What does the European Commission do?

by Giuseppe Ciavarini Azzi[1]

A new European Commission is formed whenever a Parliamentary election is held. The two institutions have a five-year mandate, and Commission members are elected within six months after their counterparts in the Parliament. Unlike many States' executive branches, which reflect the national Parliamentarian majority and rely upon it, the European Commission does not emanate from the European Parliament. The latter, however, has a real impact on this institution's membership.

According to the treaty currently in force—the EC Treaty as amended by the Treaty of Nice—the President of the Commission is appointed by the European Council, acting by qualified majority, but this designation must be approved by the European Parliament. In making its decision, the European Council therefore considers the positions of the various political groups within the newly elected Parliament. That is why, with José Manuel Barroso's appointment in 2004, the European Council opted for a candidate originating from the European People's Party (EPP), of which the Parliamentary group was numerically the largest. Then the Council, acting in principle by qualified majority and by mutual agreement with the appointed President, adopts the Commission's list of members, established in accordance with the proposals made by each Member State. Lastly, the Commission as a whole has to be approved by the European Parliament (commonly called an "investiture procedure"), after which it is appointed by the Council acting by qualified majority. In this phase as well, Parliament plays a critical role, all the more so in that it has instituted the practice—not provided for under the treaties—of conducting preliminary hearings for the designated commissioners by the competent committees. It will be recalled that, during the most recent renewal of the Commission, Parliament declared, after the hearings were over, that it could not approve the new Commissioner line-up if the latter were to include the Italian Rocco Buttiglione. That decision induced the Council to nominate another political figure in his place, thereby enabling the Commission to obtain the European Parliament's investiture.

[1] The author wishes to warmly thank: Paolo Ponzano, Principal Adviser to the General Secretariat of the European Commission responsible for Institutional Issues, and Professor at the University of Bologna, for his invaluable advice and expertise.

The Treaty of Lisbon not only confirmed these provisions attributing a significant role to the European Parliament, but has strengthened them: from now on, the European Parliament will elect the Commission's President on the basis of a European Council proposal which will take into account the results of the European election. The European Parliament seems to want this procedure to already be applied as early as during the next Commission renewal, which poses a legal problem, inasmuch as the new treaty will not likely have entered into force by that time.

The manner in which the Commission currently exercises its legislative and executive powers as "Guardian of the treaties" would be incomprehensible were it not for the division of duties between European Union institutions. This breakdown does not entirely conform to the principle of the separation of powers, which prevails in a large number of national systems. The Commission's action is closely interlinked with that of the other actors, and cannot be understood or evaluated without acknowledging that of the other institutions and Members States. One example lies in the area of legislative production: while the Commission has a virtually exclusive right to undertake Community-related initiatives, the power of decision is incumbent upon the European Council and Parliament (in some 60% of the cases they have equal rights, and in 40% of those cases in which the Council prevails). These three institutions interact in projects initiated by Commission proposals in such a way that the respective contribution of each of them is not evident to European citizens.

In this respect, it should be noted that during the second half of 2008 the Commission was presented, in public events, by its main spokesperson, the President of the European Council. In some of his statements, President Sarkozy has sometimes limited the Commission to its role as guardian of the treaties in the service of Member States, specifying that "It is up to the major nations to take initiatives. They don't have more rights, but they do have responsibilities."[2] At other times, he stated that he had worked *hand in hand* with the Commission.[3] "Hand in hand" perhaps, but while clearly distinguishing between the roles: "If the Commission is content to be a solely technical—or should I say technocratic—body, it lacks vision, it has no ambition, it becomes a caricature. If the Commission dares to venture into an exclusively political terrain, it will find itself competing with the European Council."[4]

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2 *Le Monde* of 18/12/08, p. 10.
3 Ibid.
4 *Le Monde* of 21/11/08, p. 2.

1. Is the Commission taking the sort of initiatives which the Union needs?

To what extent are the Commission's initiatives in the areas in which the treaties have granted it competency, actually meeting the Union's needs? Is the Commission doing the work it was expected to do?

