Glossary of summaries

SUBSIDIARY POWERS

Article 352 of the Treaty on the Functioning of the European Union (TFEU) contains a provision allowing the EU to adopt an act necessary to attain objectives laid down by the treaties when the latter have not provided the powers of action necessary to attain them.

Article 352 TFEU may only be used as a legal basis when the following conditions are met:

- the action envisaged is ‘necessary to attain, in the context of the policies defined by the treaties (with the exception of the common foreign and security policy), one of the Union’s objectives’;
- no provision in the treaty provides for action to attain the ‘objective’;
- the envisaged action must not lead to the EU’s competences being extended beyond those provided for by the treaties.

On a proposal from the Commission, the Council adopts acts based on Article 352 TFEU unanimously, following the consent of the European Parliament.

The European Commission, using the procedure for controlling the respect of the principle of subsidiarity provided by Article 5 of the Treaty on European Union (TEU) and Protocol 2 to the Treaty of Lisbon, must draw national parliaments' attention to initiatives taken on the basis of Article 352 TFEU.

SEE ALSO

- European powers
- Distribution of competences
- Institutional balance
- Subsidiarity