

### **A new Practical Guide with two authors**

It was June 1991 – 24 years ago – when the first edition of the Practical Guide to the Community Labyrinth was published. I had just moved from Paris to Brussels and been appointed Director General of the European Sugar Federation. The objective of the first edition was therefore to help me – and by extension my employers, the European sugar manufacturers – to understand the Community decision-making process.

Around 14 further French and English editions followed, with publication in more than 20 languages. Leafing through the first 1991 edition and comparing it to the more recent one published in 2006, the first thought I had was: “How simpler it all was back then!”

With the Treaty of Lisbon – this poorly conceived treaty – a new era has begun. This required a complete revamp of the Guide, a fundamental re-working allowing for an understanding of the new procedures and the new practices of the European Union.

To do so, this was a job for two people. It was with great pleasure that I invited Vicky Marissen, my trusted associate for the past 15 years, to co-author this work on an equal footing, just as we have been managing PACT European Affairs on an equal footing since 2012.

When in May 2019 I will give up all activities in EU public affairs to devote myself to other things that interest me – late 19th century art – I will entrust this book and all new editions to Vicky, who will keep it alive for the next 25 years.

Daniel Guéguen

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Daniel Guéguen and Vicky Marissen have for many years been involved in writing and publishing books on European public affairs, specific policy areas (“The Euro: Europe’s construction or destruction?”) and on the EU Institutions and lobbying.



### EU Handbook on secondary legislation

Written jointly with Vicky Marissen, this is a technical handbook aimed at professionals to help them understand the complex procedures of post-Lisbon secondary legislation (delegated acts and implementing acts). The second edition (June 2014) is still available.



### Comitology: Hijacking European Power?

First edition published in February 2010. Translated into French, German and Czech. Written like a detective novel, this book describes the infernal system of post-Lisbon secondary legislation. The sixth edition (September 2014) includes 20 pages on the Orphacol case.



### European Lobbying

First edition: 2008. Translated into French, German, Czech, Slovenian, Croatian, Ukrainian and Russian. This book sets out the methodology for European lobbying in the pre-Lisbon era (lobbying structures, tools and strategies).



### Reshaping European Lobbying

First edition: 2013. Translated into French, Serbian and Czech. This book analyses the consequences of the Lisbon Treaty and new inter-institutional practices for EU lobbying. In the drafting, adoption and implementation phases of EU legislation, lobbying techniques have been profoundly altered.

### Daniel Guéguen and Vicky Marissen

Daniel Guéguen stands out in the world of EU affairs. The length of his career says it all – 40 years in European lobbying – as do the nature and diversity of his posts: former Director General of the European Sugar Federation, then head of COPA-COGECA, the European farmers’ lobby. In 1996, Daniel became a consultant, experiencing undisputed success with CLAN Public Affairs and ETI (European Training Institute), and now with PACT European Affairs.

Vicky Marissen joined CLAN Public Affairs as an intern in 2000, and then participated in all stages of the development of the company and its subsidiaries. PACT European Affairs was founded jointly and equally by Daniel and Vicky: together, they conceived PACT as THE reference in Brussels for delegated acts and comitology.

Together, they have held innumerable ETI trainings and drafted educational material for seminars and coaching. Some of the books authored by Daniel Guéguen owe a lot to Vicky Marissen, being based on their shared vision of modern public affairs and lobbying.

Publicly, Daniel Guéguen has always been a supporter of a Europe of citizens and a European Union that is more proactive and able to be driven forward by its values. These convictions and educational focus have always been shared by Vicky Marissen who has been involved in courses delivered in several international universities, e.g. College of Europe, ULB, Maastricht University, EDHEC and Georgetown University.



College of Europe  
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# INTRODUCTION

## 1957: THE BIRTH OF THE EUROPEAN ECONOMIC COMMUNITY

On 25 March 1957, the six founding countries (Belgium, France, Germany, Italy, Luxembourg and the Netherlands) signed the Treaties of Rome. The first established the European Economic Community (EEC) while the second founded the European Atomic Energy Community (better known as “Euratom”).

Coming into force on 1 January 1958, the Treaty establishing the EEC provided for:

- A common market based on free movement of services, goods, capital and persons (the “four freedoms”);
- A customs union abolishing all internal customs duties and creating a common external tariff for the EEC;
- Common policies, notably the Common Agricultural Policy (CAP);
- A European Social Fund aiming to modernise economically weak regions via the granting of structural funds. In the same spirit of solidarity, a mechanism was created to aid the development of African, Caribbean and Pacific countries;
- From its founding, the European Economic Community was built on a basic model still in force today: a non-national and neutral executive Commission, a legislative power entrusted to Member States and a Court of Justice ensuring observance of EU law. The only element missing was the significant role enjoyed by the European Parliament today.



### IN THE GRAND PROCESS OF CONSTRUCTING THE EU, FOUR KEY MILESTONES STAND OUT :

- The signing of the Treaties of Rome, on 25 March 1957, giving birth to the European Economic Community;
- The entry into force on 1 July 1987 of the Single European Act, strengthening the powers and competences of the European Institutions;
- The Treaty of Maastricht, leading to the creation of the European Union on 1 November 1993;
- In 2009, the Treaty of Lisbon which replaced the defunct “Draft Constitutional Treaty”.

## THE SINGLE EUROPEAN ACT OF 1987: A MAJOR MILESTONE

The Single European Act was the first fundamental revision of the treaties.

### It facilitated decision-making in the Council

Initially, qualified majority was intended to be the rule for voting on EEC policies envisaged by the treaties. However, Member States gradually replaced it with unanimity, leading to legislative inertia and blockages.

For the Council of Ministers, the Single European Act meant a return to qualified majority voting.

**It increased the powers of the European Parliament**

The Single European Act introduced the co-operation procedure, involving the Council of Ministers and the European Parliament (a prelude to the future co-decision procedure).

**It strengthened the powers of the Commission**

The Act conferred on the Commission an exclusive right of initiative – that is, drafting and proposing legislative texts – in all areas of EEC competence.

It gave the Commission a leading role in the co-operation procedure between the Council and Parliament, and also bestowed upon it broader implementing powers (i.e. comitology).

**It opened up new fields of activity**

The Single European Act extended the EEC's competences in the fields of research, finance, economic convergence, social policy and the environment.

It provided for a legal framework for Member State co-operation on foreign policy matters.

**It set down a core objective: completing the Single Market**

The Single European Act was straightforward: a Single Market guaranteeing free movement of persons, goods, services and capital within the EEC must be achieved by 31 December 1992.

**The Act thus strengthened the powers of the three main Institutions, giving major impetus to the EEC as a whole.**

## ONE STEP FURTHER IN 1993: THE TREATY OF MAASTRICHT

At the European Council in Maastricht on 9-10 December 1991, the Heads of State and Government of the EU agreed to further enlarge the Community's competences and reinforce the powers of the Institutions.

**All you need to know in ten points:**

1. Maastricht brought the three Communities (Euratom, European Coal and Steel Community, European Economic Community) under one umbrella, the European Union and offered the prospect of accession to the countries of Eastern Europe;
2. Every national of the twelve Member States became de facto a "citizen of Europe", in principle free to reside anywhere in the Union;
3. Every European citizen was given the right to vote (and be elected) in municipal and European elections in his or her country of residence;
4. Maastricht was the cornerstone of the future single EU currency;
5. It unblocked the Social Europe framework by allowing the "Eleven" – the United Kingdom having opted out of this agreement – to harmonise their rules on trade union representation in businesses, health and safety in the workplace, gender equality, etc.;
6. It extended qualified majority voting within the Council of Ministers (as stated above, unanimity had been a blocking factor);
7. Maastricht substantially reinforced the role and powers of the European Parliament, elevating it to the level of co-legislator alongside the Council of Ministers on numerous issues (e.g. environment, transport, consumer rights);

8. It created a Committee of the Regions, operating in an advisory capacity, in order to allow regional issues to be taken into account during the decision-making process;
9. It strengthened North/South solidarity by creating a development fund for the Mediterranean regions (e.g. a Cohesion Fund);
10. Finally, the Treaty of Maastricht formed the cornerstone, or embryo, of a future common EU policy on defence, security, foreign affairs and home affairs (e.g. justice, policing, civil and criminal law).

Made possible by the success of the Single Market, the Treaty of Maastricht represented undeniable progress and – despite all the criticism, obstacles and stalling by Member States like Denmark and the United Kingdom – marked a further step for European integration.

The **Treaties of Amsterdam** (1997) and **Nice** (2000), on the other hand, represented a step backwards for the process of European integration. While the Treaty of Amsterdam postponed agreed reforms to a later date, the Nice Summit saw national interests given priority over the EU interest.

The Member States quickly realised how inadequate the Treaty of Nice was in terms of responding to the challenge of enlargement. This led the Belgian Council Presidency to propose in 2001 the creation of a Convention on the Future of Europe for the purpose of putting forward an in-depth reform of the EU Institutions.

## THE TREATY OF LISBON – A VERY LONG SAGA

Between the launch of the Convention on the Future of Europe and the adoption of the Treaty of Lisbon in December 2009, lay a period of almost 10 years of quite impressive stopping and starting!

### The Convention on the Future of Europe

The intention of the EU Heads of State and Government was to establish a large forum (105 members representing the Member States, national and European parliaments, the Commission and civil society) to reflect on and discuss what needed to be done.

The questions addressed included: what is the goal of European integration? A federal Europe? A Europe of nations? A Single Market? What are the geographical limits of the EU? How can the Treaties be simplified? How can the balance of power between the Commission, Parliament and Council be adjusted?

The Convention's final report was sent to the Member States in 2003 and, like for all major treaty revisions, was submitted to an "Intergovernmental Conference". This led to an agreement on 18 June 2004 on a "Draft Constitutional Treaty".

### The failure of the Draft Constitutional Treaty

The draft treaty still had to be ratified by the 25 Member States making up the EU at the time. Most countries chose the legislative route, ratifying the treaty without any problems. A couple of countries decided to hold a referendum. The Spanish voters said yes, but the French and Dutch voters said no.

As unanimity of all 25 was required, the Draft Constitutional Treaty could not be approved. What should be done now? Political leaders were already talking about a "simplified treaty" as a solution to the defunct Constitutional Treaty, the idea of "simplified" also being an implicit commitment not to waste any time.

### Many twists and turns before the final adoption of the Treaty of Lisbon

In June 2007, a new Intergovernmental Conference was convened. It drew up a draft "amending treaty" that was adopted formally by the Member States on 13 December 2007 in Lisbon.

Discouraged by the failed referenda of 2005, France and the Netherlands cautiously chose to ratify through their national parliaments – a route selected by every other Member State except Ireland, which was obliged by its constitution to ratify the new treaty via a referendum. The Irish people voted “no”, so the treaty was slightly modified by among others abandoning the aim of reducing the number of Commissioners by a third. In a second referendum, the Irish voters said “yes”.

Although its goal was to improve decision-making in an EU getting ever larger and more diverse, the “simplified treaty” turned out in practice to be a very complex beast. It modified the institutional architecture put in place by Maastricht, creating a triumvirate at the top of the EU and establishing complex procedures for delegated and implementing acts.