Graph 1 shows all texts submitted by the European Commission to the European Parliament and to the Council.

Graph 1. Number of documents transmitted to the European Parliament and/or to the European Council
INSERT HERE

Source: Annual index of texts submitted by the General Secretariat of the European Commission to the Parliament and/or to the Council

These figures include all communications, reports, green papers, white papers (informal documents which can sometimes have an actual political content), as well as formal legislative proposals. The total number of such documents seems to have stabilized over the last three years, after some fluctuations associated with the impact of the EU's enlargement. The 2008 levels are similar to those of 2003.

Let us now consider formal legislative proposals, in the sense of initiatives as provided for by treaties, in which the Commission has a quasi-monopoly, and concerning which, as a rule, the Council is authorized to make decisions acting by qualified majority. Quantitatively, it can be seen that in 2007 and 2008, after variations associated with the enlargement, there is a gradual reduction of such proposals, undoubtedly due to efforts to achieve "better regulation"[5] (Graph 2).

Graph 2. Number of formal legislative proposals
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[5] In some cases, this principle can lead to choosing regulatory instruments rather than resorting to legislation.

Sources: General Report on the Activities of the European Union for the years 2003, 2004, 2005, 2006, 2007, 2008. OIE computations.

Before answering the question "What role has the Commission played as a result of its initiatives?" it should be recalled that the European Commission is not totally free to exercise its right/duty of initiative. It must comply with countless guidelines. Each year, it must submit a large number of proposals for routine management instruments (notably in the fields of agriculture, fisheries, customs and trade policy), and for pursuing or modifying action already underway, as well as proposals to codify[6] or simplify[7] existing legislation. There are relatively few genuinely innovative proposals; i.e. those which introduce some entirely new changes in Union actions. The first report by the Observatory of European Institutions (OIE)[8] had identified them as "new proposals" and had computed their share of all proposals made by the Barroso Commission in 2005. It had shown that this percentage was far from being lower than it was in the previous Commission. A review of the proposals for the years 2006, 2007 and 2008 indicates that this percentage remained at a rather high level (see Graph 3).

Graph 3. Number of "new" proposals
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Sources: General Report on the Activities of the European Union for the years 2003, 2004, 2005, 2006, 2007, 2008. OIE computations.

The "new" initiatives taken by the Commission during the 2003-2008 period are broken down by subject in Table 1. Several of them, dealing with topical and sensitive issues such as the anti-discrimination directive, measures on the climate/energy package, consumer protection and the economic recovery plan, stirred up lively debate.

6 European Union legislation is generally modified several times: "codification" consists of adopting, for reasons of clarity, a new act that takes into account all of these changes.

7 In the aim of making European legislation more accessible, the Commission proposes to simplify certain acts without, in so doing, misinterpreting their objectives.

8 Renaud Dehousse, Florence Deloche-Gaudez, Olivier Duhamel (dir.), *Elargissement : comment l'Europe s'adapte* (Paris: Presses de Sciences Po, 2006), in the "Evaluer l'Europe" collection.

Table 1. Sectoral Breakdown of the Commission's "New" Proposals (2003-2008)

