

# **European Labour Law**

Institutions Acting in the Social  
Policy and their Competencies

*JUDr. Jana Komendová, Ph.D.*

# 1. Institutional Framework of the EU

- European Parliament
- European Council
- European Commission
- Council of the European Union
- Court of Justice of the EU
- European Central Bank
- Court of Auditors

# European Parliament

- Represents the interests of the EU citizens,
- **Seat:** Brussels, Luxembourg, Strasbourg,
- **Composition:** representatives of peoples of Member States elected every five years (751 members in total, the Czech Republic has 21 representatives),
- EP acts by an absolute majority of the votes except of cases stated in the Treaty,
- President – Antonio Tajani

# Main Competencies of the EP

- Passes the laws (jointly with the Council )  
– co-decision procedure,
- Consultative role – e.g. migration policy,
- Exercise of democratic supervision over the other EU institutions,
- Approves the EU budget jointly with the Council of the EU.

# European Council

- Represents the interests of the EU Member States
- **Seat:** usually Brussels
- **Composition:** Heads of States or Heads of Governments of the Member States, the President and the President of the Commission
- **Role:** provides the Union with the necessary impetus for its development, defines general political directions and priorities
- President – Donald Tusk

# Council of the European Union

- Main decision making body, legislative and budgetary role
- Represents the interests of the Member States
- **Composition:** one minister from each Member State responsible for the related agenda

# Main Competencies of the Council of the EU

- Passing laws
- Passing laws jointly with the European Parliament
  - regulations, directives - on a proposal of the Commission, opinions, recommendations
- Approves the EU budget jointly with the European Parliament
- Co-ordinating the policies of the Member States

# European Commission

- Represents the interests of the Union
- Independent of national governments
- **Seat:** Brussels
- **Composition:** one commissioner from each Member State,
- Appointed every five years
- The Members of Commission are obliged to refrain from any action incompatible with their duties,
- President Jean-Claude Juncker



# Main Competencies of the Commission

- Drafts proposals for new European laws (directives, regulations) the right to initiative)
- Implements EU policies,
- Ensures the application of the Treaties,
- Enforces European law (jointly with the Court of Justice)

# Court of Justice of the EU

- Main judiciary body of the EU
- **Seat:** Luxembourg
- **Composition:** Court of Justice,  
General Court  
Specialised Courts – Civil Service Tribunal
- Court of Justice - one judge from each Member State appointed by Governments for six years (28 judges)
- Advocates General (11 in total) state their opinions before the Court's decision

# Competencies of the ECJ

- Reviews the legality of the acts of the institutions of the European Union
- Ensures that the Member States comply with obligations under the Treaties (the Commission can start the proceedings against the Member State)
- Provides interpretation of European Union law at the request of the national courts and tribunals (preliminary ruling)

# Preliminary rulings

- Aim – to ensure the effective and uniform application of EU law in all Member States and to prevent different interpretation of EU law,
- Reference can be made by national courts of all instances that can question the ECJ on the interpretation of EU law
- The national court which acts as a final resort against whose decision there is no judicial remedy is obliged to make the reference for the preliminary rulings if one of the parties of the proceedings requests it
- Decision of the Court – judgement or reasoned order
- The national court to whom it is addressed is bound by the interpretation given by the ECJ. All national courts must follow the interpretation of EU law given by the ECJ

# Action for Failure to Fulfil Obligation

- Aim – to determine whether the Member State fulfilled the obligation under the EU law (implement directives into the national law)
- Commission may start the proceedings after giving the Member State concerned the opportunity to reply to complaints addressed to it
- If the ECJ decides that the obligation has not been fulfilled, the Member State must bring the failure to an end without delay
- If not, the further action may be brought by the Commission before the ECJ, the financial penalty (fixed or periodical) may be imposed upon the Member State

# **Institutions Acting in the Field of the Social Policy**

## **Institutions Based on Treaties**

European Economic and Social Committee

Committee of Regions

Standing Committee on Employment

European Social Fund

## **Institutions Established by an Act of Secondary Law**

- European Agency for Health and Safety at Work
- European Centre for Development of Vocational Training
- European Foundation for Improvement of Living and Working Conditions

# European Economic and Social Committee

- Established in 1957
- Advisory body – competences defined by the Treaty
- Represents – employers and employees organisations and civil society (farmers, consumers, churches),
- Seat – Brussels
- Compositions – 350 members, nominated by governments of Member States and appointed by the Council of the EU, their mandate lasts 5 years
- Is consulted by the European Parliament and the Council of the EU on proposals for secondary legislation relating to EU social policy

# Committee of Regions

- Established in 1994 on the basis of the Treaty of Maastricht
- Advisory body
- Represents the interests of the EU regions (counties, provinces, municipalities or cities)
- Seat – Brussels
- Composition – 350 members, regionally elected representatives
- Is consulted by EU institutions on proposals of acts of secondary law concerning EU social policy



# **European Agency for Health and Safety at Work**

- Seat – Bilbao
- Established in 1994
- Information agency for occupational safety and health
- Provides the employees, employers and their representatives with the information on prevention of industrial injuries and occupational diseases

# European Social Fund

One of the EU structural funds

- Instrument of the EU for supporting better job opportunities
- Priorities are defined by Commission and EU Member States
- The main priorities
  - Adaptability of Workforce
  - Access to Employment
  - Promotion of Vocational training