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The System Of Institutions Within The EU

By Oliver Schnell

- The European Parliament
- The European Commission
- The Council of the European Union
- The Decision-Making Process

Triangle of institutions



- European Parliament
 - elected by the people of the Member States
- Council of the European Union
 - representing the governments of the Member States
- European Commission
 - driving force, agenda setter, and executive body

The Parliament



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The European Parliament

The European Parliament



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The European Parliament in Strasbourg (France)

The European Parliament (1)



- Location: Strasbourg and Brussels
- Founded in 1950s
- President: Josep B. Fontelles
- Number of seats: 732 in 2004

The EurParl represents the 450 Mio. EU citizens and is directly elected by them (since 1979) every five years.

The Election



Each Member State decides on the form its election will take, but follows identical democratic rules:

- A voting age of 18
- equality of the sexes and
- a secret ballot

Composition of the EurParl (1)



The European Parliament has 732 Members. The number of Members per state is laid down in the Treaties, currently as follows:

• Germany	99
• France, Italy, UK	78
• Poland, Spain	54
• Netherlands	27
• Czech Republic, Greece, Hungary, Portugal	24
• Sweden	19
• Austria	18
• Denmark, Finland, Slovakia	14
• Ireland, Lithuania	13
• Slovenia	7
• Cyprus, Estonia, Latvia, Luxembourg	6
• Malta	5

Composition of the EurParl (2)

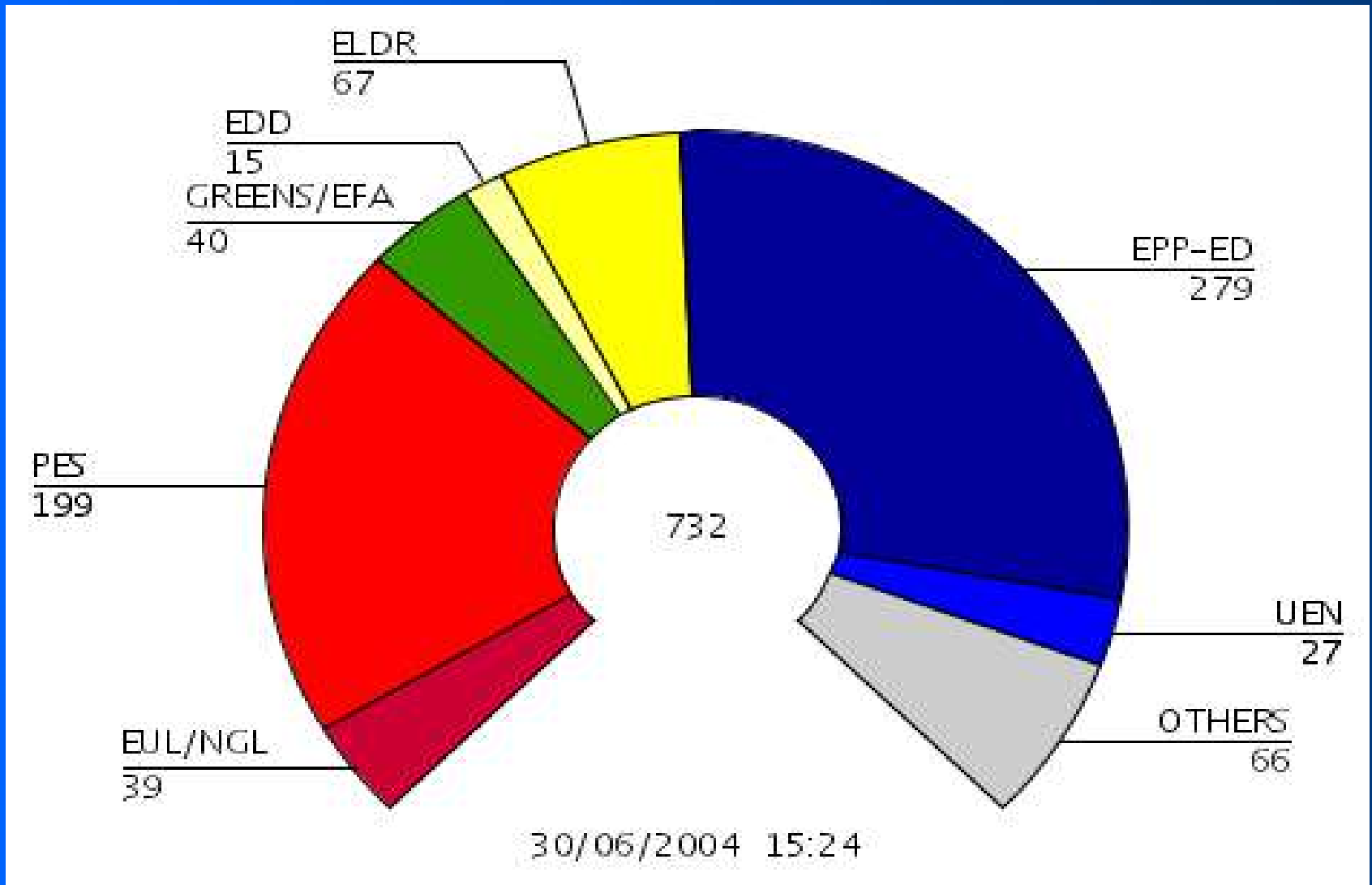


- Politicians are elected as members of their national party
- However, MEPs do not sit in national banks (representing their national party) but in wide political groups