	2003	2004	2005	2006	2007	2008	Total	*% of Total*
Enlargement	0	1	0	0	0	0	1	***0.31***
Economic and monetary policy	0	0	0	1	0	1	2	***0.62***
Labour and social policy	3	1	3	4	2	1	14	***4.36***
Internal market	5	1	2	1	1	5	15	***4.67***
Competition policy	0	0	0	0	0	0	0	***0***
Enterprise	1	0	1	0	4	5	11	***3.43***
Research and technology	0	0	9	1	3	1	14	***4.36***
Information society	1	0	2	1	4	1	9	***2.80***
Economic and social cohesion	0	0	1	0	0	0	1	***0.31***
Agriculture and rural development	5	1	3	5	6	1	21	***6.54***
Fisheries	0	1	3	3	5	4	16	***4.98***
Space of freedom, security and justice	9	7	29	5	7	4	61	***19***
Education and culture	3	2	4	2	1	1	13	***4.05***
Environment	3	1	3	4	4	8	23	***7.17***
Energy and transport	10	7	13	6	8	11	55	***17.13***
Health and consumer protection	4	0	2	4	1	9	20	***6.23***
Common trade policy and Customs Union	0	2	2	6	2	0	12	***3.74***
Development co-operation and humanitarian aid	0	2	0	0	0	1	3	***0.93***
Relations with third countries or regional groups	0	0	0	2	0	0	2	***0.62***
Financing of Community activities	2	4	0	1	0	0	7	***2.18***
Transparency, public relations, information, communication	2	1	0	7	6	1	17	***5.30***
Trans-European networks	1	0	0	0	0	0	1	***0.31***
Other	0	1	0	0	0	2	3	***0.93***
Total	**49**	**32**	**77**	**53**	**54**	**56**	**321**	***100***

Source: OIE data.

The Barroso Commission presented these initiatives only after it had made certain that they would be accepted by a large majority of Member States, a point which had already been noted in the first OEI report. At the time, it was observed (and since reasserted by other observers) that the Barroso Commission's initiatives, unlike those of previous Commissions, never elicited strong negative reactions from the Member States. This would indicate that, as active as the Commission certainly is, it moves prudently and prefers to deal with "non-controversial" topics. This approach is confirmed in 2009: its proposals, and most of their content, are meeting the expectations of a large majority of Member States, notably those of the largest Member States interested in these areas of intervention. Before presenting a major proposal, the current Commission makes certain, even more than it did in the past, that it will be well-received. To take one example, the Barroso Commission is unlikely to come up with any proposal like the one made in July 2004 by the Prodi Commission to allocate EUR 1 million to the Galileo Programme, despite knowing that two large States were opposed to this idea. José Manuel Barroso has stated it several times: "As for the issue of knowing whether

the Commission should make proposals even when it knows they have no chance of being accepted, I would like to say the following: I think that we should pay close attention to the negative impact of media hype surrounding the announcements."[9] To those who would blame the Commission for not having presented any financial market regulation proposals prior to the current crisis, Mr. Barroso's response is that Member States were opposed, at the time, to the Commission making any attempt to do so.

Some do not hesitate to speak of a "Barroso doctrine." In any event, this approach implies that proposals remain for extended periods of time in the Commission's departments and offices, under the supervision of the President and of the members most closely concerned in order to assess their feasibility. A proposal reaches the College of Commissioners' meeting only after work on it is totally finished and it has been the subject of informal consultations with the capitals. Virtually all choices having been made in advance, Commission deliberations are often reduced to a mere formality. The share of decisions made in oral proceedings—i.e., during a College meeting—was 4% during the Prodi Commission (other decisions having been adopted by written procedure or by empowerment/delegation). Under the Barroso Commission, this percentage has dropped to 2%. What is more, the Barroso Commission has never resorted to a vote.

This need for a long preparation of initiatives obviously has its drawbacks. It may be the reason why the Commission has been accused of showing some lack of responsiveness in certain international meetings held on the financial crisis in the last half of 2008.

2. Is the Commission defending its initiatives effectively?

The Commission does not merely have a quasi-monopoly over Community-related initiatives. The Treaty provides that the Council cannot cast a majority vote if it deviates from the Commission's proposal. Should it decide to deviate from it, that decision must be unanimous. A Council compromise can only be adopted by a majority when it is approved by the Commission. This gives the latter power to influence how the majority in the Council is formed through targeted modifications of its proposal. Those who monitor the progress of

[9] Agence Europe of 29 and 30 January 2009 (Bulletin no. 9828 of 29.01.09 / "Journée politique," 1).

institutional reports know that the Commission only rarely exerts its power to block a majority vote on legislation it does not deem acceptable. It has only resorted to using such power in a dozen cases over the last thirty years. It has often preferred to rely on the dissuasive effect of this Treaty provision and to confine itself, when necessary, to making a statement in the Council's minutes so as to reserve the option of bringing the matter before the Court of Justice.