The Treaty of Lisbon finally entered into force on 1 December 2009, bringing numerous changes:

- The powers of the European Parliament were expanded: co-decision was extended to around thirty policy areas, and is now the **ordinary legislative procedure**. Its power to approve the budget was also increased;
- The European Council became a formal EU Institution, with a permanent **president** to be elected by qualified majority of Member States for a term of two and a half years, renewable once;
- The creation of a new position: **High Representative of the Union for Foreign Affairs and Security Policy**, whose twofold mission would be to represent the EU abroad and chair meetings of the Foreign Affairs Council. The High Representative is also Vice-President of the Commission and is at the head of of the European External Action Service (EEAS);
- The EU acquired **legal personality**;
- The **Citizen’s Initiative** can encourage the Commission to table a legislative proposal if at least one million EU citizens in a significant number of Member States request it.

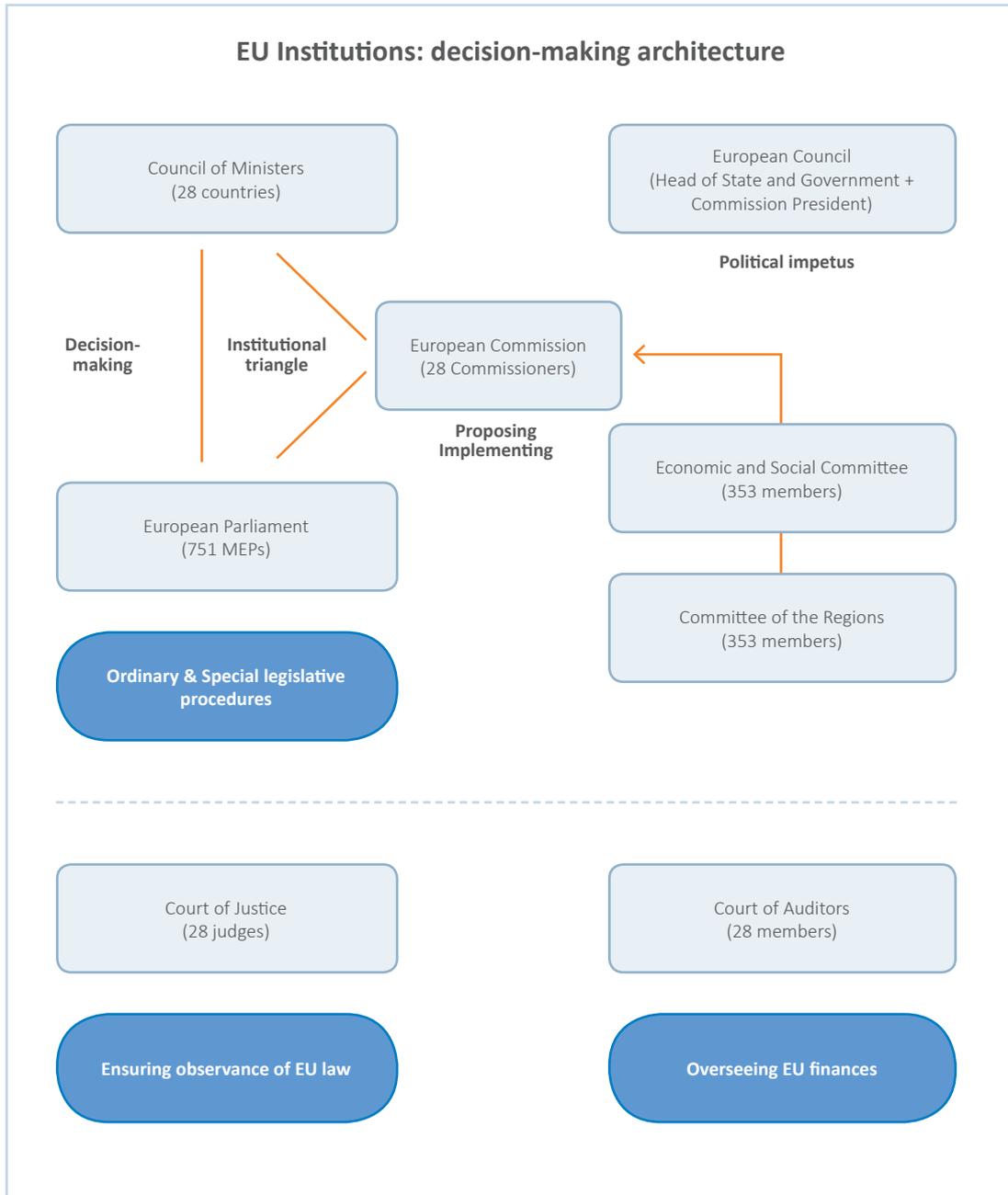
In December 2011, the latest accession treaty made Croatia the 28th Member of the EU. It officially acceded on 1 July 2013, bringing the EU’s total population to more than 500 million inhabitants.

## WHAT DOES THE FUTURE HOLD?

More than five years since its entry into force, the real impact of the Treaty of Lisbon remains to be analysed. It is clear that the EU decision-making process – far from being simplified – has in fact been made considerably more complex, from the top of the pyramid down to the bottom. Today, we are confronted with a decision-making system that is more bureaucratic and more opaque.

**Keeping one Commissioner per country has turned out to be especially problematic.** Now too numerous, Commissioners limit themselves to their own portfolio at the expense of the collegiality principle. With further EU enlargement expected, the College of Commissioners will quite simply become paralysed by its sheer size.

The co-existence of a Commission President, a High Representative and a European Council President (whose precise functions are still unclear) is contributing to a lack of leadership in Europe and abroad. For these reasons and others – notably the supremacy acquired by the Commission for delegated and implementing acts – a future revision of the treaties seems inevitable. In the shorter term, we must hope for better governance under the new Commission and newly elected European Parliament.



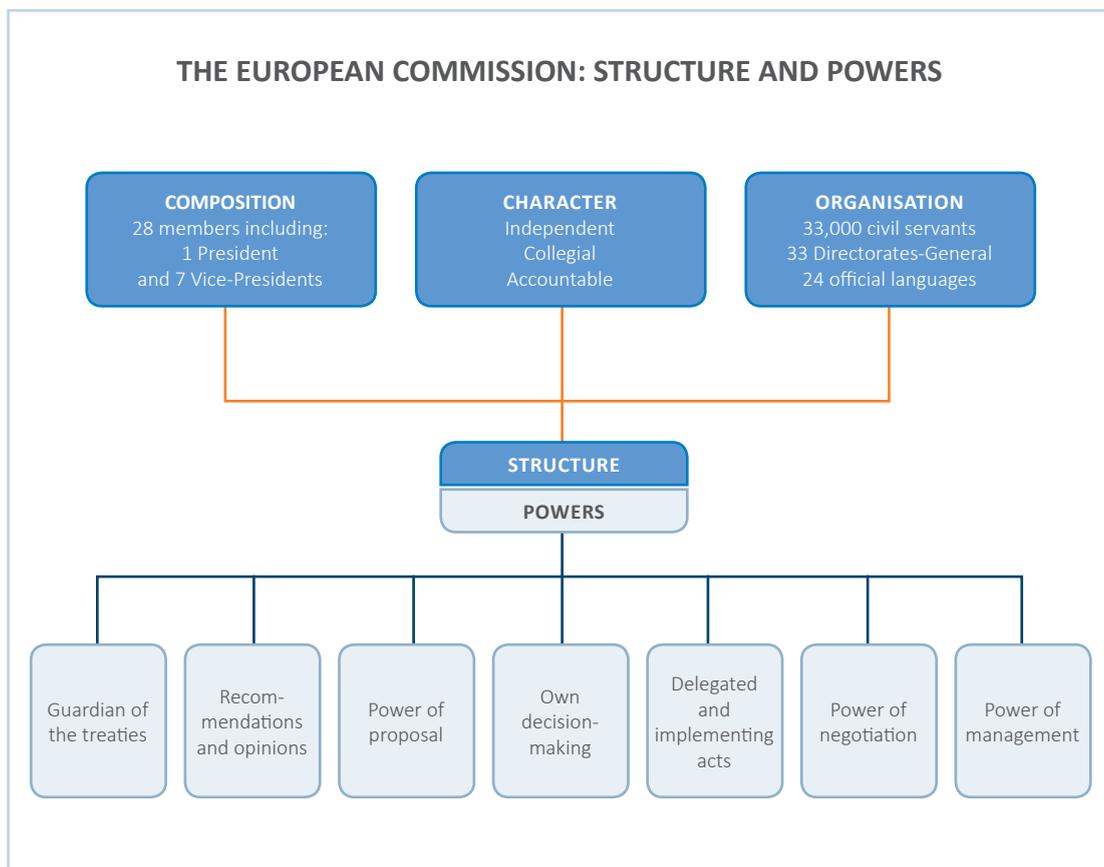
# THE EUROPEAN COMMISSION

## The linchpin of the EU

### I. LEGAL BASIS

Article 17 of the Treaty on the European Union (TEU).

Articles 244 to 250 of the Treaty on the Functioning of the European Union (TFEU).



