

## ANNEX: Summary of the categories and the assignment of competencies, procedures and instruments

Category	Description of the category	Categorisation and scope according to intensity of intervention	Possible categorisation of procedures	Possible categorisation of legal instruments
Constitutional issues	Regulations which, if changed, result in a substantial intervention in the division of labour, the constitutional or sovereignty rights of Member States or the Union	<ul style="list-style-type: none"> <li>- Suspension of voting rights (Art. 7 TEU)</li> <li>- Amendment of Treaties (Art. 48 TEU)</li> <li>- Accession (Art. 49 TEU)</li> <li>- Languages (Art. 290 TEC)</li> <li>- Association (Art. 310 TEC)</li> </ul>	Assent and unanimity	Constitutional amendment, Intergovernmental Conferences
Exclusive policies (EU)	Policy fields which were (after ratification) fully transferred to the European level. In accordance with the German Basic Law Member States are here only allowed to fulfil legislative tasks if and insofar as they were explicitly authorised by a European legislative act (law).	<ul style="list-style-type: none"> <li>- Guaranteeing the common market</li> <li>- Prohibition of quantitative restrictions (Art. 23-31 TEC)</li> <li>- Four freedoms of the market (Art. 39-60 TEC)</li> <li>- Competition (Art. 81-89 TEC)</li> <li>- Monetary Policy (Art. 98-124 TEC)</li> <li>- Trade Policy (Art. 131-134 TEC)</li> <li>- Association (Art. 182-188 TEC)</li> </ul>	Co-decision and qualified majority voting in the Council	Regulations, directives, decisions
Joint policies	Policies which must be jointly executed in order to achieve the fundamental aims (common market, EMU, cohesion, etc.). Upon execution (and enlargement) here, too, the principles of subsidiarity and proportionality take effect, also precedence of Union law. Member states can only act independently in those fields where the Union did not make use of its rights.	<ul style="list-style-type: none"> <li>- Union Citizenship (17-22 TEC)</li> <li>- Agriculture and fisheries (Art. 32-38 TEC)</li> <li>- Visa, asylum, immigration (Art. 61-69 TEC)</li> <li>- Transport policy (Art. 70-80 TEC)</li> <li>- Completing the common market</li> <li>- Taxation, legal harmonisation (Art. 90-97 TEC)</li> <li>- Customs (Art. 135 TEC)</li> <li>- Prohibition of discrimination (Art. 141 TEC)</li> <li>- Economic and social cohesion (Art. 158-162 TEC)</li> <li>- Environment (Art. 174-176 TEC)</li> <li>- International Agreements (Art. 300 TEC)</li> <li>- Energy (TECSC and Euratom)</li> <li>- CFSP (Art. 11-28 TEU)</li> </ul>	Co-decision and qualified majority voting in the Council	Regulations, directives, decisions

Category	Description of the category	Categorisation and scope according to intensity of intervention	Possible categorisation of procedures	Possible categorisation of legal tools
Complementary policies	The Community acts only supportive, promoting and supplementary. It does so only in fields where an EU-wide regulation results in an added value for the Member States. It limits itself to framework directives and recommendations. Implementation and primary competence in these fields is due to the Member States alone.	<ul style="list-style-type: none"> <li>– Social policy (Art. 136-148 TEC)</li> <li>– Education (Art. 149-150 TEC)</li> <li>– Culture (Art. 151 TEC)</li> <li>– Public health (Art. 152 TEC)</li> <li>– Consumer protection (Art. 153 TEC)</li> <li>– Trans-European networks (Art. 154-156 TEC)</li> <li>– Industry (Art. 157 TEC)</li> <li>– R&amp;D (Art. 163-173 TEC)</li> <li>– Development cooperation (Art. 177-181 TEC)</li> <li>– Criminal matters (Art. 29-42 TEU)</li> </ul>	Consultation or co-decision and qualified majority voting in the Council	Framework directives and recommendations
(Open) Coordination	These are explicitly not Community competencies. The Community and its bodies can participate in a supportive way, however they cannot be held politically responsible. After the Lisbon development a formula ought here to be found which limits exaggerated centrifugal as well as centripetal tendencies.	<ul style="list-style-type: none"> <li>– Employment (Art. 125-130 TEC)</li> <li>– Civil protection and tourism (no Treaty articles)</li> <li>– Lisbon process (no Treaty articles)</li> </ul>	Information (open coordination) or consultation and unanimity in the Council	Non-binding recommendations and positions