Today, with the increasingly widespread use of the co-decision procedure, the Commission's main counterpart is no longer the only Council, but rather the Council and Parliament. During the first two phases of the co-decision procedure (1st and 2nd reading), the Treaty vests the Commission with power comparable to that which it has in dialogue with the Council alone. At first reading, the Council acting as a majority can only adopt texts which incorporate parliamentary amendments if the Commission has made them an integral part of its proposal. Otherwise, it has to be unanimous. The Commission's position is therefore decisive. Similarly, at second reading, the Commission may oppose adoption by the Council of the parliamentary amendments which it does not support, unless the Council is unanimous.

Such is the legal rule. In practice, things are done differently. The Council and the Parliament do not wait for the Commission to rule on the Parliament's opinion before establishing contacts and identifying provisions on which a consensus is possible. In many cases, such contacts take place within the framework of informal meetings between the Parliament, the Council and the Commission—informal "trialogues." They can even occur before the Parliament has rendered its opinion, so that therefore, by its resolution, the Parliament often ratifies the compromise already made with the Council, thereby allowing the proposal to be adopted at first reading. A growing number of decisions are thus being rendered at first reading, whereas use of the conciliation procedure at the end of the co-decision procedure is increasingly rare. As shown in Table 2, in 2008, 81% of proposals in co-decision procedures were adopted at first reading (as compared to 24% in 2000) and only 5% of them after using the conciliation procedure (as compared to 32% in 2000).

Table 2. Co-decision Proposals 2000-2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total proposals reviewed	95	81	74	112	74	80	109	100	117
Number of proposals finalized	72	78	79	104	85	82*	91	120	144
Proposals adopted at 1st reading **	17 (24%)	24 (31%)	20 (25%)	38 (37%)	51 (60%)	53 (65%)	54 (61%)	98*** (82%)	116 (81%)
Proposals adopted at 2nd reading **	32 (44%)	35 (45%)	40 (51%)	49 (47%)	28 (33%)	24 (30%)	31 (34%)	17 (14%)	21 (14%)
Proposals adopted after conciliation**	23 (32%)	19 (24%)	19 (24%)	17 (16%)	6 (7%)	4 (5%)	6 (5%)	5 (4%)	7 (5%)

* *Includes an EP rejection of a common position*
** *Percentage of adopted proposals*
*** *Includes a "package" of 26 comitology files (alignment procedure)*

Source: Secretariat-General of the European Commission

In dealing with certain difficult and conflicting cases, the European Parliament has been able to reach fair compromises with the Council by conducting arbitrations between divergent interests, or between former and new Member States. In other words, what made it possible, for example, in 2006 for the "Services" directive and the REACH regulation to be adopted at second reading.

How does the Commission position itself in this decisional process? In co-decision, it is using its blocking powers less and less often, even when it does not agree on certain aspects of a compromise between the Council and the Parliament. However, thanks to its knowledge of the area of intervention and the confidence that it can inspire in both parties, it can successfully have a real influence. Ultimately, the Council and Parliament rely upon the Commission to finalize a technically sound text. Does this mean that it plays a mediator role, rather than one in which it relentlessly defends all aspects of the initiative? Of course, the text adopted—or soon to be adopted—may deviate substantially in certain respects from the Commission's original proposal. Such was the case with the above-mentioned "Services" directive, in which the compromise which the European Parliament negotiated with the Council substantially amended the Commission's initial proposal based upon the "originating country rule" for service providers. That also applied to the "telecom" package, in which case

the common position adopted by the Council in late 2008 recommended, with Parliament's approval, the creation of a hybrid body, the Group of European Regulators in Telecoms (GERT), rather than an agency, as proposed by the Commission. Yet in the majority of cases, the result of the compromise does not create any real problems for the Commission, which retains control over the text, as shown by the plan to fight against global warming or by the maritime security proposal adopted in 1st reading in 2008.