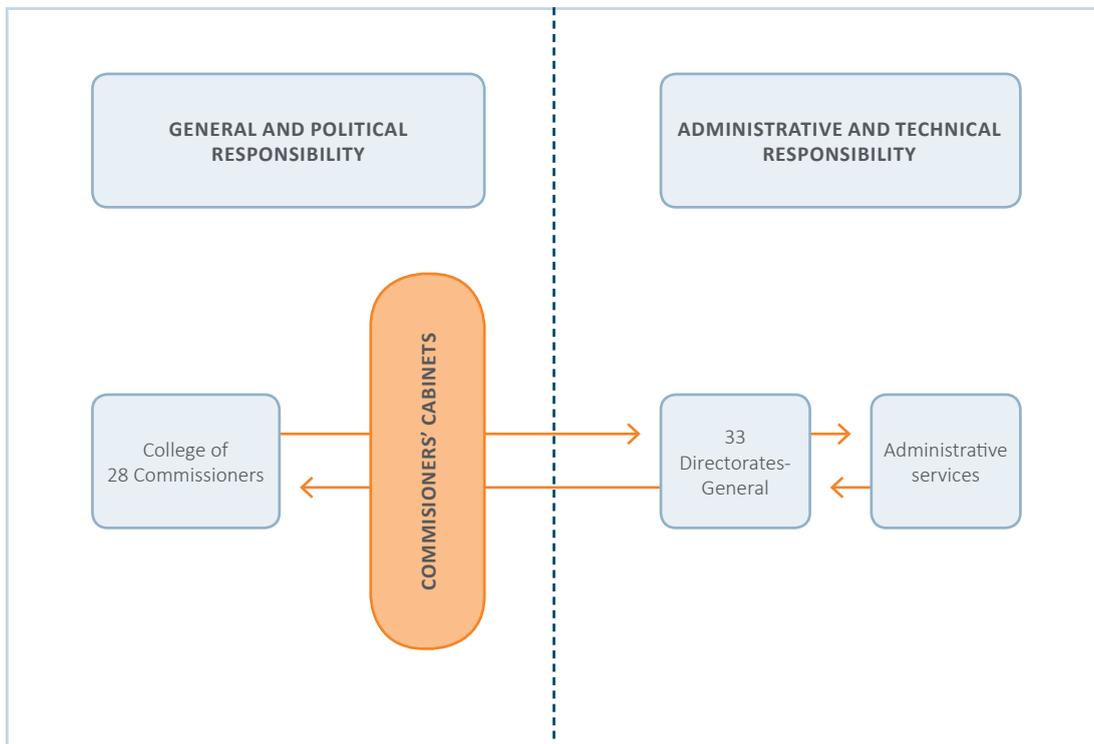
## II. STRUCTURE OF THE COMMISSION

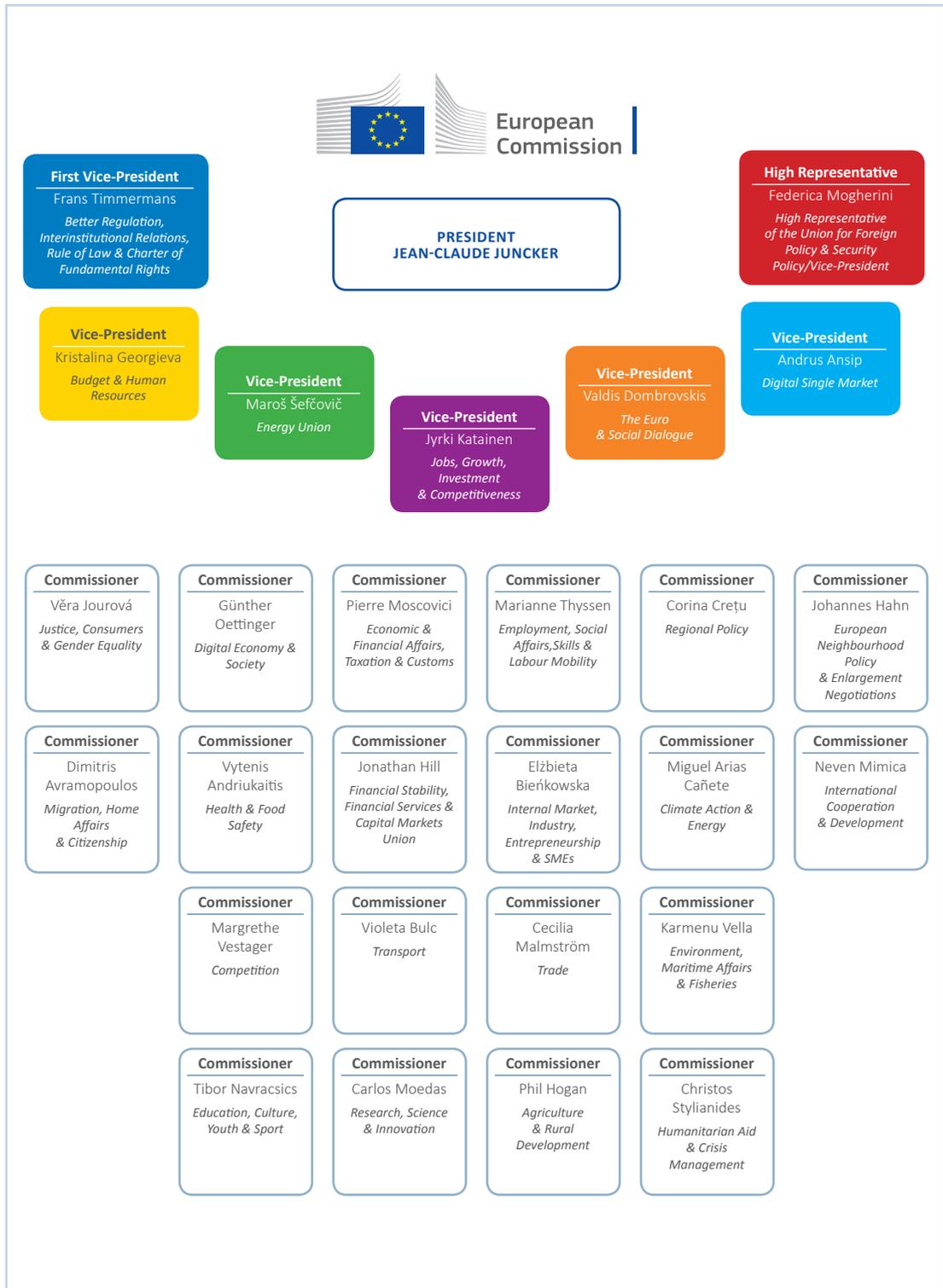
As guardian of the treaties and endowed with the right to propose, implement and manage, the European Commission holds a crucial power that is both:

- Political and general,
- Administrative and technical.

### A two-level College of Commissioners

The principle of one Commissioner per country having created an unwieldy and ineffective College, President Juncker has opted for a structure based on 'clusters', or thematic groups containing several Commissioners under the authority of a Vice-President. In appearance, these Vice-Presidents do not have greater power than 'normal Commissioners': their job is only to supervise and co-ordinate actions. Will this novel approach be effective? Nobody knows at this stage. As the diagram on the next page shows, one of the difficulties concerns the fact that several Vice-Presidents have to supervise together the same Commissioners on the various aspects of their portfolio. This is complicated!





### III. COMPOSITION

#### A. The College of 28 Commissioners

Within the Commission, the College of Commissioners is the decision-making body, while the Directorates-General and administrative services prepare and implement.

##### Composition

- 28 Commissioners (1 President, 7 Vice-Presidents, 20 members), with one Commissioner per Member State.

##### Appointment

- Officially appointed by qualified majority, the President is usually chosen by the Member States on the basis of consensus within the European Council. This appointment has to be approved by the European Parliament. In 2014, however, the Parliament used the provisions of the Lisbon Treaty to its advantage by proposing Jean-Claude Juncker as a candidate (see pages 68-69).
- Each Member State proposes a candidate Commissioner for the College. On this basis and in agreement with the President-designate, the Member States decide on a list of Commissioners.
- The President-designate then distributes portfolios among the candidate Commissioners.
- Following a public hearing of the candidate Commissioners in the European Parliament, the Commission is subject to a vote of investiture by the Parliament.
- Following the College's approval by the European Parliament, the Commission President appoints Vice-Presidents. For the 2014-2019 term, Member States gave their green light to the new role assigned to Vice-Presidents by President Juncker before they were formally appointed.

##### Independence

- From **Member States** (Commissioners may neither seek nor accept instructions from any government or national administration);
- From **private interests** (no other professional activity, remunerated or otherwise, may be exercised by the Commissioners, who also commit themselves to a pledge of confidentiality).

##### Collegiality

- Decisions are adopted collegially (therefore, each member holds collective responsibility for decisions taken);
- That said, the Commissioners are specialised (see the table on pages 20-21) due to the large amount of issues coming within the Commission's competence.

##### Accountability

- The Commission is accountable before the European Parliament which can censure it, thus forcing the Commissioners to resign collectively.

- The censured Commission nonetheless retains all of its powers until the appointment of a new College of Commissioners.
- Commissioners can be removed by the Court of Justice of the European Union.
- A Commissioner must tender his or her resignation if, following the approval of the College, the President requests him or her to do so.

### Meetings

- The College of Commissioners in principle meets once a week in Brussels (on Wednesdays). During plenary sessions of the European Parliament, the weekly meeting of the College takes place in Strasbourg.
- As a rule, the Commission Secretary General, the Director General of the Legal Service, the deputy Secretary General and the head of cabinet of the President all participate in College meetings.
- The work of the College is prepared by the Commissioners' heads of cabinet who meet at the beginning of every week (generally on Monday afternoons).

### Votes

- Decisions are drafted by the competent Commissioner and the Commission services (see diagrams on pages 22,23 and 25).
- Decisions are in principle adopted by a majority of the members of the Commission (at least 15 out of 28). Most decisions are however taken by consensus, formal votes being unusual.
- A minimum of fifteen Commissioners must be present for a vote to take place.
- In the event of a tie, the Commission President does not have a deciding vote.

### The 28 Commissioners and their portfolios

JEAN-CLAUDE JUNCKER PRESIDENT  HEAD OF CABINET: MARTIN SELMAYR			
Commissioner	Country	Portfolio	Head of cabinet
Frans Timmermans		First Vice-President for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights	Ben Smulders
Federica Mogherini		Vice-President High Representative of the Union for Foreign Affairs and Security Policy	Stefano Manservigi
Maroš Šefčovič		Vice-President Energy	Juraj Nociar
Andrus Ansip		Vice-President Digital Single Market	Juhan Lepassaar
Kristalina Georgieva		Vice-President Budget & Human Resources	Mariana Hristcheva

Jyrki Katainen		Vice-President Jobs, Growth, Investment and Competitiveness	Juho Romakkaniemi
Valdis Dombrovskis		Vice-President Euro & Social Dialogue	Taneli Lahti
Günther Oettinger		Digital Economy and Society	Michael Hager
Johannes Hahn		European Neighbourhood Policy and Enlargement Negotiations	Michael Karnitschnig
Marianne Thyssen		Employment, Social Affairs, Skills and Labour Mobility	Stefaan Hermans
Neven Mimica		International Cooperation and Development	Nils Behrndt
Christos Stylianides		Humanitarian Aid & Crisis Management	Themis Christophidou
Margrethe Vestager		Competition	Ditte Juul-Jørgensen
Miguel Arias Cañete		Climate Action & Energy	Cristina Lobillo Borrero
Pierre Moscovici		Economic and Financial Affairs, Taxation and Customs	Olivier Bailly
Dimitris Avramopoulos		Migration, Home Affairs and Citizenship	Diane Schmitt
Tibor Navracsics		Education, Culture, Youth and Sport	Jonathan Hill
Phil Hogan		Agriculture & Rural Development	Peter Power
Vytis Andriukaitis		Health & Food Safety	Arūnas Vinčiūnas
Karmenu Vella		Environment, Maritime Affairs and Fisheries	Patrick Costello
Cecilia Malmström		Trade	Maria Åsensius
Elżbieta Bieńkowska		Internal Market, Industry, Entrepreneurship and SMEs	Tomasz Husak
Carlos Moedas		Research, Science and Innovation	António Vicente
Věra Jourová		Justice, Consumers and Gender Equality	Renate Nikolay
Corina Crețu		Regional Policy	Mikel Landabaso
Jonathan Hill		Financial Stability, Financial Services and Capital Markets Union	Matthew Baldwin
Violeta Bulc		Transport	Marjeta Jager

### Commissioner cabinets

- In addition to the secretariat, a typical cabinet is composed of a head of cabinet and six members (the cabinet has to include at least 3 different nationalities).
- The members of each cabinet are specialised. Together, they cover all the issues subject to Commission competence.
- The meetings of heads of cabinet are vital. They work on the basis of consensus and prepare the College meetings.
- The Commission Secretariat-General also plays an important role (e.g. practical organisation of work, co-ordinating activities, relations with Member States and other Institutions).

