**HANDOUT – Topic 2. EU Political System and EU Institutions**

**EUROPEAN UNION – A POLITICAL SYSTEM?**

* In the 60s – G. Almond and D. Easton developed the first framework for defining and analyzing a political system

|  |  |
| --- | --- |
| Political system’s characteristics | EU characteristics |
| * A stable and well defined set of institutions for collective decision-making * Citizens and social groups seek to realize their political desires through political system * Collective decisions in political system * A continuous interaction (feedback) between inputs and outputs | * A degree of institutional stability and complexity in the EU – greater than in any other system * An increasing number of groups involved in the decision-making * EU decisions are highly significant and felt throughout the entire EU * A continuous interaction |

* **European Union is a political system…..but what kind of relations? What are these institutional arrangements? How?**

**EU GOVERNANCE:**

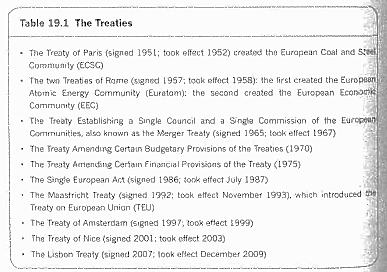
* **Rhodes** (1996) – governance refer to self-organizing, inter-organizational networks
* 4 basic characteristics:
  + **Interdependence between organizations** – broader than government, covering also non-state actors
  + **Continuing interactions between network members** – caused by the need to exchange resources and negotiate shared purposes
  + **Game-like interactions**, rooted in trust and regulated by rules of the game negotiated and agreed by network participants
  + A significant amount of **autonomy from the state**

**MULTI-LEVEL GOVERNANCE:**

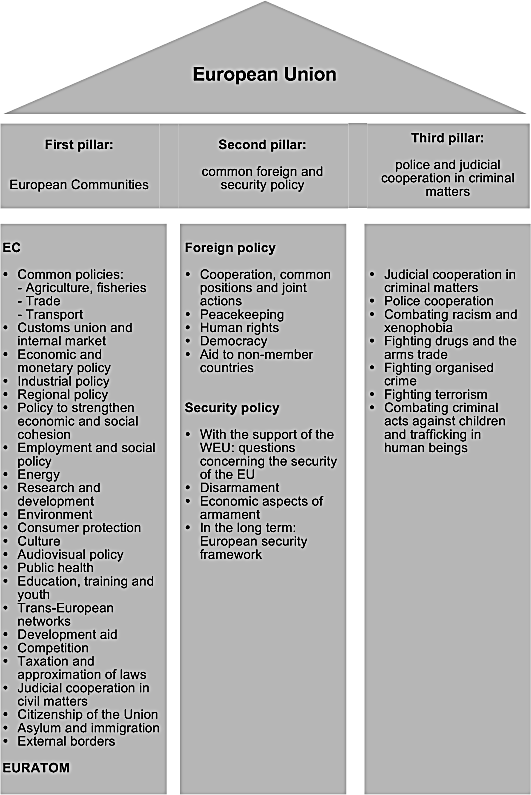
* **Gary Marks** – introduced the concept of **multi-level governance** when he analyzed the implementation of structural funds – where national central governments were losing control both to European Commission and to the local and regional governments inside each member state
* Multi-level governance concept contained both **vertical** (the shift from national to sub-national and supranational actors) and **horizontal** (the network aspects of EU) dimensions. Multi-level –refers to the increased interdependence of governments operating at different territorial levels, while governance signaled the growing interdependence between governments and non-governmental actors at various territorial levels
* Another important aspect of multi-level governance is the phenomenon of Europeanization – the process whereby EU institutions and policies influence national institutions and policies within the various members states

**INSTITUTIONAL DESIGN/ DECISION-MAKING AND INTERACTIONS OF THE E.U.**

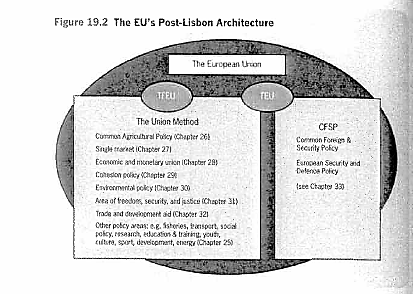
* The EU is governed by its Treaties. In terms of Institutional setting, the most important Treaties are the Maastricht Treaty (Treaty of the European Union – 1992) and the Lisbon Treaty (Treaty on the Functioning of European Union - 2009)