Already perceptible prior to the enlargement, this trend has become more perceptible under the Barroso Commission. A product of the preponderant role now assumed by co-decision, it seems destined to continue if the Treaty of Lisbon, which provides for its subsequent extension, enters into force. Is this the only conceivable approach in a changing institutional environment or in one in which the Commission were to even partially relinquish the role which the Treaty has conferred upon it?

3. Executive and oversight activities

Executive and oversight activities, typically considered as less "noble" than legislative functions, are rarely the focus of European debates. Occasionally, researchers explore them, but their findings create little excitement. Nevertheless, their impact is very important.

It should first be pointed out that the start of the "enlarged" Commission's term in November 2004 did not really change the scope of its action in these areas. As stated in the first OIE report, "inasmuch as executive and oversight activities rely for the most part upon a competent and well-oiled administrative machine, they have not been particularly affected by the changes associated with enlargement."[10]

a. Executive Activities

How can the Commission's executive activity be defined? in light of the fact that the European Union does not have a true government and that the Commission is not the only executive body? In economic matters, or more precisely, in matters covered by the Community Treaty (the "first pillar"), it normally exercises the executive powers vested in it

[10] Giuseppe Ciavarini Azzi, "La Commission européenne à 25. Qu'est-ce qui a changé ?" in the report by Renaud Dehousse et al., op. cit., p. 53.

by legislators. The Council may, however, avail itself of them in specific cases (meaning that it must decide each specific case on a legislative proposal by the Commission, etc.). This is often due to the fact that the national ministries do not want to relinquish their right to decide certain issues. For example, in its 2005 directive on Minimum Standards for the Procedures for Granting and Withdrawing Refugee Status in the Member States, the Council vested itself with the power of defining whether the country of origin is "safe" or not, which had an impact on the granting of refugee status (furthermore, this provision was challenged by the European Parliament, which succeeded in having it quashed by the Court of Justice in 2008).

Notwithstanding, the Commission has a considerable number of management duties: it is this body which regulates the actual running of the Community machine. As for those matters covered by the second pillar (foreign policy and defence), and by what remains of the third pillar (co-operation in the field of criminal matters), it is the Council which exercises the executive role. Until now, in view of the limited expansion of such activities, the Council's management activity has remained somewhat limited. Moreover, as far as foreign policy issues are concerned, all aspects relating to trade, development or humanitarian aid, and which have a financial component, are matters to be decided by the Community, which calls for Commission intervention.

In exercising its executive powers, the Commission is surrounded by a committee system comprised of government representatives who both advise and monitor it. The Council intervenes only in the capacity of an appeal body. It is a system that has evolved and will no doubt continue to evolve: the European Parliament's power to intervene in order to supervise the system's operation (a "right of scrutiny") was provided for by a reform adopted in 1999. Another reform, adopted in 2006 attributed a veto right to the Parliament (and to the Council) in the event of executive measures of a "quasi legislative" nature ("regulatory procedure with scrutiny").

As shown in Table 3 below, these changes have not significantly affected the Commission's activity, and there have been very few interventions by the Council. The attribution of a "right of scrutiny" to the European Parliament as from 1999 has not fundamentally changed the respective roles of the three institutions concerned. Following the 2006 reform, between June 2007 and February 2009, there were some 90 cases in which the "regulatory procedure with scrutiny" was applied, with one case of Parliament opposition, and seven of Council

(concerning a single package of measures). The Commission amended its projects to take into account such oppositions. It is thus adapting to these changes of procedure, and it is likely that it will also do so when dealing with the changes which may be introduced as a result of the Treaty of Lisbon entering into force.

Table 3: Executive Activities

	2003	2004	2005	2006	2007
Number of committee opinions	2981	2777	2582	2933	2613
Number of cases referred to the Council	0	17	11	5	17
Execution measures taken by the Commission	2768	2625	2654	2862	2522

Sources: Annual Report of the Commission on Committee Work, 2003, 2004, 2005, 2006, 2007

b. Oversight Activities

The Commission, as the traditional phrase "Guardian of the treaties" refers to several oversight duties which it performs, whether involving State aid, competition rules applicable to businesses, or the enforcement of Community law.

