

CONSENT PROCEDURE (ASSENT PROCEDURE)

- The Commission does not enjoy a monopoly of initiative. Depending on the field, a proposal can also be made by the Parliament, Member States or the European Council.
- The proposal may come direct to the Parliament. Alternately, there may be other Institutions have either to be consulted or to give their consent to the proposal, first. The procedures depend on the legal base in question.
- The Parliament will then have to consent to the measure. There are no time limits on it to do so.
- In some instances, the Council or the European Council then has to consent to the measure before it can become law.

The uniting features of all these procedures, which allow them to be classified under the consent procedure umbrella, are first that in all cases Parliament has to affirm a legislative proposal before it can be adopted. This is different from the ordinary legislative procedure, where the Parliament must actively say “yes” to a proposal whereas the latter merely gives it a veto. Secondly, it has an indefinite time in which to do this. There must be a strong majority in Parliament in favour of immediate action, therefore, if a measure is to be agreed.

The consent procedure now governs significant fields, included EU anti-discrimination policy, significant part of EU criminal justice policy, the budget, many international agreements and the flexibility principle, which allows measures to be taken to realize EU objectives where there is no other legal base.

(Source: Damian Chalmers. European Parliamentarism and Representative Democracy after Lisbon (Total Law. Central European University, 2010).