

## **EUROPE – 4**

### **Major questions arising from the process of European integration Which Constitution for which Europe? Obstacles and perspectives for the process of integration**

#### **European Union**

##### **A-Structure**

With the Treaty of Maastricht in 1992, the Community institutions were strengthened and the European Union (EU) was born. A complex organisation, the activity of the EU is usually illustrated by three pillars.

- The first pillar is the European Communities (EC ) which is the result of the fusion of the European Economic Community (EEC), the European Atomic Energy Community (Euratom) and the European Coal and Steel Community (ECSC). It covers matters pertaining to the Single Market and issues of political, economic and social development. The first pillar also includes cooperation in fiscal and monetary issues.
- The second pillar consists of the Common Foreign and Security Policy (CFSP)
- The third pillar comprises Cooperation in Justice and Home Affairs (CJHA)

The Council of the European Union, the Council of Ministers and the member states have a leading role in the policy making of the second and third pillar.

##### **B-Institutes**

###### **European Council**

The European Council decides strategy and policy and is the highest decision-making institution within the EU. The European Council was set up in 1974, meets at least twice a year and the President of the European Commission attends as a full member. Its objectives are to give the European Union the impetus it needs in order to develop further and to define general policy guidelines

## **Council of the European Union**

The Council of the Union (Council, sometimes referred to as the Council of Ministers) is the European Union's main legislative arm. It consists of the ministers of the fifteen Member States responsible for the matters on the agenda: foreign affairs, farming, industry, transport or whatever. Despite the existence of these different ministerial compositions depending on the matter in hand, the Council is nonetheless a single institution.

Each country in the Union in turn holds the chair for six months. Decisions are prepared by the Committee of Permanent Representatives of the Member States (Coreper), assisted by working parties of national government officials. The Council is assisted by its General Secretariat.

Following the entry into force of the Treaty of Amsterdam, the Secretary-General acts as High Representative for the common foreign and security policy. He is assisted by a Deputy Secretary-General appointed by unanimous decision of the Council, who is responsible for running the Council's General Secretariat.

Qualified majority voting in the Council now applies to most of the new provisions (incentive measures in employment and social policy, public health and fraud prevention) and for the adoption of the framework programme on research. Some observers feel that qualified majority voting should have been extended further to avoid the risk of stalemate that is always present when decisions are taken unanimously.

## **European Commission**

The European Commission is the executive organ of the Union. A body with powers of initiative, implementation, management and control. It is the guardian of the Treaties and the embodiment of the interests of the Community. It is composed of twenty independent members (two each from France, Germany, Italy, Spain and the United Kingdom and one each from all the other countries), including a President and two Vice-Presidents. It is appointed for a five-year term, by agreement among the Member States, and is subject to a vote of appointment by the European Parliament, to which it is answerable, before it can be sworn in. The Commissioners are assisted by an administration made up of directorates-general and specialised departments whose staff are divided mainly between Brussels and Luxembourg.

## **European Parliament**

The European Parliament is the assembly of the representatives of the 370 million Union citizens. Since 1979 they have been elected by direct universal suffrage and today total 626 distributed between Member States by reference to their population. Parliament's main functions are as follows: it considers the Commission's proposals and is associated with the Council in the legislative process, in some cases as co-legislator, by means of various procedures (codecision procedure, cooperation procedure, assent, advisory opinion etc.); it has the power of control over the Union's activities through its confirmation of the appointment of the Commission (and the right to censure it) and through the written

and oral questions it can put to the Commission and the Council; it shares budgetary powers with the Council in voting on the annual budget, rendering it enforceable through the President of Parliament's signature, and overseeing its implementation.

### **European Court of Justice (ECJ)**

The Court of Justice of the European Communities is made up of 15 judges and nine advocate generals, who are appointed by the member states in mutual agreement.

Since its creation in 1952, the Court has had many thousands of cases brought before it. To cope with this influx and improve the legal protection offered to citizens, a Court of First Instance was created in 1989. This Court is responsible for ruling on certain categories of case in the first instance, particularly those relating to competition rules and actions brought by private individuals.