In matters involving competition rules applying to businesses (restrictive practices, abuses of dominant positions, mergers), the Commission's policy has remained strict. The Barroso Commission has been just as vigilant as its predecessors and has not hesitated to impose heavy fines on several multinationals. It has also pursued a proactive policy and even dialogue with the parties concerned, thereby enhancing the intent expressed by the Prodi Commission.

As for State aid, the findings of the first OIE report are still valid. The Commission is carrying out its duties effectively, without "causing clashes between Member States, unlike what would often happen with previous Commissions."[11] In the current financial crisis in which national aid has assumed greater importance, the Commission has shifted its guidelines on aid to banks and to the real economy in reaction to pressures brought to bear by certain capitals.

[11] Ciavarini Azzi, Giuseppe, "La Commission européenne à 25. Qu'est-ce qui a changé ?" in Dehousse, Renaud et al., op. cit., p. 55.

Monitoring the application of Community law calls for closer examination, inasmuch as a major change is underway. The Commission is the architect in the "pre-litigation" phase during which it conducts the so-called "infraction" procedure. The latter involves issuing a formal notice, possibly followed by a reasoned opinion; the case is referred to the Court of Justice only if the violation remains unresolved. Typically there is only one-fourth as many reasoned opinions as there are formal notices, and only half as many cases referred to the Court of Justice as there are reasoned opinions. These figures, relatively stable despite some fluctuations linked to the current situation, are an example of the work being accomplished by the Commission in prompting the States to abide by the law.

The change is happening elsewhere. Following recent enlargements, the total number of open procedures with respect to Member States has not proportionally increased: 1,760 formal notices in 2007 (in the EU of 27), as compared to 1,552 in 2003 (in the EU of 15), 423 reasoned opinions in 2007, as compared to 533 in 2003, 211 referrals to the Court in 2007, as compared to 215 in 2003. This relative decline in the use of infraction procedure instruments would be even more obvious if the 2008 data were available. This is not due to Member States converting to more virtuous behaviours. The Commission has been gradually adopting a different policy to ensure that its oversight activity remains effective despite the increasing number of cases to be reviewed. The Commission is now reserving the infraction procedure for the most serious violations which have a big impact on public interest. For other types of infractions, it prefers to use, in joint cooperation with the States concerned, problem resolution mechanisms likely to more quickly address citizen complaints, such as the SOLVIT and EU PILOT networks.[12] The Barroso Commission is therefore following a trend which had been emerging for years—even before the EU enlargement. In doing so, it is not abandoning its role, but rather is attempting to exercise it effectively in the current situation.

Historically, the Commission has always managed infraction procedures independently of the Member States and continues to do so. A review of the list of the States prosecuted shows that the Commission is not influenced by political considerations. Large States such as France, the United Kingdom and Germany have not been spared the Commission's reprimands, even though Italy, Portugal and Greece have traditionally been the most prosecuted States. The

[12] The SOLVIT network was set up in 2002 by the European Commission and EU Member States to help citizens and businesses get misapplications of EU law corrected as concerns the internal market. The EU PILOT project, now in a test phase, covers all areas of Community law and is also aimed at providing tribunals with a possible alternative.

same can be observed by reading the list of States which the Court of Justice has sentenced, on a proposal from the Commission, to pay substantial fines for failure to comply with Court judgements: Greece (2000), Spain (2003), France (2005), France (2006), Italy (2006), Germany (2007), Portugal (2008) and France (2008).

Conclusion

Having been created in an enlarged European Union, the Barroso Commission has fine-tuned its form and, to some extent, codified its working methods. The problems arising from its large membership have been solved by the key role assumed by the Commission's President, who plays an important role in coordinating and rallying his colleagues prior to the College's deliberations. The latter does not lead to the simple majority vote provided for in the Treaty: the idea is to reap the benefit of the preparatory work done under the direction of the President, in the course of which every effort is made to take into account diverse opinions. From this perspective, the prospect of maintaining a number of commissioners equal to that of the Member States—even in the event of subsequent enlargements—does not appear to cause concern provided that the Presidency of the Commission is strong and that the latter's "collegial" nature is somehow safeguarded.