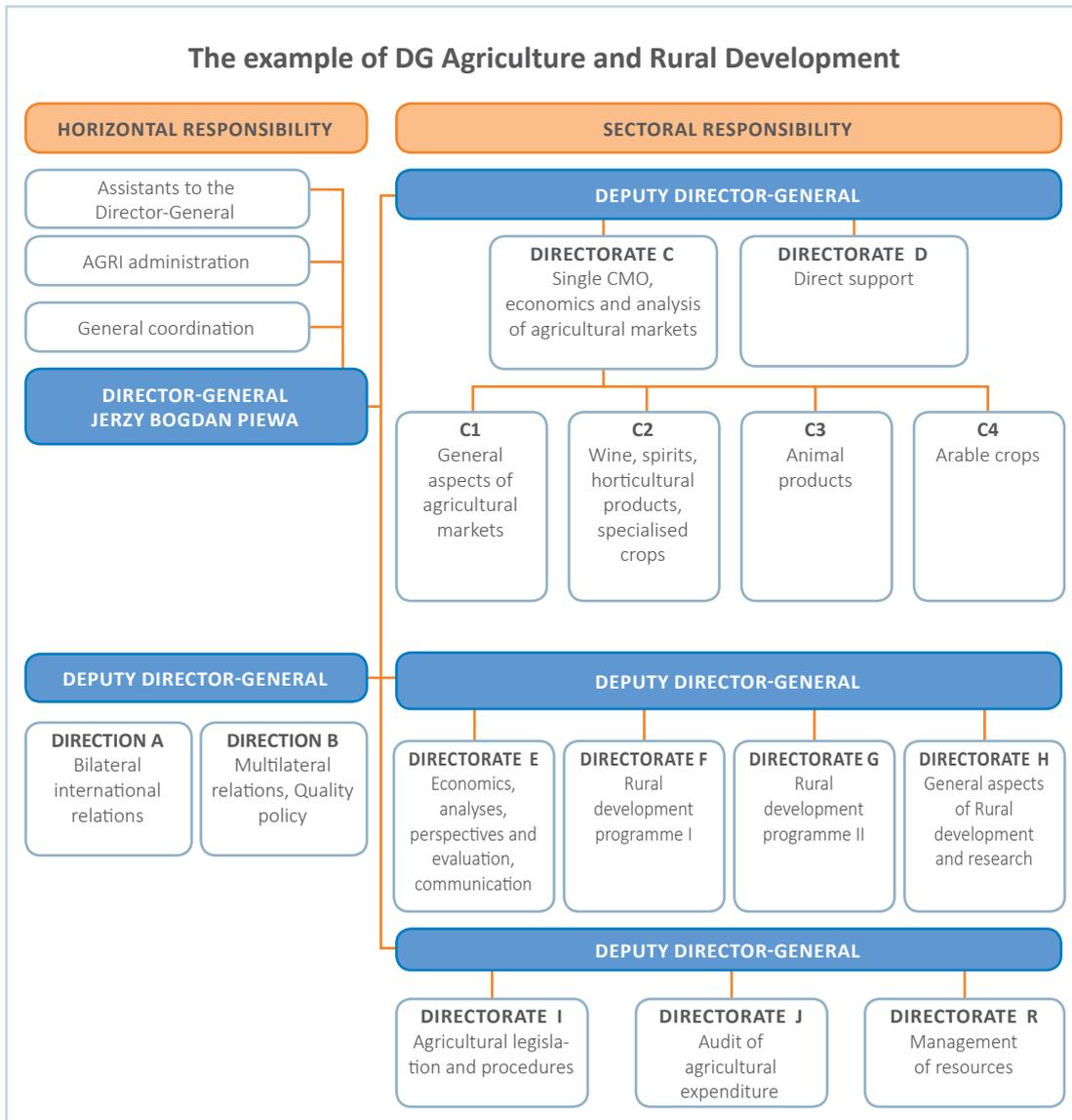
## B. The administrative services

The everyday functioning of the Commission is ensured by the Directorates-General.

DIRECTORATES-GENERAL	ABBREVIATION	COMMISSIONER	DIRECTOR GENERAL
Climate action	CLIMA	Miguel Arias Cañete	Jos Delbeke
Economic and Financial affairs	ECFIN	Pierre Moscovici	Marco Buti
Home Affairs	HOME	Dimitris Avramopoulos	Matthias Ruete
Maritime Affairs and Fisheries	MARE	Karmenu Vella	Lowri Evans
Agriculture and Rural Development	AGRI	Phil Hogan	Jerzy Bogdan Plewa
Humanitarian Aid and Civil Protection	ECHO	Christos Stylianides	Claus Sorensen
Budget	BUDG	Kristalina Georgieva	Nadia Calviño
Joint Research Centre	JRC	Tibor Navracsics	Vladimír Šucha
Trade	TRADE	Cecilia Malmström	Jean-Luc Demarty
Communication	COMM	Jean-Claude Juncker	Gregory Paulger
Competition	COMP	Margrethe Vestager	Alexander Italaner
Development and Cooperation EuropeAid	DEVCO	Neven Mimica	Fernando Frutuoso de Melo
Education and Culture	EAC	Tibor Navracsics	Xavier Prats Monné
Enlargement	ELARG	Johannes Hahn	Christian Danielsson.
Employment, Social Affairs and Inclusion	EMPL	Marianne Thyssen	Michel Servoz
Energy	ENER	Miguel Arias Cañete	Dominique Ristori
Internal Market, Industry, Entrepreneurship and SMEs	GROW	Elżbieta Bieńkowska	Daniel Calleja Crespo
Environment	ENV	Karmenu Vella	Karl Falkenberg
Eurostat	ESTAT	Marianne Thyssen	Walter Radermacher
Taxation and Customs Union	TAXUD	Pierre Moscovici	Heinz Zourek
Informatics	DIGIT	Günther Oettinger	Stephen Quest
Interpretation	SCIC	Kristalina Georgieva	Marco Benedetti
Justice and Consumers	JUST	Věra Jourová	Paraskevi Michou (acting)
Financial Stability, Financial Services and Capital Markets Union	FISMA	Jonathan Hill	Jonathan Faull
Mobility and Transport	MOVE	Violeta Bulc	João Aguiar Machado
Regional and Urban Policy	REGIO	Corina Crețu	Walter Deffaa
Research and Innovation	RTD	Carlos Moedas	Robert-Jan Smits
Communication Networks, Content and Technology	CNECT	Günther Oettinger	Robert Madelin
Human Resources and Security	HR	Kristalina Georgieva	Irène Souka
Health and Food Safety	SANTE	Vytenis Andriukaitis	Ladislav Miko (acting)
Secretariat General	SG	Jean-Claude Juncker	Catherine Day
Foreign Policy Instruments	FPI	Federica Mogherini	Tung-Lai Margue
Traduction	DGT	Kristalina Georgieva	Rytis Martikonis

**To note:**

- Since the Prodi Commission, the Directorates-General are designated by the abbreviation of their title, rather than by a number.
- Several Directorates-General can be under the authority of one Commissioner.
- No Directorate-General is under the direct authority of the Commission President, apart from the Secretariat General, which plays a very specific role.
- The Commissioners are specialised, but their decisions are collegial.
- Like their Commissioners, Directors-General and EU civil servants are required to be neutral and not influenced by national considerations.



**To note:**

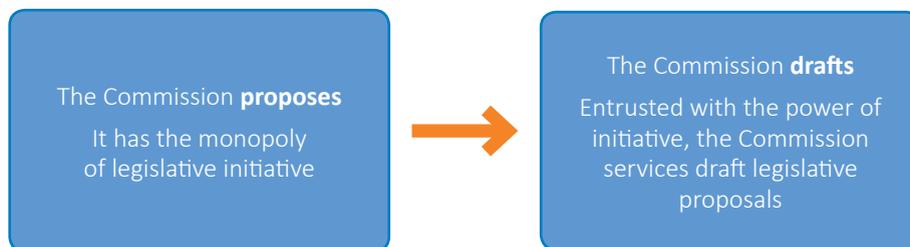
- A point about organisational charts: the structure of the Directorate-General for Agriculture and Rural Development is representative of the structure of all other Directorates-General.
- Every Directorate-General is sub-divided into Directorates, which in turn are divided into units.
- Each unit is composed of, on average, 7 or 8 officials responsible for specific matters. Identifying the civil servant in charge of a given file in Brussels is generally easy.
- Concentration of powers: a head of unit often has considerable responsibility. His or her power is frequently equivalent to that of a director-general in a national ministry.
- The terms “Eurocracy” and “bureaucracy” are inappropriate. Compared to national administrations, the European Commission remains quite a small organisation. It employs 33,000 civil servants, with more than 3,800 interpreters (3,000 freelance) and 2,500 officials translating documents into the 24 official EU languages.

## IV. POWERS

### A. *An exclusive right of initiative*

**Two principles to remember:**

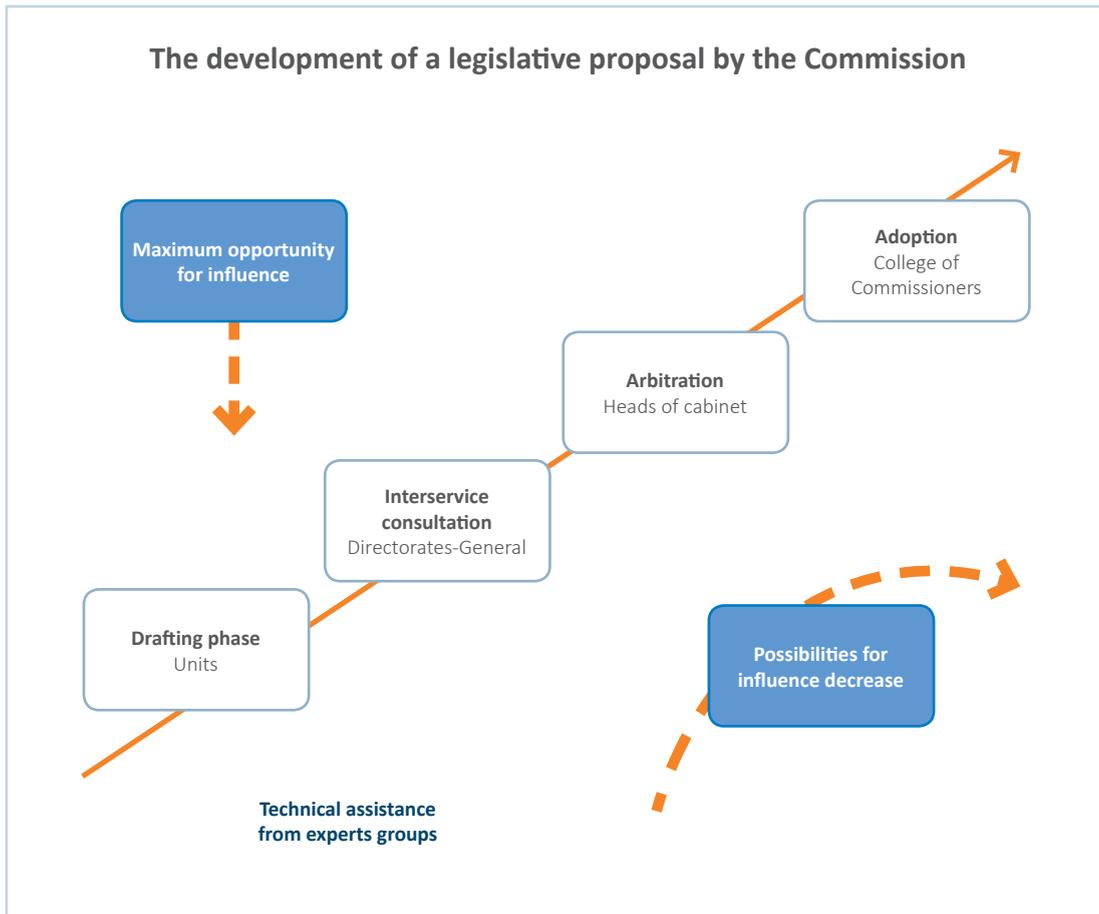
- The Commission possesses a power often ignored: **the monopoly of initiative**. The Council and the European Parliament can suggest an initiative to the Commission, but it is up to the Commission to decide whether or not it will act on it.
- In addition, the Commission enjoys **drafting power**, i.e. it holds the pen. This reinforces its power of initiative even more.



