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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Legal bases with unanimity for which a passerelle could be used to switch to QMV and those for which there is no passerelle

On 10 June 2022, the General Secretariat of the Council published its preliminary technical assessment of the proposals and related specific measures contained in the report on the final outcome of the Conference on the Future of Europe (doc. 10033/22+ADD1).

Paragraph 15 of the preliminary technical analysis notes that " *some proposals and related measures could be addressed through the flexibilities provided by the current Treaty framework, such as Treaty provisions setting out general or specific passerelle clauses that enable the European Council or the Council to switch from unanimity to qualified majority voting or to ordinary legislative procedure, or specific simplified revision clauses that enable the European Council or the Council to extend the scope of certain legal bases or Treaty provisions, such as enhanced cooperation, allowing Member States which so wish to advance in a given area* ".

The present note aims to outline those legal bases with unanimity for which a passerelle could be used to switch to Qualified Majority Voting (Annex I). Legal bases with unanimity for which there is no passerelle clause are also listed (Annex II).

Legal bases with unanimity for which a *passerelle* could be used to switch to QMV

The general *passerelle* in Article 48(7), 1st subp., TEU¹ empowers the European Council, acting by unanimity and with the EP consent, to switch legal bases in the TFEU or in CFSP (except in military/defence) from unanimity in the Council to QMV, provided no national parliament opposes the activation of the *passerelle* within 6 months.

This general *passerelle* may be applied to any of the 67 provisions in the table below. Although, formally, that *passerelle* may apply to any of the provisions below - including those which are themselves (specific) *passerelles* clauses or sectoral simplified revision clauses (shown in bold the table) - switching to QMV the three provisions in this list which condition their use to an approval by the 27 Member States in accordance with their constitutional rules - i.e. Article 25 (extending citizens rights), 223 (electoral law for MEPs) and 262 TFEU (extending ECJ powers to IP) (shown in italics in the table) - could be considered as contradictory.

Moreover, the Treaties also contain six specific *passerelles* which empower the European Council or the Council, acting by unanimity, to switch the relevant legal basis from unanimity to QMV (also shown in the table below).

Article	Subject matter	Type of act and procedure
Legal acts by the Council		
24(1), 2nd subp., + 31(1) TEU	General voting rule for Council decisions in CFSP Submitted to a specific <i>passerelle</i> : Art. 31(3) TEU empowers the European Council to enlarge the list of QMV cases in Art. 31(2) (except military/defence)	- decision - HR proposal or initiative from a Member State
27(3) TEU	Establishing the organisation and functioning of the EEAS Specific <i>passerelle</i> (see above)	- decision - HR proposal - EP consultation - Commission consent
28 TEU	Actions to be undertaken by the EU in CFSP Specific <i>passerelle</i> (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State
29 TEU	Positions to be taken by the EU in CFSP Specific <i>passerelle</i> (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State
37 TEU (+ Art. 218(8) TFEU)	International agreements in the area of CFSP Specific <i>passerelle</i> (see above) (except military/defence)	- decision (signature and conclusion) - HR proposal
39 TEU	Personal data protection (processing and free movement of data by Member States when carrying out CFSP activities) Specific <i>passerelle</i> (see above)	- decision - HR proposal or initiative from a Member State
41(2), 1st subp., TEU	Deciding not to charge a CFSP operating expenditure to the EU budget Specific <i>passerelle</i> (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State
41(2), 2nd subp., 1st sentence, TEU	Deciding to charge a CFSP expenditure to Member States according to another key than GNP Specific <i>passerelle</i> (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State

¹ Article 48(7), 2nd subp., TEU also contains a general *passerelle* empowering, under the same procedure, the European Council to switch a legal basis in the TFEU from the special legislative procedure to the ordinary legislative procedure (and therefore also to QMV in the Council, where that was not already the case).