As for its missions, the Commission has fully retained its power of initiative. Through its proposals, it strives to meet Europeans' heartfelt needs, while only proposing what it is certain it can obtain. What is more, it has learned from the co-decision procedure, which is becoming a standard, and is increasingly resulting in consensus between the Council and the Parliament as to the changes to be made in the Commission's proposal, thereby allowing the latter to act as a mediator regarding those aspects which remain unresolved. It is not usually opposed to this role, being aware that there will always be a need for what Mr. Barroso calls the Commission's "technical charisma" and for its role as the defender of the common interest. The exercise of the present Commission's right of initiative thus seems to be characterized by an approach that is both prudent and pragmatic. Time will tell if this approach is dictated by wisdom, or if it poses risks for the institution's authority.

European integration is experiencing an exceptional phase in its history. Successive enlargements have increased the number of Member States, thereby creating some

management “unknowns” for the European Union. Successive negative popular referendums have shaken the edifice. An unprecedented economic and financial crisis is putting the Union’s albeit solid defences to the test. If the Treaty of Lisbon enters into force, the European Community, an established and smooth-running frame of reference, is going to be replaced by an ambitious Union which has yet to prove itself. Legislative power is being increasingly shared equally between the Council and the Parliament, thereby changing the institutional balance. Whether it be in its internal functioning or the exercise of its right of initiative, the Commission—an original institution once defined as the “engine of the Community”—must find its place in the face of these new realities. As the first college having to meet these simultaneous multiple challenges, the Barroso Commission has been trying to find its own.

Chart 1
Number of documents transmitted to the European Parliament and/or to the European Council

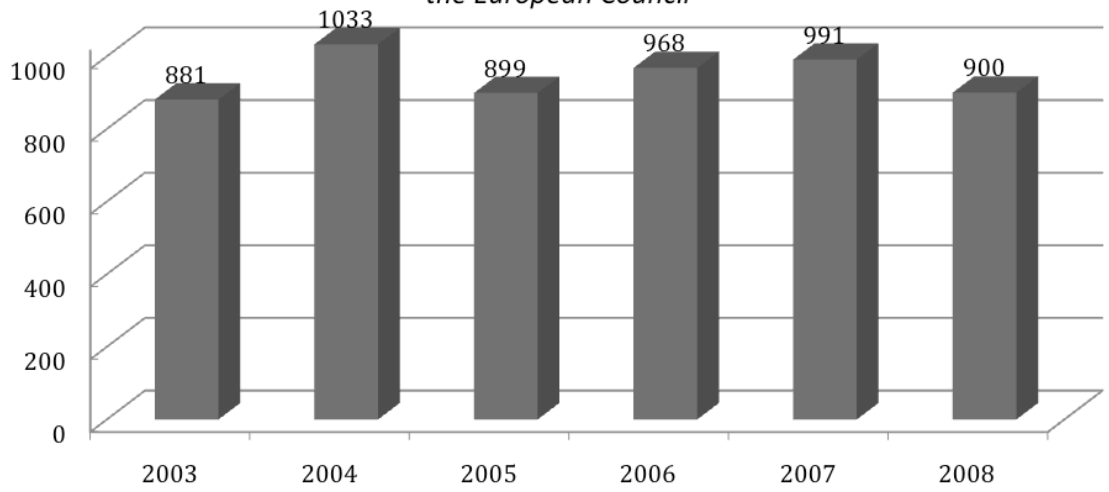
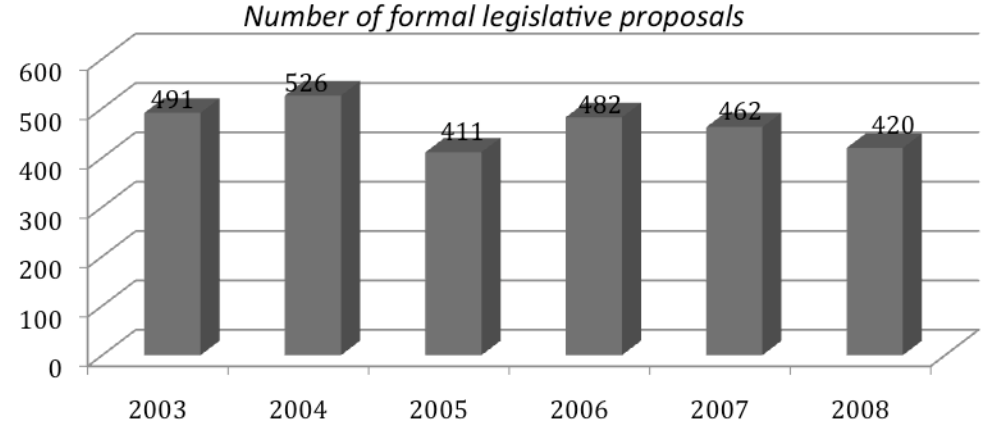