**In practice:**

- Commission proposals are prepared by the services. The draft moves up the hierarchy from the unit to the Director General, goes through interservice consultation, and is then submitted to the College of Commissioners for examination and adoption.
- For technical analyses, the Commission is frequently assisted by committees and expert groups whose members are appointed by the Commission.
- These groups can be composed of scientists, academics, experts from national administrations and representatives from industry or EU-level trade associations (see pages 25 to 28).

- An expert group is generally created following either a decision of the Commission or of the Council. The Commission can also create (or dissolve) expert groups on its own initiative.
- The Commission usually consults these groups in the early upstream phase of the legislative process. At this stage, the opportunities for influencing a legislative draft are significant.



### Bodies assisting the Commission (committees and expert groups)

Four categories:

1. Commission advisory groups
2. Social dialogue committees
3. Scientific committees
4. High-level expert groups



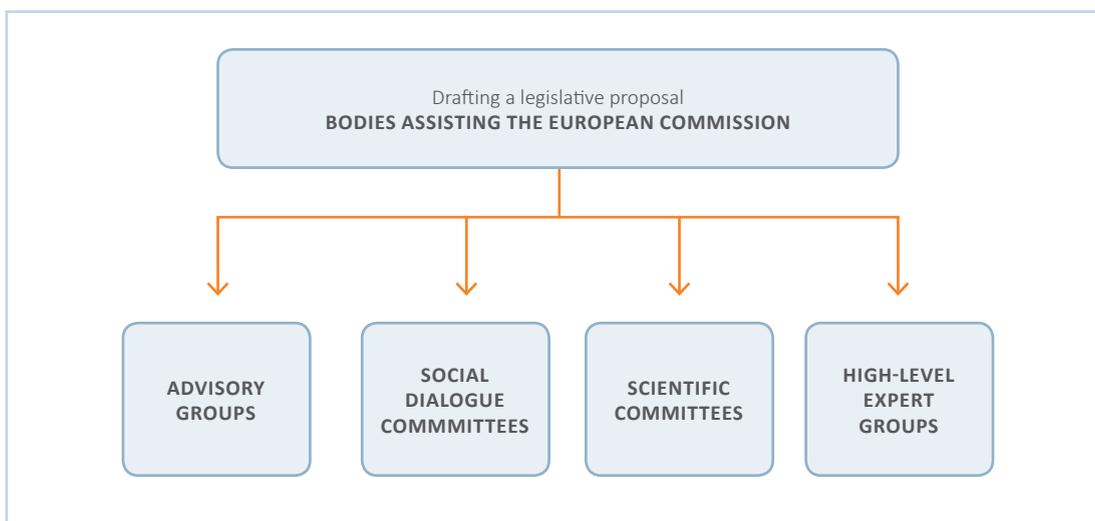
In the upstream drafting phase of legislative proposals, the Commission consults stakeholders within the framework of “expert groups”, most of which are listed on the Commission’s Register of Expert Groups. The total number is estimated at between 700 and 850 groups. Many of these are divided in a number of sub-groups.

### Legal basis

Under Articles 11(2) and (3) of the Treaty on the European Union (TEU), the Commission consults civil society with a view to ensuring openness, consistency and transparency. The treaties do not however specify which members of civil society: therefore, the Commission is free to consult whoever it wants. The contributions of these groups are not binding, regardless of their relevance.

**The Commission has published several Communications with the aim of governing this framework of expert groups:**

- Communication of 11 December 2002 on the general principles and minimum standards for consultation of interested parties by the Commission;
- Communication of 10 November 2010 on the framework for Commission expert groups.



### 1. COMMISSION ADVISORY GROUPS

The “experts” who take part in these groups are selected for their technical expertise or for their practical experience. They can be appointed in a personal capacity or as a representative of an association, company or Member State authority. The Commission often chairs expert groups while chairing advisory groups less frequently, and usually provides administrative support to both types. It can invite other experts to meetings on a case-by-case basis or grant them observer status.

#### Example: DG AGRI Civil dialogue groups

In July 2014, the Commission’s Directorate-General for Agriculture and Rural Development (DG AGRI) revamped its old agricultural advisory groups by creating 13 Civil dialogue groups (CDGs). Covering various aspects of EU agricultural policy (e.g. arable crops, environment, direct payments), the CDGs include representatives of the farming world, food industries, consumers and ecologists.

### The 13 DG AGRI Civil dialogue groups

1. Products of animal origin	8. International aspects of agriculture
2. Arable crops	9. Milk
3. Common agricultural policy	10. Organic farming
4. Direct payments and greening	11. Quality and promotion
5. Environment and climate change	12. Rural development
6. Forestry and Cork	13. Wine
7. Horticulture, olives and spirits	

### Composition of the Common Agricultural Policy CDG

Socio-economic group represented	Total number of seats: 72
Farmers and agricultural cooperatives	28
Trade	7
Industries	9
Workers	5
Ecologists & Consumers' Unions	23

## 2. SOCIAL DIALOGUE COMMITTEES

At the **inter-sectoral level**, European social dialogue is organised between employers (represented by BUSINESSEUROPE, the UEAPME and the CEEP) and the European Trade Union Confederation. Any agreement concluded by these organisations is automatically implemented by the Commission via a binding regulatory act. For some years, this inter-sectoral social dialogue has been relatively dormant, unlike in previous decades when it was very active.

In addition to this transversal dialogue, there is **sectoral dialogue** involving social partners from 43 different sectors (from the performing arts to shoe-making or the agri-food industry), equally representing employers and employees. 2-3 times per year, these committees meet to discuss and negotiate agreements that can sometimes be significant, e.g. the agreement on vocational training in the sugar industry and the agreement on employment and working time in agriculture.

## 3. SCIENTIFIC COMMITTEES

Few in number, scientific committees are of great importance. They play a role mainly in areas relating to public health. Until 2004, there were 8 scientific committees working under the supervision of a steering committee.

Since then, 5 of them have been integrated into the European Food Safety Authority (EFSA) which provides the Commission with scientific opinions on all issues linked to the safety of food intended for animal and human consumption.

As a result, there are now 3 independent scientific committees:

- The Scientific Committee on Consumer Safety (SCCS),
- The Scientific Committee on Health and Environmental Risks (SCHER), and
- The Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR).

#### 4. HIGH-LEVEL EXPERT GROUPS

Composed of high-profile personalities from the world of politics and economics, these groups provide advice on the general political orientations of the EU. For example:

- High-Level Group on the modernisation of higher education,
- High Level Expert Group on Taxation of the Digital Economy,
- High Level Expert Group on Disability.

Examples of high-level expert groups in action:

- The **Buckwell Group** (1997-1998) has been instrumental in the development of the CAP, in particular regarding the transfer of subsidies from the first to the second CAP pillar and the recognition of cross-compliance.
- The **Committee of Wise Men** (2000-2001), chaired by Alexandre Lamfalussy, contributed profoundly to simplification and acceleration of the legislative process in the area of EU financial services.
- The **Larosière Group** (2008-2009) and its report paved the way for a new EU framework of financial supervision which entered into force in January 2011.

#### European Union Agencies



Over the years the European Commission has been provided with decentralised agencies (situated outside Brussels) responsible for evaluation, expertise, oversight and even management in an increasing number of policy areas. Currently, there are 40 decentralised agencies employing at least 5,000 people who, in one way or another, have added even more to an EU administration already burdened during the Barroso I and II eras.

The most well-known agencies include: EFSA (European Food Safety Authority), EMA (European Medicines Agency), ECHA (European Chemicals Agency), Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) and EMSA (European Maritime Safety Agency). Are these agencies justified? Do they function properly? Are they effective? Or do they just make the EU decision-making process even more complex and burdensome? It is difficult to answer these questions, as the situation varies from one agency to the next. The trend towards an increase in agencies is surely inconsistent with the objective of simplification and streamlining entrusted to the Commission's First Vice-President Frans Timmermans.

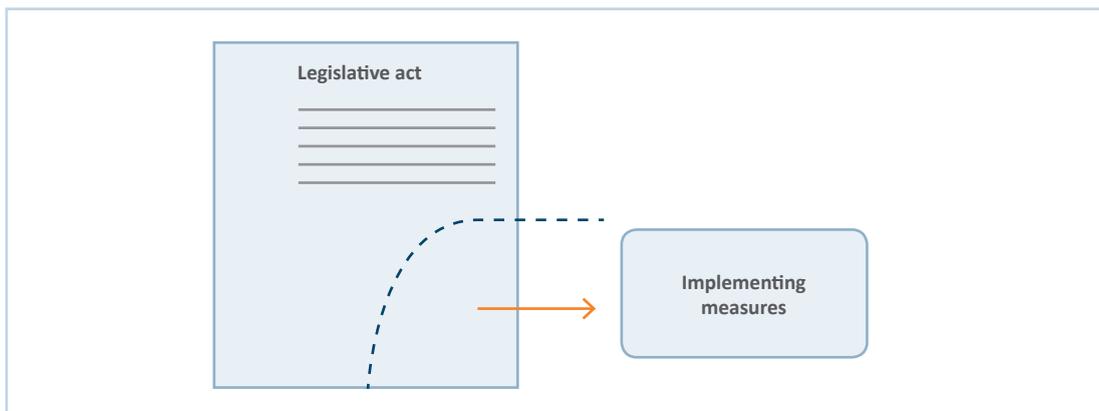
In addition to decentralised agencies, there are a high number of agencies involved in other areas, such as foreign and security policy (European Defence Agency), police and judicial cooperation (e.g. Eurojust, Europol), and on top of that there are the Euratom agencies, executive agencies for innovation, education, audiovisual and culture. In short, it is a whole world in itself!

## B. Implementing power: the Commission as the executor of EU legislation

### The old system: origins of the 2006 reform

When the first management committees were created in 1962 to implement the Common Agricultural Policy on the ground, the implementing power legally belonged to the Council of Ministers, who often delegated it to the Commission.

The adoption of implementing measures was particularly simple and clear. Like for legislation, the Commission possessed the power of initiative and the drafting power. Once drawn up, the draft would be submitted to a “comitology” committee made up of national civil servants and chaired by a Commission official.



This committee would have to examine and approve the draft (according to procedural rules varying from one file to the next); otherwise the Commission could not adopt it. In the event of rejection, the draft would be sent up to the Council of Ministers to be examined, modified and possibly adopted. This important mechanism, now disappeared, was known as the “call-back right”. In effect, it was the Council’s right to take back its implementing power whenever the Commission had been disavowed by the comitology committee.

The comitology system had an indisputable logic: the Council of Ministers would delegate its implementing power to the Commission who administered it under the supervision of committees of Member State representatives.

This system was applied systematically to agricultural files and to policies linked to the Internal Market. Later, two major developments completely transformed it, making it at the same time more complex, more legal, more opaque and more case-by-case.

