

## Case C-417/93

### European Parliament v Council of the European Union

(Technical assistance to the independent States of the former Soviet Union  
and to Mongolia — Consultation of the Parliament)

Opinion of Advocate General Léger delivered on 14 February 1995 .....	I - 1187
Judgment of the Court, 10 May 1995 .....	I - 1210

### Summary of the Judgment

1. *Acts of the institutions — Procedure for drawing up — Due consultation of the Parliament — Essential formal requirement — Scope*
2. *Acts of the institutions — Procedure for drawing up — Due consultation of the Parliament — Requirement of reconsultation in the event of substantial amendment to the initial proposal*
3. *Acts of the institutions — Regulations — Procedure for drawing up — Due consultation of the Parliament — Consultation necessary for the basic rules but not for the implementing provisions — Amendment of implementing provisions without consulting the Parliament — Lawfulness*

1. Due consultation of the Parliament in the cases provided for by the Treaty constitutes an essential formal requirement disregard of which means that the measure concerned is void. In the context of the consultation procedure, however, nothing in Community law requires the Council to abstain from any consideration of a Commission proposal or from any search for a general approach or even for a common position within the Council before the Parliament's opinion is delivered provided that it does not adopt its final position before being apprised of the opinion. Furthermore, such a prohibition is not called for by any institutional or procedural objective. On the contrary, for the Council to discuss the Commission's proposal before the Parliament has delivered its opinion, and even before the proposal has been officially referred to the Parliament, reflects the legitimate concern to make good use of the period during which it is awaiting the Parliament's opinion in order to prepare its own position and thus to avoid unnecessary delay. It is only if the Council definitively adopts its position before receiving the Parliament's opinion that there is a failure to comply with the obligation to consult.
2. The duty to consult the Parliament in the cases provided for by the Treaty includes a requirement that the Parliament be reconsumed on each occasion on which the text finally adopted, viewed as a whole, departs substantially from the text on which the Parliament has already been consulted.
3. Where the Council adopts regulations, for example in relation to the common agricultural policy or on the basis of Article 235 of the EEC Treaty or Article 203 of the Euratom Treaty, on a proposal from the Commission and after consulting the Parliament, that procedure applies only to the adoption of the essential elements of the matter to be dealt with and the provisions implementing those regulations may be adopted by the Council according to a different procedure. For that reason a regulation adopted after consulting the Parliament may stipulate that certain of its provisions, in so far as they are implementing provisions, may be amended without such consultation.