



Consultation of the EP

- Opinion must actually be obtained.
- Where it is disregarded this amounts to a breach of an essential procedural requirement, i.e. a ground for annulment under Art. 263 TFEU (see **Chart 12/10**); *Roquettes Frères* (1980).

Need for re-consultation with EP in the case of substantial amendments to the proposal by the Commission. Otherwise a breach of an essential procedural requirement; *Parliament v Council* (1992).

Adoption or rejection by the Council

- Adoption usually requires unanimity in the Council; e.g. Art. 115 TFEU.
- Sometimes a qualified majority; e.g. Art. 66 TFEU, read in conjunction with Art. 16(3) TEU.