- The Maastricht Treaty introduced the **3 pillars of EU**



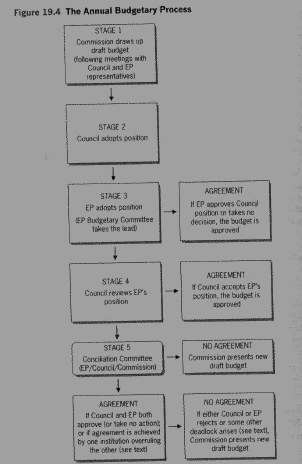
* The Lisbon Treaty moved the responsibility for asylum, immigrantion & external border controls to the first pillar => we have only 2 directions/pillars.



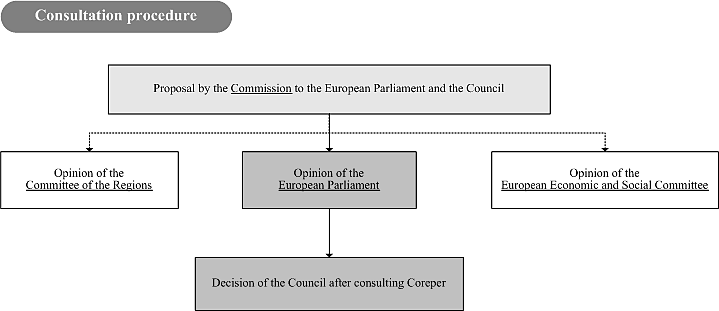
* All these result in the fact that there are 2 types of decision-making: The union method and the CFSP method
* The decision-making for the Union method comprises the following institutions: the Commission, the Council of EU and the European Parliament, European Council (without any legislative power)
* The decision-making for the Union method comprises the following institutions: European Council, Council of European Union, Commission (with a very small role)