### **European Court of Auditors**

The Court of Auditors is composed of fifteen members appointed for six years by unanimous decision of the Council after consulting the European Parliament. It audits Union revenue and expenditure to make sure it is lawful and proper and ensures that financial management is sound. It was set up in 1977 and raised to full institution status by the EU Treaty. Under the Treaty of Amsterdam, the Court of Auditors now also has the power to report any irregularities to the European Parliament and the Council, and its audit responsibilities have been extended to Community funds managed by outside bodies and by the European Investment Bank.

### **Economic and Social Committee (ESC)**

The Economic and Social Committee was set up by the Treaty establishing the European Economic Community in 1957 to represent the interests of the various economic and social groups. It consists of 222 members falling into three categories: employers, workers and representatives of particular types of activity (such as farmers, craftsmen, the professions, consumer representatives, scientists and teachers, cooperatives, families, environmental movements). Members are appointed for four years by unanimous Council decision and this term may be renewed.

The Committee is consulted before a great many acts concerning the internal market, education, consumer protection, environment, regional development and social affairs are adopted, and it may also issue opinions on its own initiative. Since the entry into force of the Treaty of Amsterdam, the Committee has to be consulted on an even wider range of issues (the new employment policy, the new social affairs legislation, public health and equal opportunities) and it may also be consulted by the European Parliament.

### **Committee of the Regions**

Set up by the Maastricht Treaty, the Committee of the Regions consists of 222 representatives of local and regional authorities appointed by the Council for four years on

the basis of proposals from the Member States. It is consulted by the Council or the Commission in areas affecting local and regional interests, and safe guards the application of subsidiarity.

### **European Investment Bank (EIB)**

Founded in 1958 with the Treaty of Rome the EIB is headquartered in Luxembourg and is the European Union's financial institution. It finances investment projects which contribute to the balanced development of the Union

### **European Central Bank (ECB)**

The European Central Bank was inaugurated on 30 June 1998. On 1 January 1999 it took over responsibility for implementing European monetary policy as defined by the European System of Central Banks (ESCB). As to the practicalities, the ECB's decision-making bodies (the Governing Council and the Executive Board) run the European System of Central Banks, whose tasks are to manage the money in circulation, conduct foreign-exchange operations, hold and manage the Member States' official foreign reserves, and promote the smooth operation of payment systems. The ECB took over from its precursor, the European Monetary Institute (EMI)

## **C-Principles**

**Liberty, peace, democracy and the recognition and protection of fundamental rights** of citizens. These are the guiding principles of the union outlined in the Treaty of Rome in 1957. The most recent amendments to these principles regarding the Charter of Fundamental Rights approved in Nice 2000.

### **Economic and Social Cohesion**

are the inspiration behind the economic and social policies of the EU. All actions are undertaken with the aim of making European reality more homogenous and helping those with difficulties.

### **Solidarity**

Is the principle which guides the sharing out of resources and investment to those most in need. Regional funds, social funds, European Agricultural Guidance and Guarantee Fund (EAGGF/FEOGA) services the several financial requirements of the Common Agricultural Policy (CAP). The Guidance Section provides support for agricultural restructuring and modernization.

### **Subsidiarity**

The subsidiarity principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level. Specifically, it is the principle whereby the Union does not take action (except in

the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty.

## **D-Sources of European Law**

The Community's forms of action under Article 249 of the EC Treaty (ECT) which are independent legal instruments in Community law with no connection to national legal instruments are:

**Regulations:** have general application, are binding in their entirety and are directly applicable in all Member States. As 'Community laws', regulations must be complied with fully by those to whom they apply (private persons, Member States, Community Institutions)

**Directives:** They are binding, as to the result to be achieved, upon the Member States to whom they are addressed. However, those Member States are left the choice of form and methods to achieve their objectives. Directives may be addressed to individual, several or all Member States. In order to ensure that the objectives laid down in directives become applicable to individual citizens, an act of transposition by national legislators is required, whereby national law is adapted to the objectives laid down in directives.

**Decisions:** They are binding in their entirety upon those to whom they are addressed. These may be Member States or natural or legal persons.

**Recommendations:** They have no binding force, that is to say they do not establish any rights or obligations for those to whom they are addressed, but do provide guidance as to the interpretation and content of Community law.

**Opinions:** have no binding force and make note of the opinion held by the institution involved.