41(3) TEU	Specific procedures for guaranteeing rapid access to appropriations in EU budget for urgent financing of CFSP initiatives Specific passerelle (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State - EP consultation
42(4) and 43 TEU	ESDP missions Specific passerelle (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State
44 TEU	Entrusting an ESDP task to a group of willing Member States Specific passerelle (see above) (except military/defence)	- decision - HR proposal or initiative from a Member State
19(1) TFEU	Measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation	- measure (any legal act, special legislative procedure) - EP consent
21(3) TFEU	Social security or social protection measures necessary for attaining objective of free movement of EU citizens	- measure (any legal act, special legislative procedure) - EP consultation
22(2) TFEU	Arrangements for exercising the right to vote and to stand as a candidate in municipal elections and EP elections in the Member State of residence without being a national of that State	- measure (any legal act, special legislative procedure) - EP consultation
25, 2nd para. TFEU ²	Strengthening or adding to the rights for EU citizens [this is a sectoral simplified revision clause]	- provisions (special legislative procedure) - EP consent - <i>approval by the Member States in accordance with their constitutional requirements³</i>
64(3) TFEU	Step backwards in EU law as regards liberalisation of movement of capital to or from third countries	- measure (any legal act, special legislative procedure) - EP consultation
65(4) TFEU	Decision on compatibility with the Treaties of a restrictive national tax measure concerning third countries	- decision - application by the Member State concerned
77(3) TFEU	Measures on passports, ID cards, residence permits, etc. (on their format)	- decision (special legislative procedure) - EP consultation
81(3) 1st subp., TFEU	Measures concerning family law with cross-border implications Submitted to a specific passerelle: see below, Art. 81(3), 2nd and 3rd subp., TFEU	- measure (any legal act, special legislative procedure) - EP consultation
81(3), 2nd and 3rd subp., TFEU ⁴	Deciding to switch to certain family law aspects with cross-border implications to codecision [this is a specific passerelle]	- decision - Commission proposal - EP consultation - non-opposition of national parliaments within 6 months

² This is a simplified revision clause allowing the Council to add to a Treaty provision.

³ This means in practice that even if the voting rule for the Council decision would be changed to QMV, there would still be the requirement of approval by all Member States in national procedures.

⁴ This is a specific *passerelle* which allows the Council to decide to switch from unanimity to QMV.

82(2)(d) TFEU ⁵	Extending the list of specific aspects of criminal procedure in para. 2 [this is a sectoral simplified revision clause]	- decision - EP consent
83(1), 3rd subp., TFEU ⁶	Extending the list of "euro crimes" in para. 1, 2nd subp. [this is a sectoral simplified revision clause]	- decision - Commission proposal (Art. 76) - EP consent
86(1) TFEU	Establishment of a European Public Prosecutor's Office	- regulation (special legislative procedure) ⁷ - EP consent
87(3) TFEU	Operational police cooperation	- measure (any legal act, special legislative procedure) ⁸
89 TFEU	Conditions and limitations under which the competent authorities of the Member States may operate in the territory of another Member State	- measure (any legal act, special legislative procedure) - EP consultation
92 TFEU	Derogation from the standstill obligation of non-discrimination based on nationality in the field of transport	- measure (any legal act)
108(2), 3rd subp., TFEU	Compatibility with the internal market of an aid granted by a Member State or through state resources (derogation from Art. 107 TFEU or from regulations based thereon)	- decision - application by a Member State
113 TFEU	Harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxes	- measure (any legal act, special legislative procedure) - EP consultation - EESC consultation
115 TFEU	Approximation of legislation which directly affects the establishment or functioning of the internal market (including direct taxation) (in cases other than covered by Art. 114 TFEU)	- measure (any legal act, special legislative procedure) - EP consultation - EESC consultation
118, 2nd subp., TFEU	Language arrangements for the European intellectual property rights	- regulation (special legislative procedure) - EP consultation
126(14), 2nd subp., TFEU ⁹	Modification/replacement of the Protocol on the excessive deficit procedure [this is a sectoral simplified revision clause]	- measure (any legal act, special legislative procedure) - EP and ECB consultation
127(6) TFEU	Specific tasks for the ECB concerning policies relating to prudential supervision	- regulation (special legislative procedure) - EP and ECB consultation
140(3) TFEU	Fixing of the rate at which the euro is to be substituted for the currency of the Member State(s) concerned	- measure (any legal act) - with the agreement of the Council member representing the Member State(s) concerned - Commission proposal - ECB consultation

⁵ This is a simplified revision clause allowing the Council to add to a Treaty provision.