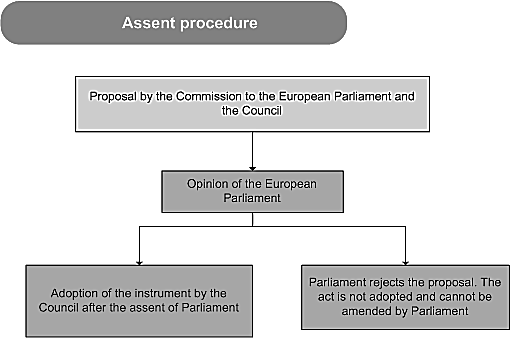
**Decision-making procedures**

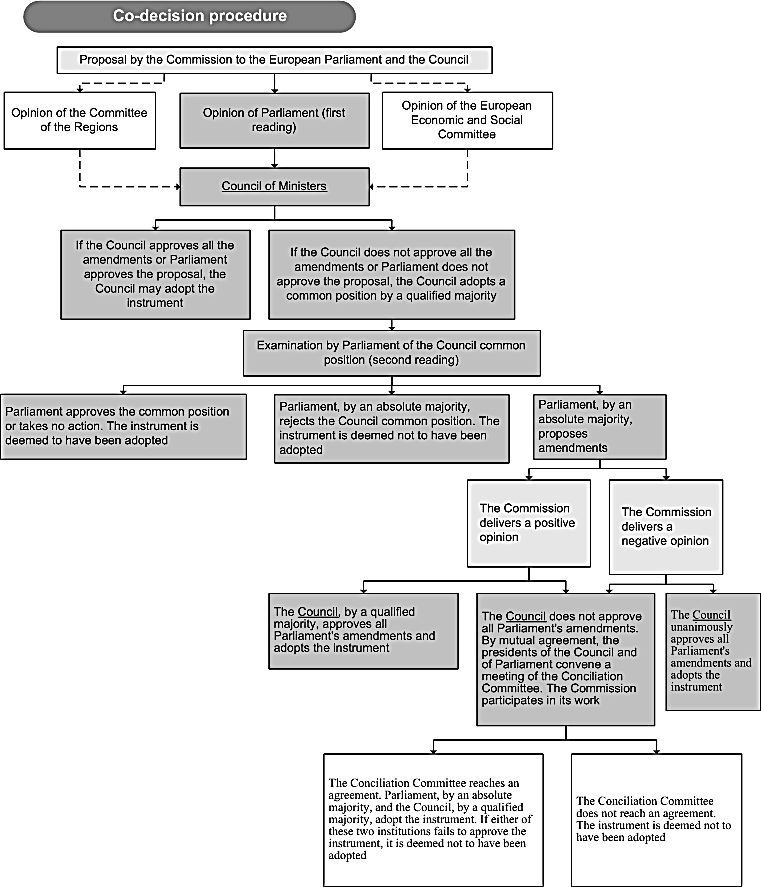
* **The budgetary procedure**



* **The legislative procedure** 
  + The ordinary legislative procedure (co-decision)
  + Consultation
  + Consent (asset)







**Decision-making Institutions of the EU (post-Lisbon Powers)**

**The European Council:**

* Began life in the occasional summit meetings of heads of state, or government.
* Meetings at least twice a year
* Since the 1980s the role and behavior of the European Council have changed – it has increasingly become the venue for addressing the so-called “history-making decisions”, namely the big and more strategic decisions
* Is has as main power – setting the general strategy and agenda, but has no legislative powers
* At the meetings, participate: the heads of state or government of the member states, together with the President of the Commissions and the President of the European Council
* Lisbon Treaty: now becomes a full EU institution – it is headed by a newly created position of president. Elected by the European Council for 2 ½ years, the main job is to prepare the Council’s work, ensure its continuity and work to secure consensus among member countries. The president cannot hold any elected position or office nationally.

Currently we have as President Herman van Rompuy (former Belgian prime minister)

**European Commission:**

*History and organization:*

* Was initially designated both as secretariat and executive (in its earlier version, knows as the High Authority)and leaned more towards being executive
* Exercises its responsibilities collectively
* EC consists of a College of Commissioners, President of the Commission and a permanent civil service
* The services are divided into 29 DGs plus a number of special services
* The commissioners are appointed for a 5 year turn
* The European Council proposes a candidate for President. The member states put forward candidates for the Commissioners – wait for prior approval of the Council, then EP must approve the team after hearing the candidates.
* The decisions and proposals have to be agreed by the entire college, voting, if necessary, by simple majority at its weekly meetings.
* The Commission is chaired by a **President** – the Treaty of Amsterdam gave to the EP the stronger power to confirm in office the commissioners.
* Since the Maastricht Treaty the Parliament has to approve the choice of the president and the Commission en bloc.
* Commissioners are accountable to the EP – can censor the commissioners with a 2/3 vote. (ex. Jacques Santer – due to financial mismanagement)
* Is the executive arm of the European Union (some portray it as government, others as civil service) – but it is unique and a mixture between executive and administrative machine
* The executive responsibilities are carried out by the **College of Commissioners** –the political arm of the Commission
* Until 2004 (the big Eastern Enlargement) – larger countries (France, Germany, UK) had 2 commissioners each. – **now**, it is a representative from each country => **27 commissioners**. (in Lisbon Treaty – no more than 27 – and will be appointed with a rotation system among members state countries)
* In theory – the appointment is a collective decision – in reality is a result of nominations by individual countries – they serve for 5 years and are community minders (no national interest to be represented)
* To assist them, the commissioners have a small group of aides or advisers known as *cabinet*.
* The Commission is organized into **DGs (Directorate Generals)** – in each main area of policy activity – the staff is made up by European civil service, recruited mostly in competitions across the member states, supplemented by national experts and temporary staff.
* DGs leads on each policy topic, but usually it requires coordination between several DGs but also with the help of the Secretary-General (esp. on the legal and translation aspects) – ex. In 2003, DG Translation produced and output of 1 416 817 pages

