

The decision-making powers of the Council of the European Union

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The Treaties assign a general power of decision to the Council.

In practical terms, the Council has legislative power in the domain of Community policies (the first pillar of the European Union) in which it may, on its own or with the European Parliament, adopt legally binding Community acts (regulations, directives and decisions). In this domain, the Council also adopts other acts that are not binding and are therefore not legislative acts proper (recommendations, opinions, resolutions, declarations and conclusions).

Since 1993, the Council has also had a power of decision in two fields falling within intergovernmental cooperation, established by the Treaty on European Union (second and third pillars of the European Union): the common foreign and security policy (CFSP) and cooperation in the fields of the justice and home affairs (JHA), reduced by the 1997 Treaty of Amsterdam to police and judicial cooperation in criminal matters.

Since the establishment of the European Communities, moreover, the Council has had a budgetary power. As with its legislative power, the Council has been obliged to share its budgetary power with the European Parliament as the founding treaties were reformed.

Lastly, the power attributed to the Council of concluding international agreements forms part of its broader mission of conducting the foreign relations of the Communities and the European Union.