### The 2006 reform: involving the European Parliament in implementing measures

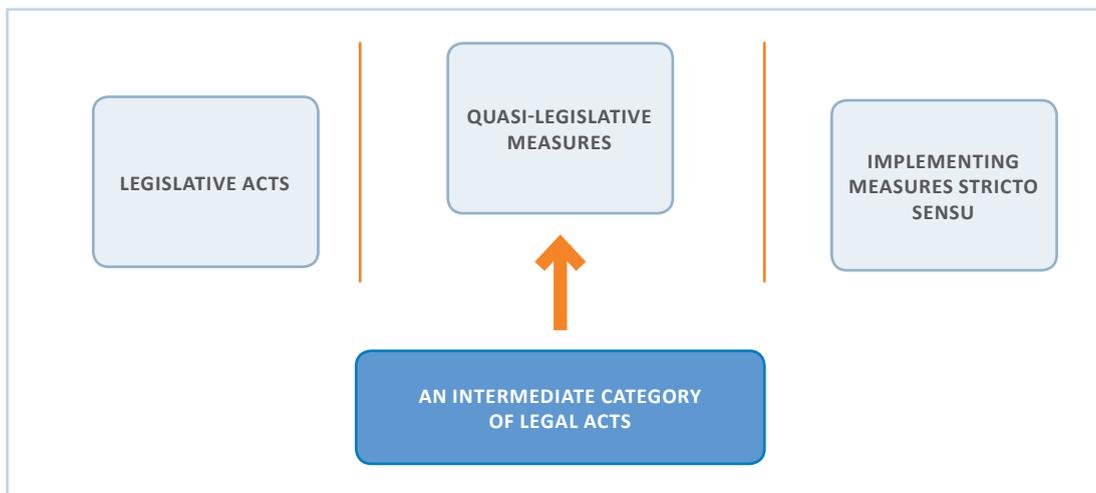
1993 marked a turning point in the history of the EU decision-making process. It coincided with the adoption of the Treaty of Maastricht which granted the Parliament the power to adopt legislation alongside the Council of Ministers in a limited number of policy areas.

**In other words, before 1993 the European Economic Community essentially consisted of two decision-makers: the Council of Ministers and the Commission. Once the Treaty of Maastricht was adopted, the EU had three players: the Council, the Commission and the Parliament.**

From then on, the European Parliament would put endless pressure to obtain power over implementing measures which, at that time, were the sole responsibility of the Council of Ministers and the Commission.

In 1999, the Parliament acquired a modest reform: a right of information (giving it access to draft implementing measures, agendas and minutes of comitology committee meetings) and a right of opinion (allowing it to adopt resolutions claiming that the Commission had exceeded its implementing power).

The Commission had accepted minimal reform, but the Parliament continued to demand more rights when the draft Constitutional Treaty (the ancestor of the Lisbon Treaty) was being prepared. Although the draft Treaty had been rejected in the French and Dutch referenda, the Parliament nonetheless obtained a reform of comitology procedures in July 2006. A new category of legal acts – located between legislative acts and classical comitology (“implementing acts”) – was created: quasi-legislative measures.

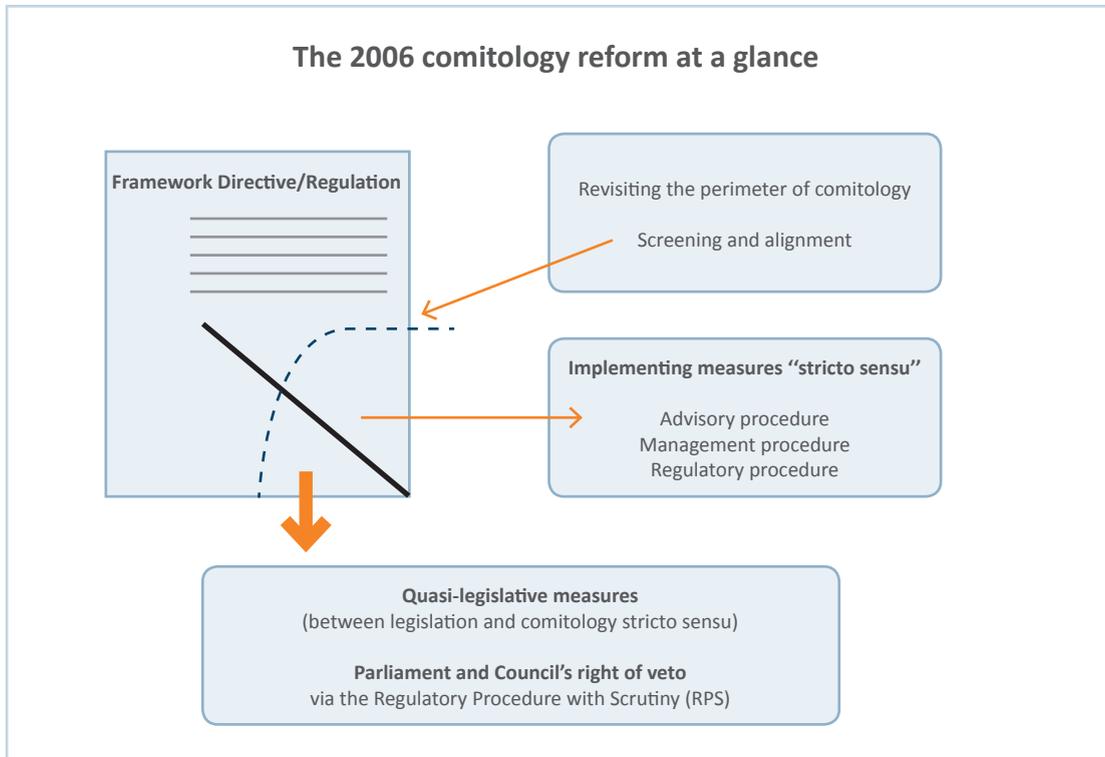


- **Quasi-legislative measures correspond to “general measures”,** i.e. non-individual, and aim to amend or supplement non-essential elements of a legislative act adopted via co-decision. In common language, we can call them “strategic measures”, as opposed to purely technical measures;
- On the other hand, **comitology stricto sensu concern administrative and technical measures** that do not have any political or strategic impact.

The distribution of implementing measures between quasi-legislative measures and comitology stricto sensu in the EU acquis (at the time, around 250 regulations and directives) was done between 2006 and 2009 via block proposals called “omnibuses”. This process was known as “screening and alignment.”

The alignment was completed just as the Treaty of Lisbon entered into force with its radical reform of the 2006 system. The result has been complexity and confusion!

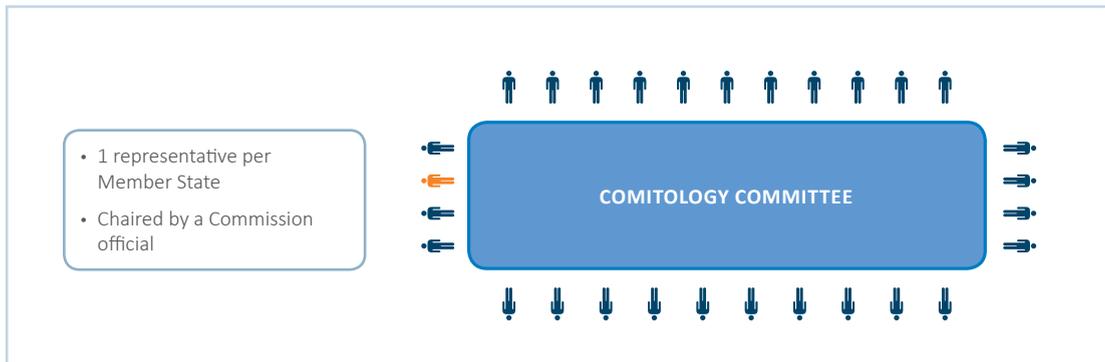
The reader might therefore believe that the 2006 reform is no longer applicable in the post-Lisbon framework. In reality, although comitology stricto sensu has been replaced by implementing acts (see pages 34-35), quasi-legislative measures are still in force for legislative acts adopted before the entry into force of the Treaty of Lisbon (1 December 2009).



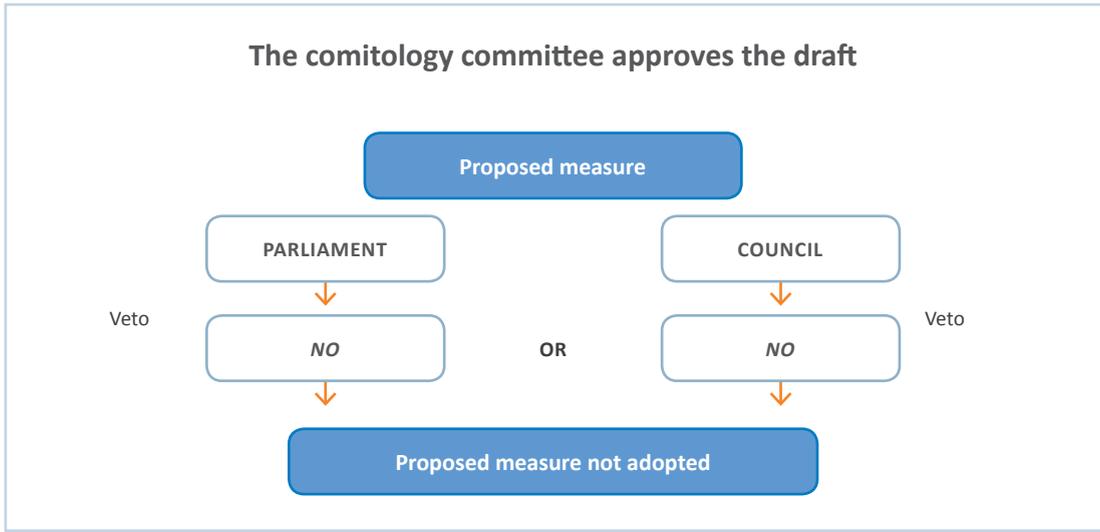
### The Regulatory Procedure with Scrutiny: a veto right for the co-legislators

This is a two-step procedure:

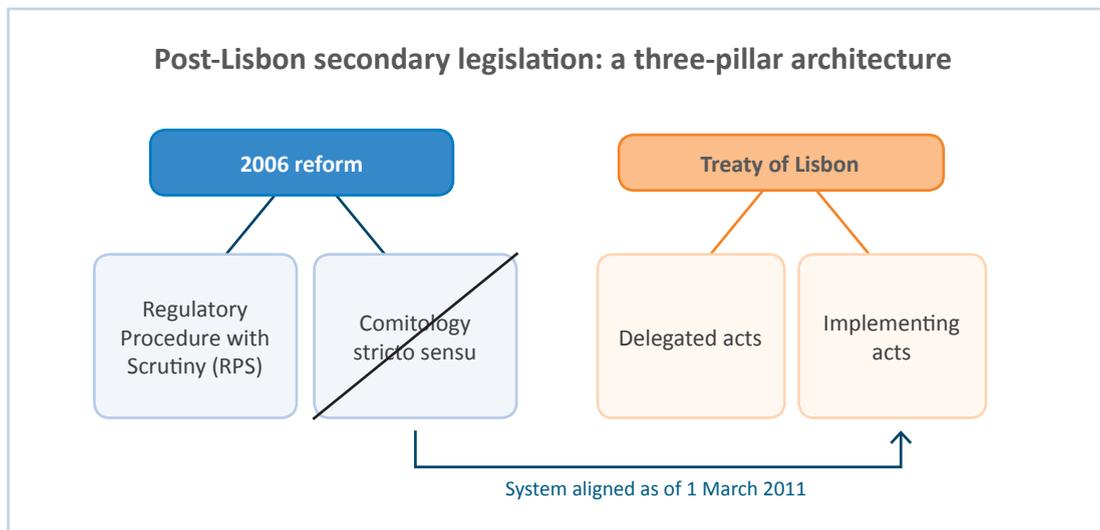
- In the **first phase**, a draft text is prepared by the Commission services, then adopted (still as a draft) by the College of Commissioners, normally via written procedure. Afterwards, the draft is submitted to a "comitology" committee composed of one representative per Member State and chaired by a Commission official. The committee votes by qualified majority (see page 49). Three options are possible: the committee votes IN FAVOUR OF the draft, it votes AGAINST or it delivers NO OPINION (i.e. no qualified majority for or against).