⁶ This is a simplified revision clause allowing the Council to add to a Treaty provision.

⁷ Coupled with an 'accelerator' procedure in the 2nd and 3rd subpara.

⁸ Coupled with an 'accelerator' mechanism.

⁹ This is a simplified revision clause allowing the Council to modify Treaty provisions.

153(1)(c), (d), (f) and (g) + 153(2), 3rd subp., TFEU	<p>Social policy:</p> <ul style="list-style-type: none"> - social security and social protection of workers; (c) - protection of workers where their employment contract is terminated; (d) - representation and collective defence of the interests of workers and employers, including co-determination; (f) - conditions of employment for third-country nationals legally residing in Union territory; (g) <p>Submitted to a specific <i>passerelle</i> for points (d), (f) and (g): see below, Art. 153(2), 4th subp., TFEU</p>	<ul style="list-style-type: none"> - directives and encouragement measures (special legislative procedure) - EP consultation - EESC and CoR consultation
153(2), 4th subp., TFEU ¹⁰	<p>Social policy – switching to codecision the 3 points below:</p> <ul style="list-style-type: none"> - protection of workers where their employment contract is terminated (d); - representation and collective defence of the interests of workers and employers, including co-determination (f); - conditions of employment for third-country nationals legally residing in Union territory (g) <p>[this is a specific <i>passerelle</i>]</p>	<ul style="list-style-type: none"> - decision - Commission proposal - EP consultation
155(2), 2nd subp., TFEU	<p>Implementation of agreements between management and labour in the fields of Art. 153(2) where unanimity is required</p>	<ul style="list-style-type: none"> - measure - request of the signatory parties - Commission proposal - information of EP
192(2), 1st subp., TFEU	<p>Environment:</p> <ul style="list-style-type: none"> - provisions primarily of a fiscal nature; (a) - measures affecting town and country planning, quantitative management of water; land use; (b) - measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply; (c) <p>Submitted to a specific <i>passerelle</i>: see below Art. 192(2), 2nd subp., TFEU</p>	<ul style="list-style-type: none"> - measure (any legal act, special legislative procedure) - EP consultation - EESC and CoR consultation
192(2), 2nd subp., TFEU ¹¹	<p>Environment - switching to codecision in matters mentioned in Art. 192(2), 1st subp., TFEU</p> <p>[this is a specific <i>passerelle</i>]</p>	<ul style="list-style-type: none"> - decision - Commission proposal - EP consultation - EESC and CoR consultation
194(3) TFEU	<p>Measures in the field of energy policy which are primarily of fiscal nature</p>	<ul style="list-style-type: none"> - regulation (special legislative procedure) - EP consultation
203 TFEU ¹²	<p>Association of the Overseas Countries and Territories (listed in Annex II to the Treaties)</p>	<ul style="list-style-type: none"> - measure (any legal act, special legislative procedure or not) - Commission proposal - EP consultation if special legislative procedure

¹⁰ This is a specific *passerelle* which allows the Council to decide to switch from a special legislative procedure with unanimity to codecision with QMV.

¹¹ This is a specific *passerelle* which allows the Council to decide to switch from a special legislative procedure with unanimity to codecision with QMV.

¹² Where the special legislative procedure, with unanimity, applies.