As of 21st Juli, 2004, there are seven parties in the EurParl:

- European Peoples Party – European Democrats
- Group of the Party of European Socialists
- Alliance of Liberals and Democrats for Europe
- European Greens – European Free Alliance
- European United Left – Nordic Green Left
- Independence and Democracy
- Union for a Europe of Nations

Seats in the EurPar



- EPP – ED



Hans Gert Pöttering
Chairman

The Group of the European People's Party (Christian Democrats) and European Democrats

Major Parties (1)



- PES



Martin Schulz
Chairman

The Party of European Socialists (PES) brings together the Socialist, Social Democratic and Labour Parties of the European Union

What does Parliament do?



The EurParl occupies three main roles:

2. It obtains the **power to legislate** (which it shares with the Council of the EU)
3. It exercises **democratic supervision** over all EU bodies
4. Has **authority over the EU budget** (together with the Council)

The Commission



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The European Commission

The European Commission



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The European Commission in Brussels

The European Commission



The European Commission (ECom) is a **politically independent institution** within the EU that should represent and uphold the **interests of the EU as a whole**.

The ECom is the **executive** of the EU and is in so far despite differences comparable to a national government.

President of ECom: José Manuel Barroso

Further members of ECom: 25 commissioners

Seat: Brussels (some offices also in Luxembourg)



Setting up the Commission



- Member states governments agree on who to designate as the new President of the Commission
- Designated President chooses “his” Commissioners in discussion with the member states governments. They serve a five-year term and take up office six months after European Parliament elections.
- The new EurParl interviews the entire Commission and may approve or reject it as a whole.

Notice: The Commission remains politically answerable to the Parliament which has the power to dismiss it by a “vote of confidence” (2/3 majority of MEP)

European Commissioners (20)



Until May 2004 the Commission consisted of 20 members, two or one from each EU country

Size of the Commission (1)

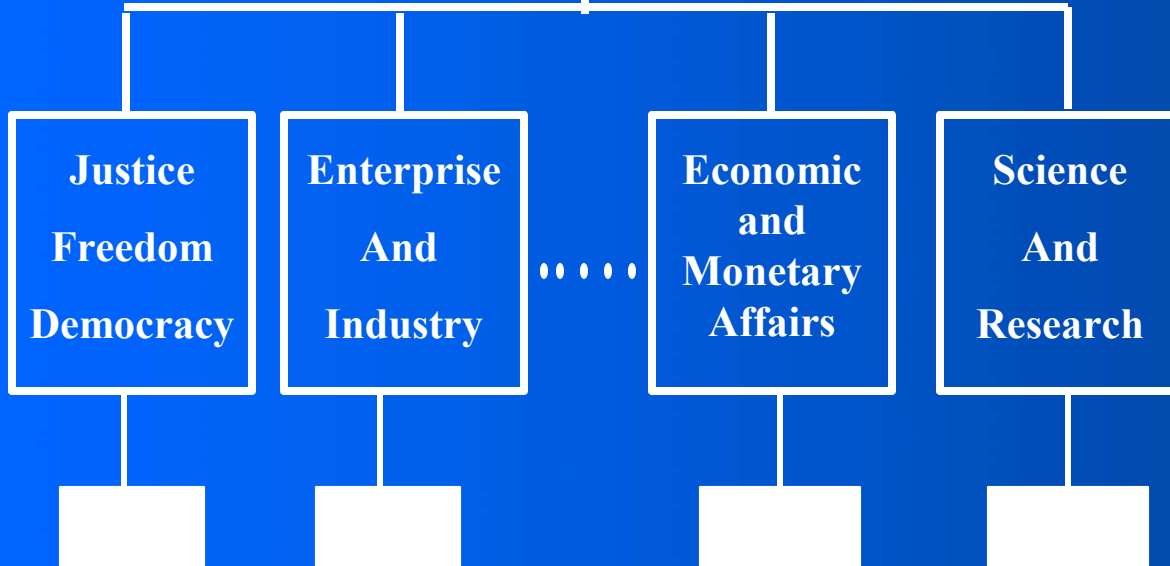


Since the enlargement of the EU on May 1st 2004,
the Commission has 25 members

Composition of the Commission



Head of ECom



25 Commissioners

administrative body

= 24'000 people

- **Limiting the size of the Commission**

A Commission with too many members will not work properly. There is at present one commissioner from each EU country. When Bulgaria and Romania join the European Union it will have 27 member states. At that point, the Council — by a unanimous decision — will fix the maximum number of commissioners.