- In the **second phase**, the draft proposal – whether adopted by the committee or not – is submitted for scrutiny to the Council of Ministers and the European Parliament. Either has the right to veto the text. The graph below illustrates the procedure followed whenever the comitology committee has voted in favour of the proposal (the procedure is different and more complicated when the committee votes against or delivers no opinion).



The Treaty of Lisbon profoundly modified the procedures for implementation, while maintaining partially the 2006 reform.



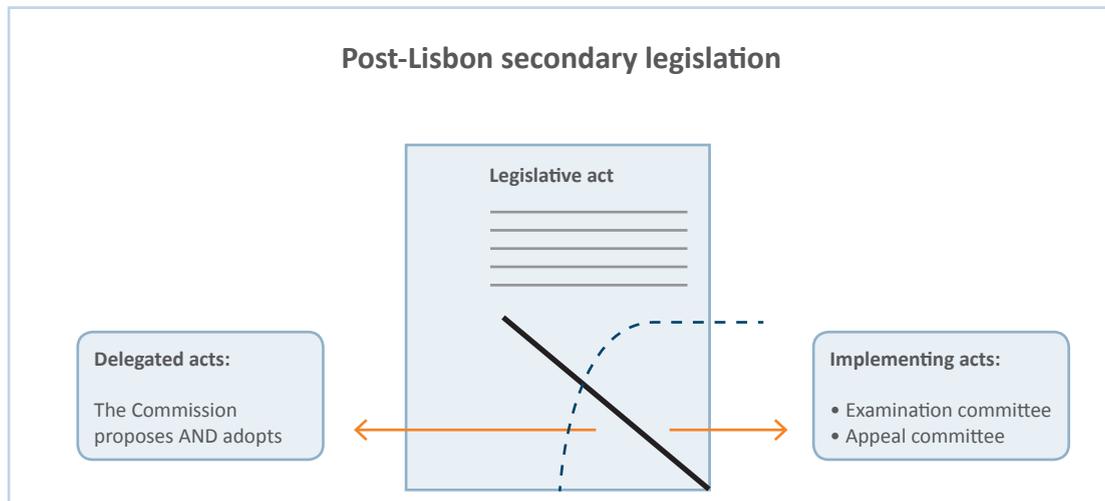
The diagram demonstrates the considerable complexity of the current system:

- The **blue boxes** depict the 2006 reform, with quasi-legislative measures (which remain applicable for many legislative acts adopted before the entry into force of the Treaty of Lisbon) and comitology *stricto sensu* which no longer exists;
- The **orange boxes** represent the post-Lisbon system. The first one – delegated acts – applies only to legislative acts adopted after the Treaty of Lisbon. The second – implementing acts of an administrative and technical nature – covers all the *acquis*, pre- and post-Lisbon.

We can therefore say that, for the moment, three distinct frameworks coexist. However, the blue box representing the Regulatory Procedure with Scrutiny will eventually merge with the orange box on delegated acts, once the alignment of the old system to the new one is achieved – although this will take some time (see pages 35-36).

### Delegated acts: the Commission proposes and adopts

Under Article 290 of the TFEU, delegated acts are very similar to quasi-legislative measures in terms of legal nature: they are general and amend or supplement non-essential elements of the legislative act. But they are very different in terms of procedure: while quasi-legislative measures are subject to scrutiny and vote by comitology committees, delegated acts are proposed and adopted by the Commission without any input from committees of Member State. It is easy to understand why the Commission is so in favour of delegated acts, and why the Member States are so hostile to them.



As their name indicates, delegated acts feature when the European Parliament and Council grant a mandate to the Commission to propose and adopt delegated acts. Each legislative act defines the boundaries of delegated acts and the precise mandate given to the Commission. The scope and strictness of the mandate depends on the individual legislative act: it can, for example, oblige the Commission to carry out an impact assessment or consult scientific experts and stakeholders. **In other words, the more specific a mandate is, the more possibilities there are for stakeholders to oversee the adoption of delegated acts by the Commission.**

For some months, there has been a strong trend towards limiting the Commission's mandate and obliging it to consult stakeholders, who are very concerned about being confronted with a delegated act adopted by the Commission without prior warning. Following the reform of the Common Agricultural Policy and the surprise many farmers' unions felt at seeing delegated acts they had not been informed about, Member States have put their foot down, demanding the right to be informed and consulted systematically via expert groups (although these groups are purely advisory and do not have any right to vote).

Once adopted, the delegated act is submitted to the Parliament and Council. Either has the right to:

- veto the delegated act; or
- revoke the mandate granted to the Commission by the legislative act in question.

To exercise either right, the Council must vote by qualified majority and the Parliament by an absolute majority within a limited period of two months (extendable by two further months). So far, the veto right has been used three times: once by the European Parliament and twice by the Council. The veto will remain an almost virtual tool for scrutinising the Commission's action in its role as producer of delegated acts. But this situation can evolve in practice.

The revocation of a mandate has not yet occurred, as it would be a genuinely political weapon (a kind of mini-censure) against the Commission, a brutal withdrawal of one of its implementing powers. In the current situation, a revocation vote would be a sort of *casus belli*, leading to inter-institutional war and possibly a revision of the Treaty of Lisbon.

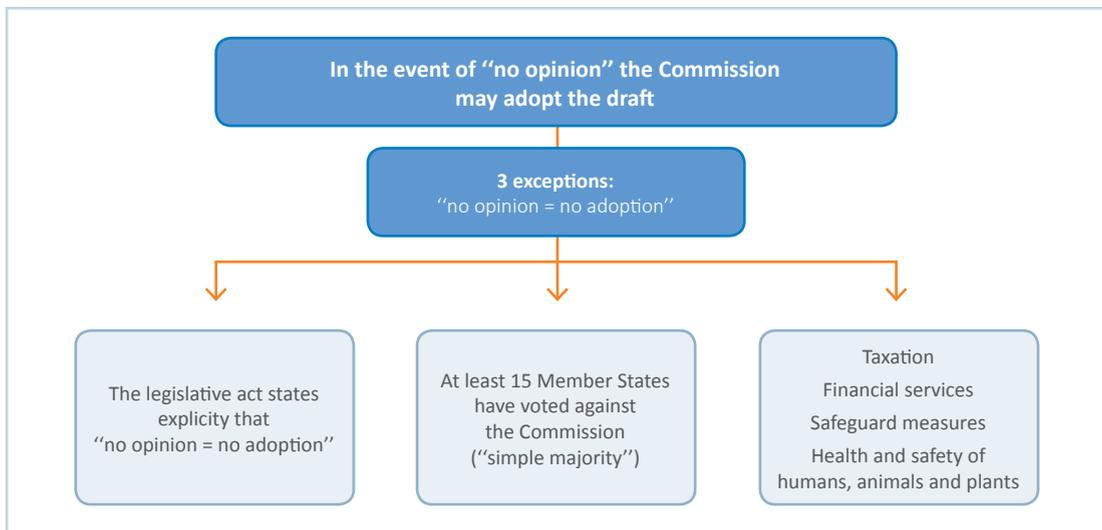
### **Implementing acts: a complex system full of exceptions and derogations**

Oddly, the Treaty of Lisbon – despite its long gestation period – gave implementing acts a very imprecise legal definition in Article 291, without specifying how they should be adopted. It was only in February 2011 that Regulation 182/2011 was adopted, laying down the procedures for adopting implementing acts, as well as the mechanisms for involving Member States in the process.

An implementing act begins life in the traditional way. Like a delegated act, it is drafted and proposed by the Commission. It is then submitted for scrutiny by Member States officials sitting on comitology committees now known as "examination committees". These committees are still made up of one representative per EU Member State and are chaired by a Commission civil servant.

#### **There are three possible scenarios at this stage:**

- 1. The examination committee votes by qualified majority in favour of a Commission draft.** In this case, the Commission shall adopt the measure;
- 2. The examination committee votes against the Commission draft** by qualified majority (a very rare event, as it is difficult to mobilise enough Member States to achieve a qualified majority against). In this scenario, the Commission can choose either to amend its draft or maintain it and submit it to the appeal committee. In the appeal committee, also composed of Member State officials but of a higher rank (Permanent Representation level), only a qualified majority against can prevent the Commission from adopting the measure;
- 3. The third scenario is the most complex: the Member States vote but there is no qualified majority for or against the draft.** In this case of "no opinion", the Commission may adopt the text but subject to certain exceptions (see graph on the next page).



We can see how complicated, legal and case-by-case the system has become, due to a multitude of exceptions and derogations. European businesses and associations are generally wary of delegated acts due to a lack of information upstream. They tend to favour implementing acts which offer more possibilities for intervention thanks to meetings of comitology committees – which do not play any role in delegated acts.

In reality, the situation is not so clear-cut:

- On one hand, the opacity that surrounds delegated acts will soon see significant improvements: it is likely that a **Register of delegated acts** will be created, allowing officials and stakeholders to be informed about the state of play on a given file. The publication of draft delegated acts as well as systematic consultation of Member States and stakeholders is also likely to happen eventually;
- On the other hand, it must be stressed that delegated acts are very variable. Legislative acts that grant the Commission a wide mandate to adopt delegated acts offer almost no possibilities for lobbying. This is obviously not the case when the mandate is more limited and obliges the Commission to carry out consultations and impact assessments. As a result, analysing the mandate and making potential amendments to its scope has become an important factor during the negotiation of legislative acts.
- It should also be noted that the **new procedures for adopting implementing acts are very favourable to the Commission, whether in the examination committee or the appeal committee.** In short, the Commission may adopt texts in most cases unless it is prevented by a qualified majority of Member States – a possible scenario, but rare in practice.

### Aligning towards a unified system...but when?

The state of play is extremely confusing. In June and October 2013, the Commission proposed three “Omnibus” texts aiming to align the pre-Lisbon Regulatory Procedure with Scrutiny (RPS) – used to adopt quasi-legislative measures – to the new system of delegated acts and implementing acts.

The Commission, supported by the Parliament, has proposed that the vast majority of quasi-legislative measures be aligned automatically to delegated acts. However, the Member States are strongly opposed to this, as delegated acts do not involve comitology committees.

This has resulted in an inter-institutional battle. Nonetheless, the Institutions are making efforts to

achieve an agreement, but the concern is that such an agreement might take months, even years. Indeed, the Commission has withdrawn the three Omnibuses from its 2015 Work Programme. Will the Omnibuses be tabled again? Modified? When? Or are we moving towards a case-by-case alignment? The answer is not yet clear.

