

Filip Křepelka, *Masarykova univerzita* (krepelka@law.muni.cz)

Course: Introduction to the European Union Law

[3] Institutions of the EC/EU

Introduction

All legal entities need individuals for their activity (legal entities are only tools for human activities). States (and local self-government on their territory) are legal entities too (their particularity is jurisdiction over individuals). States and international organisations are legal entities acknowledged by international law.

Individuals – often joined together, thus creating a body - perform functions in the name of all these entities. States or international organisations and structures have individuals and groups for their government function. The European Community and the European Union are not exception. They have bodies for various government functions.

Overview of EC/EU institutions: (1) the European Parliament, (2) the Council, (2a) the European Council, (3) the Commission, (3a) various agencies) (4) the Court of Justice, (4a) other tribunals, (5) the European Central Bank, (6) various advisory committees. Intergovernmental conference is not a body of the EC/EU but designs it. The Convention was ad hoc body for preparation of the Constitutional Treaty.

the European Parliament has 732 elected members for five-year term. Seats distributed to nations by population (extemes: Germany 99, Malta 5, Czechia 24). Members divided into national delegations, fractions (according to political orientation) and committees. The EP is mainly legislative body. Compare it with national parliaments!

European elections organised (according to principles established by EC law and national legislation) at the same time in all member states. Proportional elections result in „colorful“ EP. EU citizens can cast their vote in state they live. Discuss importance of E.elections!

the Council is composed of ministers – members of the highest executive bodies of member states („governments“). No individual membership, individuals as representatives of states. Presidency served by member states for half-year term. Sometimes unanimity prescribed, usually majority voting (ponderation of national votes). COREPER prepares meetings of the Council. The Council is the first legislative body of the EC and key decision-making body of the EU (2nd and 3rd pillar).

the European Council combines head of executives of member states (prime ministers, chancellors, presidents etc.). It formulates the policies of EC/EU.

Advisory committees: **the European Economic and Social Committee** (317 members representing various economic and social interests) and **Committee of the Regions** (317 members representing regional and local government or federal entities). Participate in legislation.

the (European) Commission The Council selects the president, member states designate commissioners (one from each state), the president distributes agenda to them and the EP approves (vote of confidence). It can face vote of no-

confidence. It is key administrative body of the EC/EU: prepares EC legislation, supervises the enforcement of EC law by member states and has limited administrative agenda. The Commission is served by Directorates-General (23) and other Services.

Agencies of the EC/EU (all pillar) are bodies of public law (legal entities of the EC/EU law) for specific purposes. Some perform administrative functions (1st pillar: 17 (EPA, EMEA, OHIM, EMSA etc), 2nd pillar (3), 3rd pillar (Europol, Eurojust).

the (European) Court of Justice (the Court of the ECs) is the highest judicial authority of the EC (no role in the 2nd pillar and restricted in the 3rd). 25 judges (nominated by agreement of member states). It serves as constitutional and administrative court of the EC, it contributes to homogenous application of the EC law in member states.

Other EC courts (the Court of First Instance, the Civil Service Tribunal) assumed individual agenda with no or small political significance.

the European Central Bank determines monetary policy for member states which have already introduced single currency (euro).

Seat of institutions and other structures of the EC/EU. No official capital of EC/EU, located in Brussels (the Commission, the Council, COREPER, EP committees), Luxembourg (the Court of Justice and other courts), Strasbourg (EP plenary sessions) and Frankfurt (ECB)

Functionaires and other employees – paid by EC/EU, special labour law (public service), taxation and social security.

Linguistic regime – all 21 authentic languages are official languages. If particular state or individual under jurisdiction, its/his/her language used. Unofficial working languages: English, French (and sometimes German).

Intergovernmental conferences of highest representatives of member states for adoption of subsequent founding treaties. No body of EC/EU (despite of personal identity with the European Council or the Council).

The Convention served for preparation of Draft Treaty Establishing the Constitution for Europe.

Conclusions

Remember: the EC/EU is structure sharing attributes of ordinary international organisations and federations („hybrid“). Compare the EC/EU institutions with institutions (bodies) of international organisations and states, especially federal states!

What does the EC/EU lack? Hierarchy administrative authorities for day-to-day administration of EC law and fully developed judiciary (no state / regional / local offices). Both tasks fulfilled by administrative authorities and judiciary of member states.

No EC/EU armed forces (army, police and special services).

No capacity to enforce the EC/EU law directly. The EC/EU relies on member states authorities.

State administrative and judicial authorities They can be regarded as „agents“ (intermediaries) of EC/EU law.