There must be fewer than 27 of them, and their nationality will be determined by a system of rotation that is absolutely fair to all countries

What does the Commission do?



As the driving force within the EU the Commission has to fulfill **five main roles**:

- proposing **new laws** to Parliament and Council
- managing and **implementing EU policies** and the **budget**
- enforcing **European law** (jointly with the Court of Justice)
- **representing EU** on the international stage
- **regulating competition** in the Union

Proposing new law



Under the Treaties **only** ECom has the „power of initiative“, i.e. responsibility to draw up proposals for new EU legislation

Requirements for new legislation:

- Must aim to **defend interests of the Union**, not those of specific countries or industries
- **Principle of Subsidiarity** must be followed

EurParl is allowed to formally request legislation on a certain topic.

That is the principle of dealing with things at the lowest possible level!

What does that mean?

The ECom will only act at EU level if it believes that the problem cannot be solved more efficiently at a lower (national, regional or local) level.

However, many people believe this principle has not always been acknowledged in the past!

What may be the result of not obeying this principle?

Budget:

- Though most spending is done by national/local authorities, Commission **is to supervise it**
- Setting up and handling of budget is supervised by the **Court of Auditors** to ensure good financial management
- Only if the annual report by the Court of Auditors is positive, EurParl will **grant the Commission discharge** for implementing budget

Policies:

- Examples of actively managed EU policies
 - Competition policy: Commission monitors cartels and mergers
 - Urban programmes: helping regenerate cities and declining urban areas; „Erasmus“ programme (student exchange)

The Commission acts as a „Guardian of the Treaties“

➔ ECom should ensure EU law is properly applied in Member States

What happens if a Member State is not applying EU law?

- ECom launches a legal process called „infringement procedure“, i.e. it sends an official letter and sets a deadline for a detailed reply
- If this procedure fails, the European Court of Justice may impose penalties. These judgments are binding.

Goal: EU member states should speak „with one voice“ in international forums, e.g. the World Trade Organization

Advantage: Due to the number of people the EU represents, the EU gains more influence in international politics than any single member state on its own.

Problem: This requires the EU to find a common strategy for foreign affairs.
Recent negative example: Position on war in Iraq

The Council of the European Union



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The Council of the European Union

The Council was set up by the founding treaties of the EU.

- represents member states governments
- still main decision-making body in the EU
- along with the EP the only legislative arm of the EU
- inofficial name: Council of Ministers (at least at the moment)

Who is in the Council?



- legally speaking: Council is one single entity
- in practice: divided into several Councils, i.e.

Each meeting is attended by one minister from each national government depending on what subjects are on the agenda:

Example: The Council wants to debate on new limitations for the emission of carbon dioxide:

→ Environment ministers meet in „Environment Council“

- Decisions in the Council are taken by vote
- each minister is empowered to commit his government
- signature of minister = signature of government
- number of votes per country indirectly based on its size

France, Germany, UK, Italy:	29
Spain, Poland:	27
Netherlands:	13
Belgium, Greece, Czech Republic, Portugal, Hungary:	12
Austria, Sweden:	10
other EU countries	7 or less

- Council votes either by Unanimity or Qualified Majority

Voting

- Unanimity necessary in sensitive political areas such as:
 - Common Foreign and Security Policy (CFSP)
 - Immigration and Asylum Policy
 - Taxation

Consequence: Any country can veto, and thus stop the whole legislation process.

Taking the number of 25 (27) members into account => EU is nearly unable to act in important fields

Solution by Treaty of Nice, 2004:

More political fields are declared that only need a QMV

A Qualified Majority is achieved if

- a 50 % majority of member states (sometimes 2/3) approves
- 72.3 % are cast in favor.
- only if asked for: votes in favour must represent at least 62 % of the total population of the Union

- passing European legislation (jointly with EurParl)
- coordinate broad economic policies of member states
- conclude international agreements
- approve EU's budget (together with EurParl)
- develop EU's Common Foreign and Security Policy
- coordinate cooperation between national courts and police forces

- member states are developing CFSP
- but: foreign policy, security and defense are still national matters
 - ⇒ EurParl and ECom almost have no influence
 - ⇒ Council is main forum for „inter-governmental co-operation“
- Established / Decided so far:
 - Rapid Reaction Force for humanitarian, peacekeeping management