*Powers*

* The Commission’s powers vary very much due to the type of policy but has a jealously guarded power of **initiative – agenda-setter**
* Still, since it is a relatively small institution it usually operates with the help of national or local institutions => this relationship in literature is known as **comitology** – in order to prepare policy proposals and to implement agreed policies, Commission needs regular channels for consultation and cooperation with relevant national officials.
* March 2011 – new comitology rules – if the draft act is of general scope, or it is specific and relates to: agriculture and fisheries, environment, protection of the health of humans, animals and plants, trade, taxation – with the help of advisory procedure committee (composed of member states’ representatives and chaired by the Commission) for all the draft acts and with the help of the Examination procedure committee (composed of member states’ representatives and chaired by the Commission)
* Apart of these tasks – the Commission:
  + Has an executive role after the policy decisions have been made
  + Is responsible for preparing the Union’s annual budget and for the management of Community finances
  + Monitors the actions of member states in obeying and carrying out Community law
  + Has the ability to determine policies and actions in some areas
  + Is represented in various international bodies (UN, OECD)
  + Acts as first check on new application for membership in the EU
* Lisbon Treaty: - a commissioner from each member state. The president is stronger and has the power to dismiss fellow commissioners. The EU high representative for foreign and security policy is also the vice-president of the Commission. (it should ensure consistency in the EU’s role in the international arena). The High Representative has a dual role: representing the Council on CFSP matters and also being Commissioner for external relations

The current president – Jose Manuel Barosso

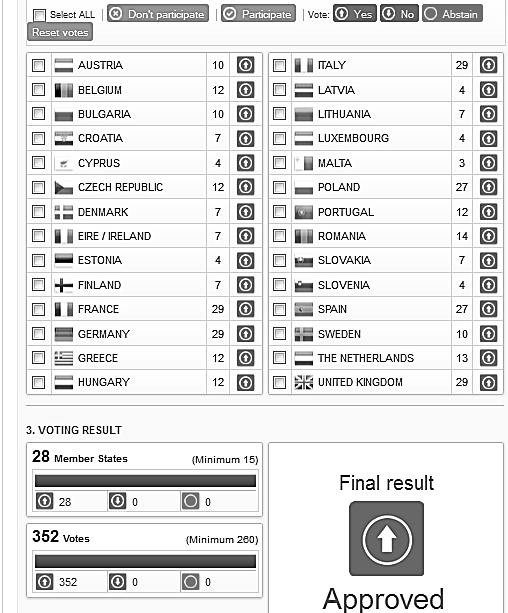
**The Council of European Union:**

*History and organization*

* Is both an institution with collective EU functions and the creature of the member governments.
* The Council is the EU institution that belongs to the member governments
* Its members are usually ministers from incumbent governments in the member states, but which ministers attend meetings depends on the subjects being discussed and how individual governments choose to be represented.
* Developed specialized configurations according to policy domains.
* The General Affairs Council – composed of foreign ministers – is the senior Council – since it is made up by foreign ministers. Still, recently the meetings are being dominated by foreign policy issues – later in 2003 2 councils were formed; General Affairs and External Relations Council
* Meetings of ministers are prepared by national officials in the committees and working groups of the Council.
* The permanent representations contain a range of national officials, whose job is to follow the main subjects being negotiated in the Council, to maintain links with all the other EU institutions
* The proceedings of the Council are managed by its presidency – this rotates between member governments every six months - the role of the presidency involves the preparation of agendas, as well as the conduct of meetings. (often the presidencies of the Council and Commission have to work closely together)
* Still sometimes clubs of ministers are able to use agreements in Brussels to force on their own governments commitments that might not otherwise have been accepted. Nevertheless, the ministers and officials who meet in the Council are servants of their governments, affiliated to national political parties, and accountable to national electorates.

