EU Institutions: An overview

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7 EU institutions *stricto sensu* (Art. 13 TEU):
- European Parliament
- European Council
- Council
- European Commission
- Court of Justice of the European Union
- European Central Bank
- Court of Auditors
European Parliament
Art. 14 TEU

- 751 MEPs directly elected by EU residents
- 5-year mandate (last elections: 2014)
- Number of MEPs proportionate to countries’ population

But *degressive proportionality*: no fewer than 6 or more than 96 MEPs per State and the total number cannot exceed 751
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Art. 14.1 TEU

The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation [...] It shall elect the President of the Commission.
Functions

**Legislative**
Takes part in decision-making with the Council (*ordinary legislative procedure*).

Has to consent to some international agreements (Art. 218 TFEU)

**Budgetary**
Establishes the EU annual budget together with the Council.

Approves the Multiannual Financial Framework
**Functions**

**Supervisory**
- Elects the President of the Comm. and approves the Comm. as a whole
- Puts questions to the Comm. and can pass a motion of censure against it

**Supervisory (II)**
- Puts questions to the Council
- Conducts inquiries and receives petitions from citizens
- Elects the European Ombudsman and receives reports

**Consultative**
- Advises other institutions
▪ Seat: Strasbourg
  But also Brussels (committees and additional plenaries) and Luxembourg (secretariat)

▪ Committees examine bills and propose amendments

▪ Plenary sessions adopt legislation
Majority required:

- Normally, majority of votes cast
- At times, majority of members and/or two thirds majority (e.g. Arts. 223, 225, 229, 232, 234, 354 TFEU; Arts 17 and 49 TEU)
European Council
Art. 15 TEU

- Heads of State or Government of the Member States, together with its President and the President of the Commission
- HR for Foreign Affairs and Security Policy participates
- Institutionalisation of previous informal meetings
President of the European Council

- Elected by European Council by qualified majority
- Term of two and a half years, renewable once
- Shall not hold a national office
- Since Dec. 2014, Donald Tusk
Art. 15.1 TEU

The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof.
**Functions**

**Steering**
Defines the general political guidelines
In the CFSP, identifies the EU strategic interests

**Reconciling**
Looks for consensus when a member of the Council opposes a measure for “vital reasons of national policy” or because it implies fundamental changes to the State’s financial or social security system

**Constituent**
Participates in the revision of the Treaties
Proposes the President of the Comm. and appoints Comm., HR and ECB executive board
Plays a role in the admission and withdrawal procedures
Operation

- **Seat**: Brussels
  Exceptionally, elsewhere

- **Meetings**: twice every 6 months; special meetings can be convened by the President
Majority required:

- Normally, decisions by consensus
- When provided for by Treaties, unanimity or qualified majority (simple majority for procedural decisions)
Council
Composition

Art. 16 TEU

- Representative of each Member State at ministerial level, depending on the matter discussed
- Various configurations, to be established by the European Council
- Two configurations mentioned in the Treaties: General Affairs and Foreign Affairs
Composition

President of the Council

- Member State representative on the basis of *equal rotation* (6 months)
- Exception: Foreign Affairs configuration, chaired by HR for Foreign Affairs and Security Policy
The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Treaties.
Legislative and policy-making
Takes part in decision-making with the EP
Develops the CFSP
Concludes international agreements

Budgetary
Establishes the EU annual budget together with the EP
Adopts the Multiannual Financial Framework
Coordinating Member States’ policies in general

In particular, economic (Art. 121 TFEU) and foreign and security policies (Art. 32 TEU)

Others

Proposes Comm. candidates

Appoints members of other institutions and/or determines their remuneration
- **Seat**: Brussels
  Sometimes in Luxembourg or elsewhere

- **Meetings**: convened by President on his own initiative or at the request of a Council member or of the Commission
Majority required:

- Usually, if not specified, **qualified majority**: At least 55% of the Council members, representing Member States comprising at least 65% of the EU population.