207(4), 2nd and 3rd subp., TFEU	<p>Common commercial policy - exceptions to QMV for agreements on:</p> <ul style="list-style-type: none"> - trade in services; commercial aspects of intellectual property and foreign direct investment, when unanimity is required for the adoption of an internal EU act; - trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity; - trade in social, education and health services, where these agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them 	<ul style="list-style-type: none"> - decision (signature and conclusion) - EP consent if agreement covers fields to which codecision applies or in which the Council adopts legislative acts with the EP consent - EP consultation in other cases
218(8), 2nd subp., TFEU	<p>Voting rule on international agreements:</p> <ul style="list-style-type: none"> - covering a field for which unanimity is required for the adoption of an internal EU act; - association agreements (Art. 8 TEU and 217 TFEU); - agreements on economic and financial cooperation (Art. 212 TFEU) with candidates for accession; - EU accession to the ECHR (Art. 6(2) TEU) 	<ul style="list-style-type: none"> - decision (signature and conclusion) - EP consent if association agreement or if covers fields to which codecision applies or in which the Council adopts legislative acts with the EP consent - EP consultation in other cases
219(1) TFEU	<p>Agreements on an exchange-rate system for the euro in relation with third States' currencies as well as adoption, adjustment or abandonment of central rates of the euro with exchange-rate systems</p>	<ul style="list-style-type: none"> - decision - recommendation from ECB or - Commission recommendation + ECB consultation - EP consultation
223(1), 2nd subp., TFEU	<p>Measures for the election of MEPs by direct universal suffrage</p>	<ul style="list-style-type: none"> - measures (special legislative procedure) - on initiative from, and after obtaining the consent of, the EP - <i>approval by the Member States in accordance with their constitutional requirements¹³</i>
223(2), 2nd sentence, TFEU	<p>Rules or conditions relating to the taxation of MEPs or former MEPs</p>	<ul style="list-style-type: none"> - EP regulation (special legislative procedure) - on EP initiative - Commission opinion - Council consent
246, 3rd subp., TFEU	<p>Choice not to replace a Commissioner in case of a vacancy resulting from death, resignation or compulsory retirement</p>	<ul style="list-style-type: none"> - decision - proposal from the President of the Commission
252, 1st subp., TFEU	<p>Increasing the number of Advocates-General</p>	<ul style="list-style-type: none"> - decision - request from the Court
257, 4th subp., TFEU	<p>Appointment of the members of the specialised courts</p>	<ul style="list-style-type: none"> - decision

¹³ This means in practice that even if the voting rule for the Council decision would be changed to QMV, there would still be the requirement of approval by all Member States in national procedures.

262 TFEU	Conferring jurisdiction on the EU Court of Justice in disputes relating to the application of EU acts creating European intellectual property rights	- measures (special legislative procedure) - EP consultation - <i>approval by the Member States in accordance with their constitutional requirements</i> ¹⁴
293(1) TFEU	Amending a Commission proposal (against the will of the Commission)	- adoption of the measure proposed
294(9) TFEU	Amending a Commission proposal, during the first or second reading of codecision, where the Commission has delivered a negative opinion on such amendments	- adoption of the measure proposed
301, 2nd subp., TFEU	Composition of the Economic and Social Committee	- decision - proposal from the Commission
305, 2nd subp., TFEU	Composition of the Committee of the Regions	- decision - proposal from the Commission
308, 3rd subp., TFEU ¹⁵	Modification of the EIB Statute [this is a sectoral simplified revision clause]	- decision (special legislative procedure) - request from EIB + consultation of Commission and EP; or - proposal from Commission + consultation of EIB and EP
312(2), 1st subp., TFEU	Multiannual financial framework Submitted to a specific passerelle: the European Council is empowered to decide by unanimity to authorise the Council to switch to QMV for adopting the MFF	- regulation (special legislative procedure) - EP consent, which shall be given by a majority of its component members
329(2), 2nd subp., TFEU (+ 20(2) TEU)	Authorisation to proceed with enhanced cooperation in CFSP (except military/defence)	- decision - request of the Member States concerned (at least 9) - HR and Commission consultation - EP information
331(2), 3rd subp., TFEU	Acceptance of the participation of a Member State in an existing enhanced cooperation in CFSP (except military/defence)	- decision - request from the Member State concerned - HR consultation/HR proposal if transitional measures
332 TFEU	Deciding to charge expenditure resulting from the implementation of enhanced cooperation differently (than charging it on participating Member States)	- decision - EP consultation
333(1) TFEU ¹⁶	Deciding to switch to QMV within an enhanced cooperation (except military/defence) [this is a specific passerelle]	- decision
333(2) TFEU ¹⁷	Deciding to switch to codecision within an enhanced cooperation (except military/defence) [this is a specific passerelle]	- decision - EP consultation

¹⁴ This means in practice that even if the voting rule for the Council decision would be changed to QMV, there would still be the requirement of approval by all Member States in national procedures.

¹⁵ This is a simplified revision clause allowing the Council to modify Treaty provisions.

¹⁶ This is a specific *passerelle* which allows the Council to decide to switch from unanimity to QMV, within the enhanced cooperation.