*Powers*

* The Council negotiates over detailed proposals for EU action, on the basis of a draft from the Commission (on most of the topics where the Commission has been the primary drafter, the EP is now co-legislator with the Council)
* In some other areas, the Commission and EP play marginal roles, and the Council itself is more in charge of its own agenda – CFSP and JHA – The Council Secretariat is in charge even though initially it had mostly powers of coordination.
* The Council spends much of its time acting as a forum for discussion on the member governments’ responses to the Commission’s proposals.
* The formal rules of decision-making vary according to policy domain and over time – unanimity, QMV and sometimes simple majority.
* The Council used to be the legislator on EU policies – but the EP has acquired powers over legislation and the system has become more bicameral.
* Lisbon Treaty: -it continues to share lawmaking and budget powers with the EP and maintain its central role in CFSP and coordinating economic policies. The main change: the default voting method is now QMV except where the treaties require a different procedure. In 2014, a new voting method will be introduced – double majority voting. To be passed by the Council, proposed EU laws will require a majority not only of EU member countries (55%) but also of EU population (65%). This will also be accompanied by a new mechanism that enables a small number of member governments to demonstrate their opposition to a decision. The Council is obliged to solve the conflict within a reasonable time period.



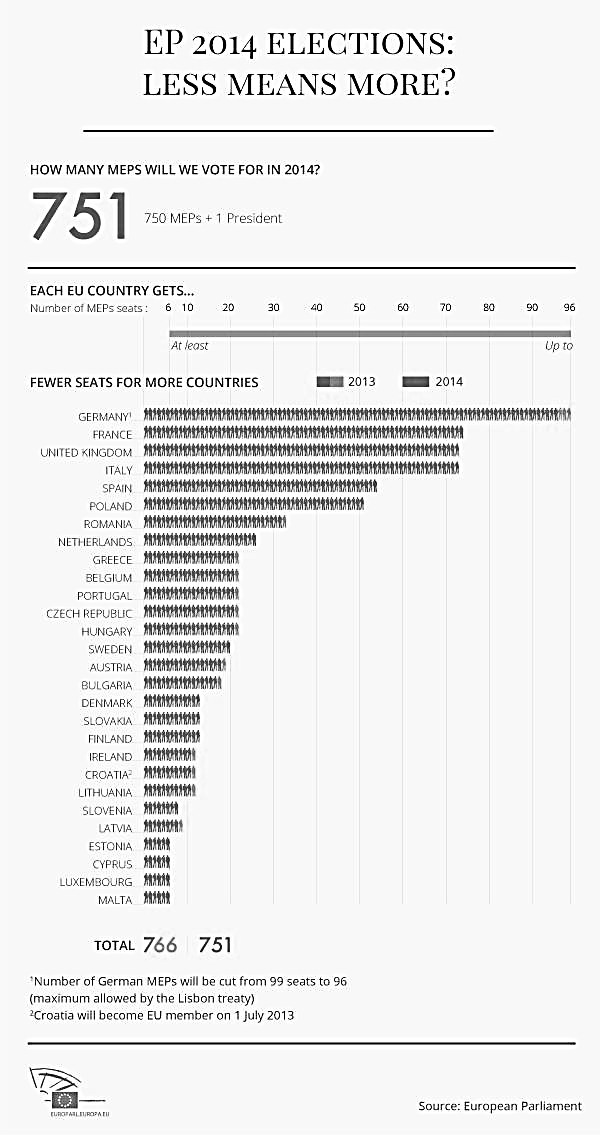
**The European Parliament:**

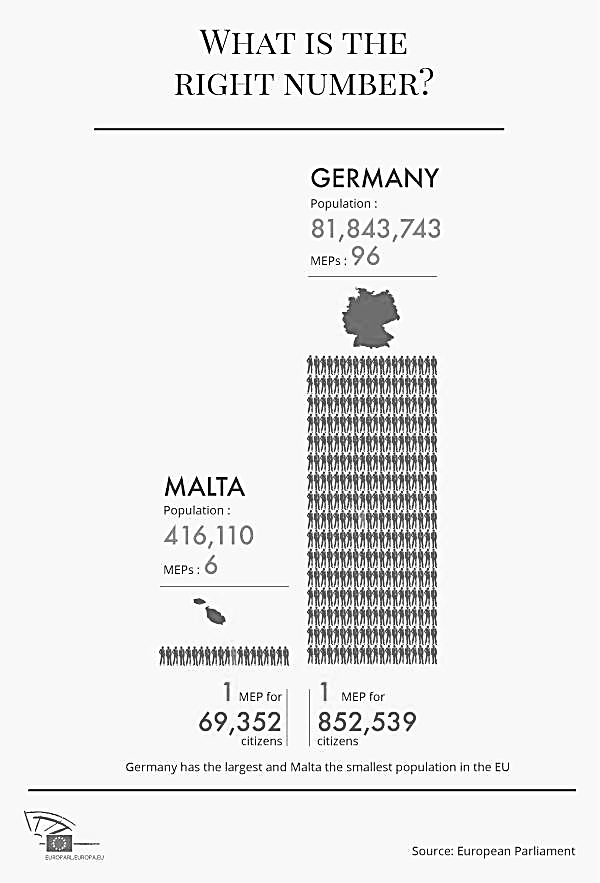
*History and Organization*

* Originally was composed of national parliamentarians, but in 1978 a treaty amendment provided for direct elections – the first were in 1979
* Its location is divided between Luxembourg, Strasbourg and Brussels.
* The EP is organized into party groups, in which by far the largest are EPP and European Socialists.
* Much of its work is carried out in specialist committees (similar to national parliaments)
* In the early years of the EU, the EP had only a marginal role in the policy process, with only consultative powers, apart from its power to dismiss the Commission in a censure motion.
* During the 70s the EP gained important budgetary powers

*Power:*

* Key responsibilities:
  + The right to vote on the accession of new member states
  + The right to be consulted by the Council of Ministers on the granting of associate status to other countries
  + The power to reject or amend Council decisions on matters relating to the single market, a move that can be reversed by a unanimous vote of Council if a proposal is rejected, or by qualified majority if it is amended
  + Ability to reject the Union’s budget