- Established / Decided so far:
 - provide political control strategic decision by establishing new permanent and political structures
 - Political Security Committee
 - European Union Military Committee
 - European Union Military Staff

- Drugs, fraud, sexual exploitation of children are at least European-wide problems
- Common opinion:
Cross-boarder crime must be tackled by cross-boarder co-operation

- Thus, the EU has to ensure:
 - court judgment in one EU country in divorce or child custody case must be acknowledged by other EU countries
 - EU external borders effectively policed
 - Asylum seekers are treated in the same way

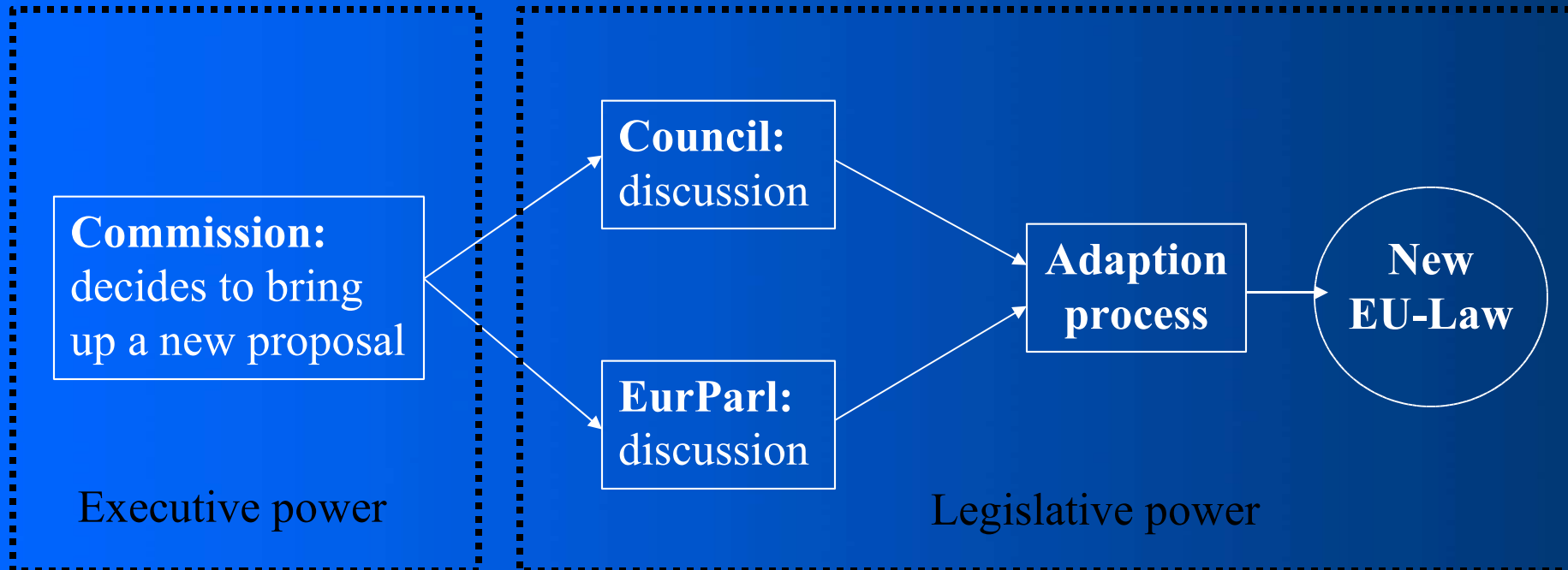
These issues are discussed and dealt with by Ministers of Justice



The Decision-Making Process

- complex mechanism that evolved over last decades
- main bodies involved: ECom, EurParl, Council of the EU

Basic procedure:



- The three main procedures are
 - Codecision
 - Consultation
 - Assent

- Adoption process depends on **what kind of law** should be enacted

- Processes vary in **how much power is given to parliament** compared to the Council

Parliament and Council share legislative power:

- Commission sends proposal to Council and Parliament
- two successive readings and discussions in both organs
- agreement between Ecom and EurParl?
 - Yes! - Third reading and final adaption follows
 - No! - „conciliation committee“ is put into place (equal number of Ecom and EurParl representatives)

- Commission sends proposal to Council and Parliament
 - but: Council officially consults Parliament (and other bodies)
 - whether consultation is mandatory or optional varies from case to case
 - in all cases, Parliament can:
 - approve the proposal
 - reject it
 - ask for amendments
- ⇒ If Commission agrees: new proposal sent to Council

The assent procedure means that the Council has to obtain the European Parliament's assent before certain very important decisions are taken.

The procedure is the same as in the case of consultation, except that Parliament cannot amend a proposal: it must either accept or reject it. Acceptance ('assent') requires an absolute majority of the vote cast.