¹⁷ This is a specific *passerelle* which allows the Council to decide to switch from a special legislative procedure with unanimity to codecision with QMV, within the enhanced cooperation.

342 TFEU	Rules governing the language regime of the EU's institutions	- regulation
346(2) TFEU	Changes to the list of arms, munitions and war material	- decision - Commission proposal
Art. 64, CJEU Protocol (No 3)	The rules governing the language arrangements applicable at the ECJ	- regulation - at the request of the ECJ and after consultation of the COM and EP; or - on proposal from the COM, after consultation of the ECJ and EP
Art. 6, convergence criteria Protocol (No 13)	Laying down the details of the convergence criteria referred to in Article 140(1) TFEU replacing Protocol (No 13)	- decision - proposal from the Commission and after consulting the European Parliament, the ECB and the Economic and Financial Committee
Art. 4, Schengen Protocol (No 19)	Participation of Ireland to take part in some or all of the provisions of the Schengen <i>acquis</i>	- decision - upon request from Ireland and with its agreement
Art. 6, Schengen Protocol (No 19) (+ Art. 218 TFEU)	Schengen <i>acquis</i> - Association of Iceland and Norway Agreement with Iceland and Norway for the establishment of rights and obligations between Ireland on the one hand, and Iceland and Norway on the other, in domains of the Schengen <i>acquis</i> which apply to these States	- decision (signature and conclusion) - Commission proposal - EP consent
Art. 5, JHA Protocol (No 21)	Deciding on the participation of Ireland to the non-administrative costs of a JHA measure by which it is not bound	- decision - EP consultation

Legal bases with unanimity for which there is no *passerelle*

The general *passerelle* in Article 48(7) TEU does not apply to acts from the European Council (see list in the table below), only to those from the Council. Therefore, switching from unanimity to QMV in the European Council for taking decisions under the 18 legal bases below would require changing the Treaties.

In addition, the table below shows the 9 cases where *passerelles* do not apply to Council legal acts, and would therefore require Treaty change to switch to QMV. These are Council decisions with military or defence implication (which the current Treaties expressly exclude from *passerelles*, whether general or specific); the few provisions - own resources and the flexibility clause - which Article 353 TFEU expressly excludes from the application of the general *passerelle*; and Council decisions on enlargement, which fall outside the scope of *passerelles*.

Article	Subject matter	Act and procedure
Decisions by the European Council		
7(2) TEU ¹	Existence of a serious and persistent breach by a Member State of the values referred to in Article 2	<i>EUCO decision by unanimity</i> - initiative of 1/3 of the MS or Commission proposal - EP consent
14(2), 2nd subp., TEU	Composition of the European Parliament	<i>EUCO decision by unanimity</i> - EP initiative and EP consent
17(5), 1st subp., TEU	Modification of the number of Commission members (President and the High Representative included)	<i>EUCO decision by unanimity</i>
17(5), 2nd subp., TEU (+ 244 TFEU)	Establishment of the system of strictly equal rotation between the Member States as regards the composition of the Commission	<i>EUCO decision by unanimity</i>
22(1) 3rd subp., TEU	Identification of the strategic interest and objectives of the Union, in the CFSP and other areas of external action	<i>EUCO decision by unanimity</i> - on a recommendation from Council
24(1), 2nd subp., and 31(1) TEU	General voting rule for EUCO decisions in CFSP	
31(2), 2nd subp., TEU	Decision following the triggering of an 'emergency brake' regarding the adoption of a CFSP decision	<i>EUCO decision by unanimity</i> - on request from Council by QMV
31(3) TEU ²	Deciding to switch to QMV for Council decisions in the field of CFSP (except in military/defence) [this is a specific <i>passerelle</i>]	<i>EUCO decision by unanimity</i>
42(2) TEU	Establishment of a common EU defence	<i>EUCO decision by unanimity</i> - adoption of the decision by the Member States in accordance with their respective constitutional requirements

¹ Expressly excluded by Article 353 TFEU from the scope of the general *passerelle*, which in any event does not apply to European Council acts.

² This is a specific *passerelle* which allows the European Council to decide to switch from unanimity to QMV.