**Blocking minority**: at least 4 States representing more than 35% of total population.

Until 31 March 2017, a member can request to apply previous qualified majority rule (weighting of votes based on population size).
Majority required:

- **Unanimity**: on “sensitive issues” (e.g. CFSP, EU membership, harmonisation of national legislation on indirect taxation or social security)

- **Simple majority**: procedural and administrative issues
Art. 17 TEU

- 28 Commissioners: one from each Member State, but independent
  Since Nov. 2014 Commission should have been formed by a number of members corresponding to $\frac{2}{3}$ of MS, but the European Council decided to keep previous system
- 5-year term
- Current President: Jean-Claude Juncker
Appointment

- European Council, taking into account the elections to the EP, proposes a candidate for President of the Commission
- Candidate is elected by the EP (majority of its component members)
- Council, together with the President-elect, proposes the other members of the Comm. (on the basis of suggestions by MS)
- All Commissioners subject as a body to a vote of consent by EP
- Commission then appointed by the European Council acting by a qualified majority
High Representative of the Union for Foreign Affairs and Security Policy

Dual function
- conducting the Union's common foreign and security policy
- discharging Commission’s responsibilities in external relations and coordinating other aspects of the Union's external action

Dual appointment
- By European Council with agreement of President of the Comm.
- Vote of consent by the EP together with other Commissioners
The Commission shall promote the general interest of the Union [...]. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions [...] it shall ensure the Union's external representation [...]

Art. 17.1 TEU
**Functions**

**Supervisory**
Ensures respect of EU law by MS, natural and legal persons, and other EU institutions and bodies
(Not in CFSP)

**Legislative**
Initiates the legislation process
(Not in CFSP; in PJCC, role shared with Member States)

Submits draft annual budget
1. Commission proposal
   To EP and Council

2. 1st EP reading
   adopts/amends proposal

3. 1st Council reading
   Can approve EP position (act adopted) or amend it
4. 2nd EP reading
   If amendments by Council.
   EP can approve the position (act adopted), reject it (end of procedure) or amend it

5. 2nd Council reading
   If amendments by EP. Council can approve position (act adopted) or reject it

6. Conciliation Committee
   If rejection by Council. Task of reaching agreement on a joint text
Legislation process

7a. 3rd EP reading
If joint text agreed upon. EP can approve the text or reject it (end of procedure)

7b. 3rd Council reading
Council can approve the joint text or reject it (end of procedure)

Adoption of proposal
**Implementing**
Exercises implementing powers and adopts delegated non-legislative acts

Implements the EU budget

**International representation**
Represents the EU at the international level (not in CFSP, where the HR represents the EU)

Negotiates international agreements
- **Seat**: Brussels
- **Meetings**: convened by President at least once a week
- **Majority required**: simple majority
- **Organisation**: Directorates-General (DGs) based on policy areas
- **Collective responsibility**: individual decisions only following authorisation, in certain situations
Court of Justice of the EU
Art. 19 TEU

Includes 3 bodies:

- **Court of Justice**
  One judge from each Member State

- **General Court**
  At least one judge from each MS

- **Specialised courts**
  Civil Service Tribunal, until September 2016: jurisdiction now transferred to the General Court

Judges of Court of Justice and General Court are appointed for a six-year term “by common accord of the governments” of MS (and following the opinion of an independent panel)
Advocates-General

- 11 Advocates-General
- Assist the Court of Justice by making independent “reasoned submissions” on cases
  When the case raises a new point of law
- Are appointed for a six-year term “by common accord of the governments”, following opinion of an independent panel
Art. 19.1 TEU

The Court of Justice of the European Union [...] shall ensure that in the interpretation and application of the Treaties the law is observed.
**Infringement proceedings (Arts. 258-260)**