Chart 2
Number of formal legislative proposals



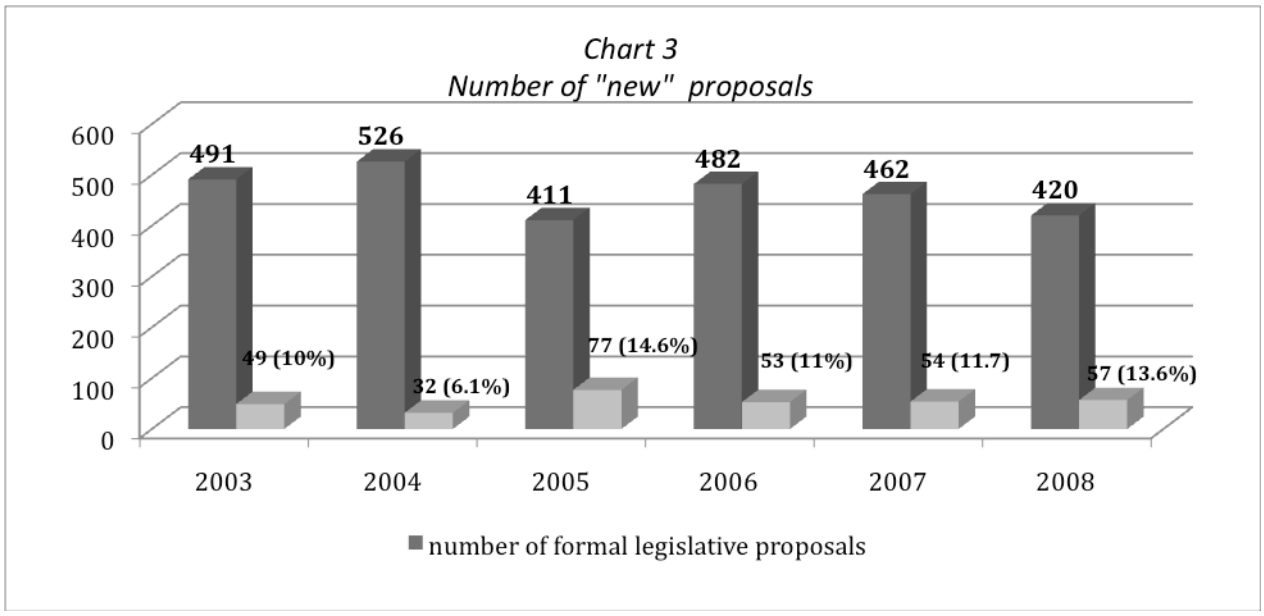


Chart 3
Number of "new" proposals
600
500
400
300
200
100
0
491
526
411
482
462
420
49 (10%)
32 (6.1%)
77 (14.6%)
53 (11%)
54 (11.7)
57 (13.6%)
2003
2004
2005
2006
2007
2008
number of formal legislative proposals