48(6), 2nd subp., TEU	Simplified revision procedure concerning Part Three of the TFEU (internal Union policies and action)	<i>EUCO decision by unanimity</i> - on a proposal from a Member State, the EP or the Commission - consultation of the Commission and of the EP (and of the ECB in case of institutional changes to the monetary area) - <i>approval by the Member States in accordance with their constitutional requirements</i>
48(7), 1st, 3rd and 4th subp., TEU	Deciding to switch to QMV in the Council (except in military/defence) [this is the general passerelle]	<i>EUCO decision by unanimity</i> - non-opposition of national parliaments within 6 months - EP consent by a majority of its component members
48(7), 2nd, 3rd and 4th subp., TEU	Deciding to switch from special legislative procedure to ordinary legislative procedure (including QMV in Council) [this is the general passerelle]	<i>EUCO decision by unanimity</i> - non-opposition of national Parliaments within 6 months - EP consent by a majority of its component members
50(3) TEU	Extension of the two-year period before the withdrawal of a Member State from the EU	<i>EUCO decision by unanimity</i> - in agreement with the Member State concerned
86(4) TFEU ³	Extension of the powers of the European Public Prosecutor's Office [this is a sectoral simplified revision clause]	<i>EUCO decision by unanimity</i> - consultation of the Commission - EP consent
312(2), 2nd subp., TFEU ⁴	Deciding to switch to QMV on the MFF [this is a specific passerelle]	<i>EUCO decision by unanimity</i>
222(3), 1st subp., 2nd sentence, TFEU	Implementation of the solidarity clause, where this has defence implications	- decision - joint proposal from the Commission and the HR - EP information
355(6) TFEU ⁵	Modification of the status, with regard to the EU, of a Danish, French or Netherlands overseas country or territory or of an outermost region [this is a sectoral simplified revision clause]	<i>EUCO decision by unanimity</i> - on the initiative of the Member State concerned - consultation of the Commission
40(2), ECB Protocol No 4	Modification of the composition of the Governing Council of the ECB	<i>EUCO decision by unanimity</i> - recommendation from ECB or from the Commission - consultation of the EP and of the ECB - <i>approval by the Member States in accordance with their constitutional requirements</i>
Legal acts by the Council		
37 TEU (+ Art. 218(8) TFEU)	International agreements in the area of CFSP in military/defence	- decision (signature and conclusion) - HR proposal

³ This is a simplified revision clause allowing the European Council to add to a Treaty provision.

⁴ This is a specific *passerelle* which allows the European Council to decide to switch from unanimity to QMV.

⁵ This is a simplified revision clause allowing the European Council to modify Treaty provisions.

41(2), 1st subp., TEU	Deciding not to charge a CFSP operating expenditure to the EU budget in military/defence	- decision - HR proposal or initiative from a Member State
41(2), 2nd subp., 1st sentence, TEU	Deciding to charge a CFSP expenditure to Member States according to another key than GNP in military/defence	- decision - HR proposal or initiative from a Member State
41(3) TEU	Specific procedures for guaranteeing rapid access to appropriations in EU budget for urgent financing of CFSP initiatives in military/defence	- decision - HR proposal or initiative from a Member State - EP consultation
42(4) and 43 TEU	ESDP missions in military/defence	- decision - HR proposal or initiative from a Member State
44 TEU	Entrusting an ESDP task to a group of willing Member States in military/defence	- decision - HR proposal or initiative from a Member State
49, 1st subp., TEU	Admission of a new Member State to the EU	<i>Council decision by unanimity</i> - consultation of the Commission - EP consent by a majority of its component members - accession treaty to be <i>ratified by all contracting parties in accordance with their respective constitutional requirements</i>
311, 3rd para., TFEU ⁶	Own resources	<i>Council decision by unanimity</i> - Commission proposal - consultation of the EP - <i>approval by the Member States in accordance with their constitutional requirements</i>
352 TFEU ⁷	Flexibility clause	<i>Council measure by unanimity</i> - Commission proposal - EP consent

⁶ Expressly excluded by Article 353 TFEU from the scope of the general *passerelle*.

⁷ Expressly excluded by Article 353 TFEU from the scope of the general *passerelle*.