(1)	Multiannual framework programme for research and technological development	Consultation of the EESC
Article 182(5)	Measures necessary for the implementation of the European research area	Consultation of the EESC

Article 188, second paragraph	Certain measures for the implementation of the multiannual framework programme for research and technological development	Consultation of the EESC
Article 189(2)	Measures relating to European space policy	
Article 192(1)	Certain aspects of environment policy	Consultation of the EESC and CoR
Article 192(3)	Adoption of general action programmes setting out the priority objectives of environment policy	Consultation of the EESC and CoR
Article 194(2)	Energy policy, with the exception of measures of a fiscal nature	Consultation of the EESC and CoR
Article 195(2)	Action in the tourism sector	
Article 196(2)	Action in the field of civil protection	
Article 197(2)	Measures necessary for administrative cooperation in the implementation of Union law	
Article 207(2)	Framework for implementing the common commercial policy	
Article 209(1)	Measures necessary for the implementation of development cooperation policy	

Article 212(2)	Measures necessary for the implementation of economic, financial and technical cooperation	
Article 214(3)	Definition of the framework for the implementation of humanitarian aid operations	
Article 214(5)	Rules and procedures for the operation of the European Voluntary Humanitarian Aid Corps	
Article 224	Regulations governing political parties at European level	
Article 257, first paragraph	Establishment of specialised courts attached to the General Court	Legislative initiative may be at the request of the Court of Justice (with consultation of the Commission) or on a proposal from the Commission (with consultation of the Court of Justice)

Article 281, second paragraph	Amendment of certain provision of the Statute of the Court of Justice of the European Union	Legislative initiative may be at the request of the Court of Justice (with consultation of the Commission) or on a proposal from the Commission (with consultation of the Court of Justice)
Article 291(3)	Rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers	
Article 298(2)	Provisions relating to European administration	
Article 322(1)(a)	Certain financial rules (including the procedure for establishing and implementing the budget and for presenting and auditing accounts)	Consultation of the Court of Auditors
Article 322(1)(b)	Rules providing for checks on the responsibility of financial actors	Consultation of the Court of Auditors
Article 325(4)	Measures to prevent and combat fraud affecting the financial interests of the Union	Consultation of the Court of Auditors

Article 336	Staff Regulations of Officials and the Conditions of Employment of other servants of the Union	Consultation of the other institutions concerned
Article 338(1)	Measures for the production of statistics	