  + The Commission reports every month to the EP (HAS EVEN THE POWER TO DISMISS THE ENTIRE COMMISSION with 2/3 of the votes)
* In the 80s and 90s the role of the EP has been transformed, as it has acquired legislative powers in successive treaty reforms. These were rationalized under the Treaty of Amsterdam into ***co-decision***with the Council across a wide range of policy domains; ***cooperation***with the Council in some other domains, especially EMU; and ***consultation***in those areas, including Agriculture, and JHA. In addition, the EP must now give its formal ***assent***on some issues: these include certain agreements with third countries and enlargement.
* In 1999 – acquired greater political prominence as a result of its role in provoking the resignation of the European Commission on the issue of financial mismanagement.
* Lisbon Treaty - EP boosted its powers as regarding lawmaking, budget and approval of international agreements. The composition of EP – 751 MEPs (750 + president of parliament). No country may have less than 6 or more than 96 MEPs. Seats are distributed according degressive proportionality (those from larger countries will each represent more people than those from smaller countries)





- The maximum number of MEPs is 750 plus the president

- The maximum number of MEPs per country is 96

- The minimum number of MEPs per country is 6

- The division of seats should be according to degressive proportionality, meaning the more citizens a member sate has, the more seats it will get, but also the more citizens each MEP will represent. So MEPs from smaller countries represent fewer people than their colleagues from larger states.

- Lisbon Treaty –max 751, currently we have 754, but with Croatia – 766 => minus 15

**European Court of Justice:**

* Was established in the first treaty texts and has been unchanged ever since + except the increasing workload
* Composed of 27 judges as well as 8 advocates-general
* The Treaty of European Union gave the ECJ power to fine the members state countries for non-application of European law.
* The gold medal in terms of cases at the ECJ goes to the agriculture policy

**The wider institutional setting:**

*Control and Scrutiny*

* Court of Auditors – since 1975
* European Ombudsman – near the EP – to provide a channel for dealing with cases dealing with maladministration vis-a-vis individuals

**EU Law:**

* **Primary law** – EU Treaties
* **Secondary law** - EU has three main kinds of laws
* *Regulations –* are directly applicable within the member states once promulgated by the EU institutions.
* *Directives –* have to be transposed to national law, which allows some flexibility to member governments, but within the limits set by the ECJ
* *Decisions –* are more limited legal instruments applied to specific circumstances or specific addresses, as in competition policy
* **International agreements**
* **State conventions**

