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from:	Mr José Manuel BARROSO, President of the European Commission
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to:	Mr Carl BILDT, President of the Council of the European Union
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Delegations will find attached Commission document COM(2009) 665 final.

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EUROPEAN COMMISSION

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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT AND THE COUNCIL**

**Consequences of the entry into force of the Treaty of Lisbon for ongoing  
interinstitutional decision-making procedures**

## COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

### Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures

1. Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Parliament and the Council will have to decide on proposals presented by the Commission, on the basis of the Treaties, before that date and that are at different stages of the legislative or non-legislative procedure<sup>1</sup>.

The entry into force of the Treaty of Lisbon will have different types of consequences for these pending proposals:

- (1) The articles of the Treaty on European Union and of the Treaty establishing the European Community that constitute the legal basis or bases of **all** the proposals founded on these Treaties will be **renumbered**. With this in view, the articles of the Treaty will be renumbered **automatically** on the basis of Article 5 of the Treaty of Lisbon and in accordance with the tables of equivalences set out in the Annex to that Treaty.

In practice, the institutions must, each for its own account, apply the new numbering in the documents that they draw up following the entry into force of the Treaty of Lisbon.

- (2) The **decision-making procedure** will be different for some pending proposals. In particular, the Treaty of Lisbon provides for extending what was known as the "co-decision procedure" and will from now on be referred to as the "ordinary legislative procedure" to a number of new cases and provides for applying the new approval procedure to, in particular, the concluding of international agreements.

The new procedures must be applied as from the entry into force of the Treaty of Lisbon.

- (3) For a relatively limited number of proposals, the changes made by the Treaty of Lisbon entail a **change to their legal basis** that goes beyond a mere change to the numbering. Through this Communication, the Commission **formally modifies** these proposals (Annex 1).
- (4) In the case of some proposals, the **legal framework** has been radically changed by the Treaty of Lisbon.

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<sup>1</sup> The terminology used takes account of the concepts of legislative procedure and non-legislative procedure laid down in the Treaty of Lisbon. This Communication deals with ordinary and special legislative procedures, as well as non-legislative procedures initiated on legal bases in the Treaties. It does not cover procedures concerning implementing acts and delegated acts.

These are the proposals that were presented by the Commission under Title VI of the Treaty on European Union and that from now on fall within the scope of the new Title V of the Treaty on the Functioning of the European Union. Where these proposals are concerned, it is not possible simply to replace the current legal basis with a new one, given the nature and scope of these acts.

These proposals, now ‘lapsed’, will be formally withdrawn and will, for the most part and as soon as possible, be **replaced with new proposals** that will take account of the new framework of the Treaty of Lisbon (Annex 2).

- (5) Where, lastly, excessive deficits are concerned, the Commission will formally convert its recommendations into proposals, made under Article 126(6) TFEU, ex-Article 104(6) of the EC Treaty (Annex 3).
2. The Commission has drawn up an **indicative list of the pending proposals** it presented before the entry into force of the Treaty of Lisbon (Annex 4). The legal bases derived from treaties other than the EC Treaty and the Treaty of Lisbon are not shown because they have not been amended. The list indicates the consequences of the entry into force of the Treaty of Lisbon for each of the proposals. The types of procedures are shown in Annex 5.