CHAPTER THIRTEEN

THE DECISION-MAKING PROCESS IN THE EUROPEAN UNION

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Everyday, everyday, it’s hustle, hustle time, hustle time
Everyday and every way, one more, one more mountain to climb
It’s leaving me stranded
Van Morrison (Magic Time, 2005)

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I. Introduction

The decision-making process in the EU, that was fairly simple at the beginning of the European Communities, has progressively become more and more complex parallel to the consolidation of the Communities themselves, to the increasing of their powers and to the autonomy of their institutions in the decision-making process.

To describe the development experienced during the Communities’ more than 50 years of life, we might start saying that there is: (1) a simple institutional scheme: the Commission was the institution holding the legislative initiative, the Council was a legislative and decision-making institution, and the Parliament held duties of political control and a simple advisory role in the decision-making process; and (2) a lack of distinction, in the way of the continental Public Law, between legislative and regulatory functions on the one hand, and between legislative and executive powers on the other hand.

Parallel to the development of the powers attributed to the Communities by Member States in the successive versions of the Treaties, a strong and evolutionary process has taken place, which is characterized by the search of significant improvements concerning:

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