**Object:** Failure of MS to fulfil an obligation under the Treaties

**Actors:** Commission or other MS

**Actions for annulment (Art. 263 TFEU)**

**Object:** Legality of legislative acts and other EU acts that produce legal effects vis-à-vis third parties

**Actors:** MS, EU institutions, and individuals (if act concerns them directly)
**Actions/Proceedings**

**Actions for failure to act (Art. 265 TFEU)**
**Object:** Failure to act by EU institutions and bodies

**Actors:** MS, EU institutions, and individuals (when failure to address acts to them)

**Preliminary rulings (Art. 267 TFEU)**
**Object:** Interpretation of the Treaties and validity and interpretation of EU acts

**Referring authorities:** National courts and tribunals

**Actions for damages (Arts. 268 and 340)**
**Object:** Any damage caused by EU institutions or servants

**Actors:** Individuals
▪ **General Court**: court of first instance, except for preliminary rulings and certain actions for annulment (Art. 51 CJEU Statute)

▪ **Court of Justice**: appeal court on points of law and court of first instance in the above-mentioned cases
Limits to CJEU jurisdiction

- **CFSP**: No jurisdiction
  Exceptions: compliance with Art. 40 TEU and legality of decisions providing for restrictive measures against natural or legal persons (Art. 275 TFEU)

- **Area of freedom, security and justice**: jurisdiction
  Exceptions: validity/proportionality of operations carried out by the police of MSs and exercise of the responsibilities of MSs with regard to the maintenance of law and order and the safeguarding of internal security
Operation

- **Seat**: Luxembourg

- **Organisation**
  
  **Court of Justice**: Chambers of 3 or 5 judges; Grand Chamber of 15 judges (when a MS or EU institution so requests); full Court (e.g. compulsory retirement of Commissioners)
  
  **General Court**: Chambers of 3 or 5 judges; in certain cases provided for by Rules of Procedure, Grand Chamber or single judge
Procedure

- **Written stage**
  Written statements by parties submitted to Court. The Court decides the formation which shall deal with the case, and whether a hearing is necessary

- **Oral stage (optional)**
  Hearing: lawyers of parties intervene. Opinion of the AG (when required) delivered after the hearing

- **Decision**
European Central Bank
Composition

Art. 283 TFEU
Includes 3 bodies:

1. Governing Council
   a) Decision-making
   b) Formed by Executive Board and governors of national central banks of countries whose currency is Euro

2. Executive Board
   a) Daily management
   b) Formed by President, Vice-President, and 4 other members
   c) Appointed by European Council (qualified majority), on recommendation from the Council, after consulting EP and ECB
3. **General Council**
   
a) Advice and cooperation
b) ECB President and Vice-President + governors of central banks from **all** EU countries

**President** represents the ECB externally. Current President: Mario Draghi

NB: ECB + national central banks of all EU countries = **European System of Central Banks**

ECB + national central banks of euro area = **Eurosystem**
Overall aim: maintain price stability

Decision-making
Conducts the Union's monetary policy (together with national central banks of Eurozone)

Many more specific functions: sets interest rates; manages foreign currency reserves; authorises production of euro…

Supervisory
Supervises credit institutions in Eurozone
Seat: Frankfurt

Majority required:

- Executive Board: simple majority

- Governing Council: usually, simple majority
  At times, qualified majority of votes weighted according to the national central banks' shares in the ECB capital
Court of Auditors
Composition

Arts. 285-286 TFEU

- One national for each Member State (but independent)
- Members appointed by the Council, after consulting the EP (proposals by MS)
- 6-year term, renewable
- President elected by Members for 3-year term (renewable)
General function: External audit

- Examines the accounts of all EU revenue and expenditure (also in MS)
  To ensure reliability of accounts + legality and regularity of underlying transactions
- Writes an annual report forwarded to other institutions and published on EU Official Journal
- Writes special reports on specific questions and delivers opinions at the request of other EU institutions
Seat: Luxembourg

Majority required:

- Majority of Members
- Internal chambers can be formed in order to adopt certain categories of reports/opinions