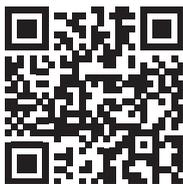
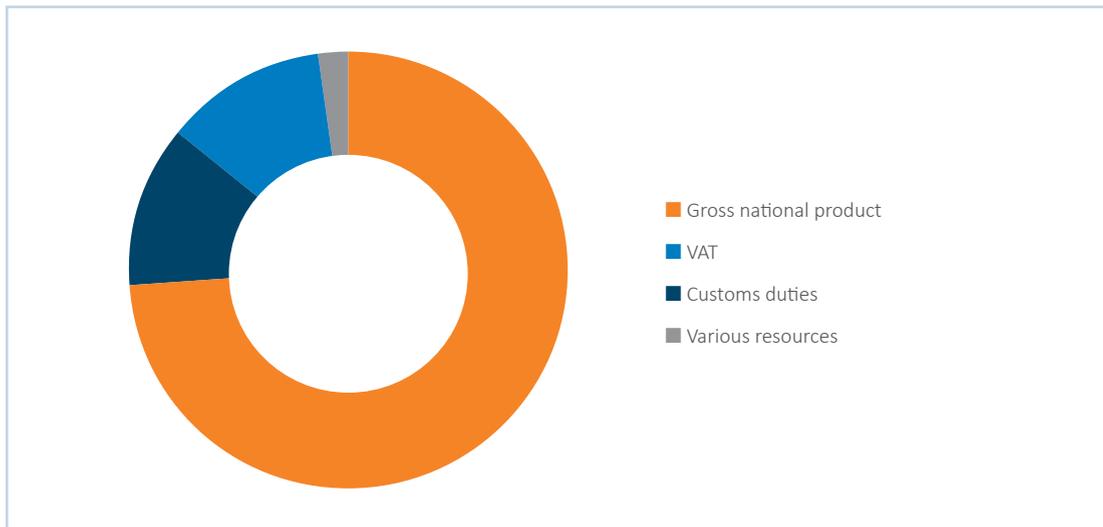
### C. Management power: the Commission as the paymaster of the EU

- Collection of own resources
- Management of EU funds

#### Own resources (2014 statistics)

The system of own resources, i.e the EU's revenues, currently represents around 1.23% of the gross national product (GNP) of the EU. It comes from a number of sources:

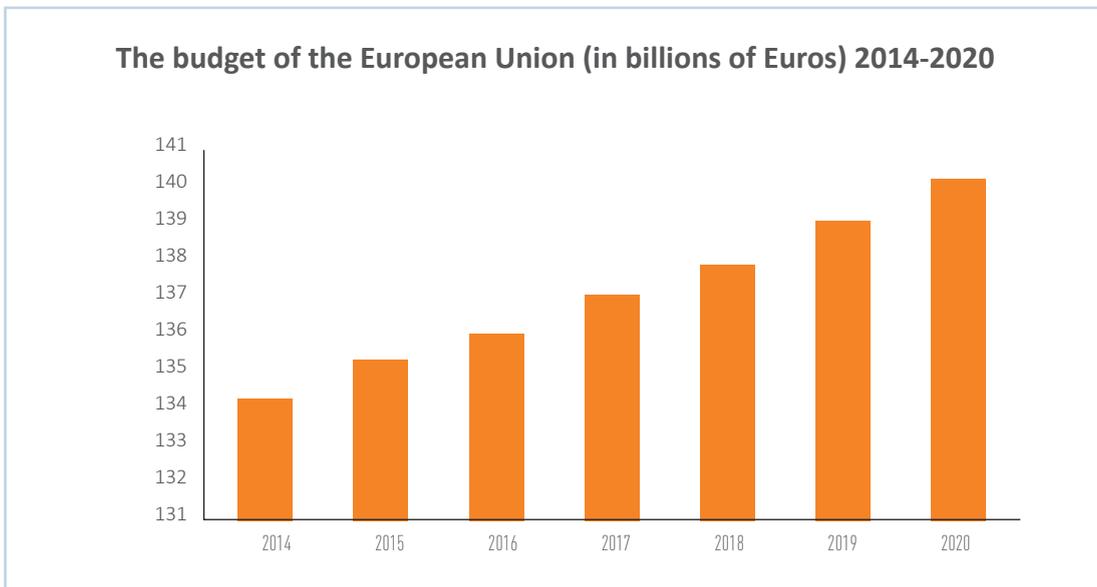
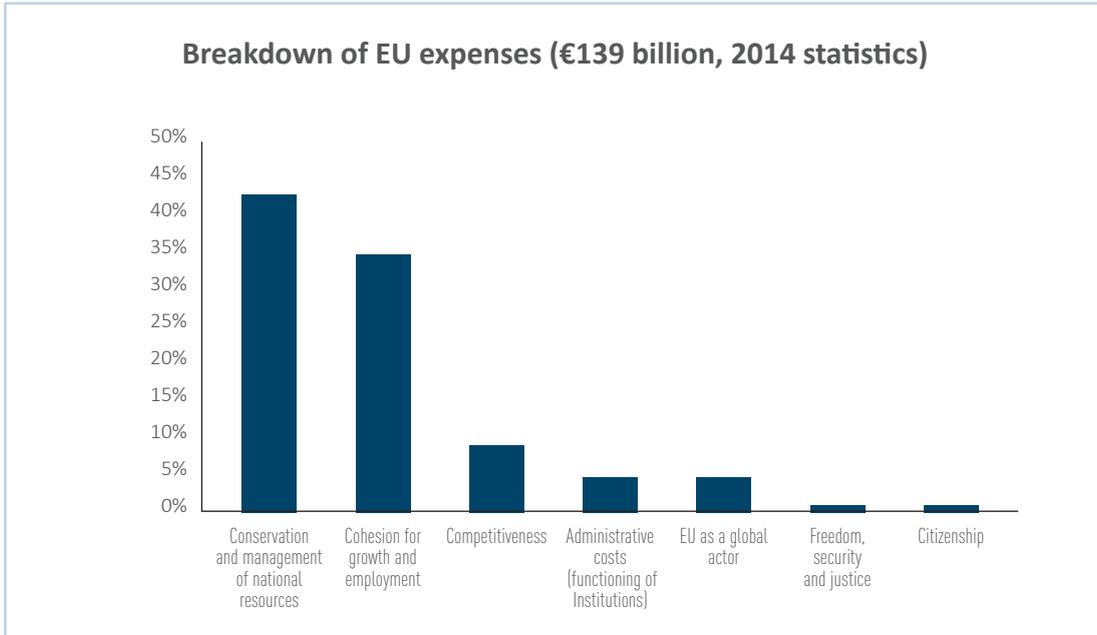
- Customs duties (12%)
- VAT collected by each Member State (12%)
- The uniform rate applied to the gross national product of every EU Member State (74%)
- Various resources (2%).



For more details on the EU budget.

### Management of EU funds

The Commission manages the EU budget and specific funds linked to it (e.g. European Social Fund, European Regional Development Fund, etc).



The 2014-2020 budget provides for a ceiling of **€960 billion** in commitments.

**Note:**

- In 2012, the EU spent €138 billion, the equivalent of 75 cents per day per EU citizen. National budgets bear the cost of education, defence and social welfare, while the EU picks up the tab for agricultural expenses and aid for less-favoured regions.
- Administrative costs, in other words the “EU bureaucracy”, represent about 5.6% of the EU budget, taking into account all the Institutions.

#### *IV. Negotiating power*

- **Trade negotiations**
- **Association negotiations**
- **Accession negotiations**

#### **TRADE NEGOTIATIONS**

Under Article 207 TFEU, negotiations on trade and tariffs are conducted by the Commission *“in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it”*.

This architecture applies to multilateral negotiations (notably the World Trade Organisation) as well as bilateral negotiations, such as the CETA (Comprehensive Trade and Economic Agreement between the EU and Canada) or the T-TIP (Transatlantic Trade and Investment Partnership between the EU and the United States).

- In all these cases, the Council grants the Commission a mandate, creating the impression that the Member States genuinely oversee the negotiations – this is both correct and incorrect. In practice, it is the Commission that negotiates: it is the one that sits at the table while the role of the Member States is most often limited to co-ordination meetings. At these meetings, the Commission – preferring to maintain the confidentiality of discussions – limits itself to providing a summary, a kind of “press briefing”. The dominant leading role for the Commission was also very clear during the major rounds of WTO negotiations (Kennedy, Tokyo and Uruguay Rounds).
- In recent times, the situation has evolved with Member States taking firmer positions due to concerns about excessive free trade or private arbitrators taking the place of courts in international commercial litigation. Today, the Commission is being kept under control in the T-TIP negotiations, with Member States aiming to make sure that the negotiating mandate is not exceeded.
- In the past, the Council working group (known today as the 207 Committee, previously the 133 Committee) responsible for supervising the Commission and approving its concessions often behaved like a mere rubber-stamper. This was also the case with the European Parliament which has to approve international trade agreements following the end of negotiations. The situation today, however, is different and the Commission’s margins for manoeuvre have been considerably reduced.

## ASSOCIATION NEGOTIATIONS

Governed by Art. 217 TFEU and intended to create frameworks for cooperation between the European Union and certain non-EU countries, association agreements can cover multiple areas including politics, trade, social affairs, health and technology. The recent association agreement with Ukraine made a lot of headlines, demonstrating the strategic – and therefore very political – nature of such agreements.

Negotiated by the Commission, they are closely supervised by the Council which has shown a lot of leadership on these matters. The agreement with Ukraine is an example of this. Negotiations were completed very quickly. Member States unanimously proposed financial and technological aid at such a high level (€15 billion) that there was effectively nothing to negotiate, the Ukrainian government receiving unexpected and very substantial political, financial and economic support from the EU.

## ACCESSION NEGOTIATIONS

- Art. 49 TEU stipulates that: *“Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members.”*
- The political and economic principles that must be respected by candidate countries, known as the “Copenhagen criteria”, were set by the European Council. The Commission’s role is to oversee the process by which the candidate country adopts the EU acquis and, under the Council’s authority, lead bilateral negotiations with the candidate for each of the 35 chapters that cover the EU’s competences.
- Following the accession of Croatia, the EU’s 28th Member State, negotiations have continued with a significant number of countries, mainly from the Western Balkans, as well as Turkey. In practice, these negotiations are not advancing very far, further enlargement appearing out of the question for the foreseeable future.

## V. Supervisory power: the Commission as guardian of the treaties

Defined in Article 17 TEU, the Commission’s role as guardian of the treaties involves three prerogatives:

- Articles 258 and 260 TFEU allow the Commission (following requests for information, letters of notice and reasoned opinions) to take a Member State before the Court of Justice if it believes the Member State has failed to fulfil its obligations under EU law. The Court of Justice may impose a fine (see page 108);
- Article 337 TFEU allows the Commission to collect any information from Member States and businesses and carry out any checks required for the performance of the tasks entrusted to it.
- The Commission may impose fines and penalties on companies that violate EU competition rules.

This role as protector of the general EU interest is of vital importance for the Commission, making it a driving force in the process of EU integration. The Commission thus has:

- the necessary means to prevent distrust between Member States;
- sufficient power to ensure the uniform application of the treaties and decisions adopted by the EU.

# THE EUROPEAN COUNCIL

## Providing political impetus

*In the previous edition of the Practical Guide, the European Council was presented in a subsection of the chapter on the Council of Ministers because at the time, it was not an official EU Institution. It was simply a forum for discussion and co-ordination. But now, the question is: where should we place it? Before the Commission, giving it a kind of institutional primacy, or before the Council, therefore as the supreme representative of the Member States? In the end, we chose the second option.*

**First and foremost, make sure not to confuse the European Council with the Council of Ministers.** The European Council is composed of the Heads of State or Government of the 28 EU Member States. The core of the EU's political decision-making, its goal is to:

- define the general political and economic directions and priorities of the EU;
- provide the necessary impetus for the development of the EU;
- resolve any obstacles or blockages.

## I. LEGAL BASIS

The European Council was created in 1974 at the instigation of Valéry Giscard d'Estaing and recognised by the Single European Act of 1987 which gave it informal status (like a club of senior executives).

Following the Treaty of Lisbon, the European Council is now an EU Institution in its own right (Article 13 TEU). Its functioning is set down in Articles 235 to 236 TFEU.

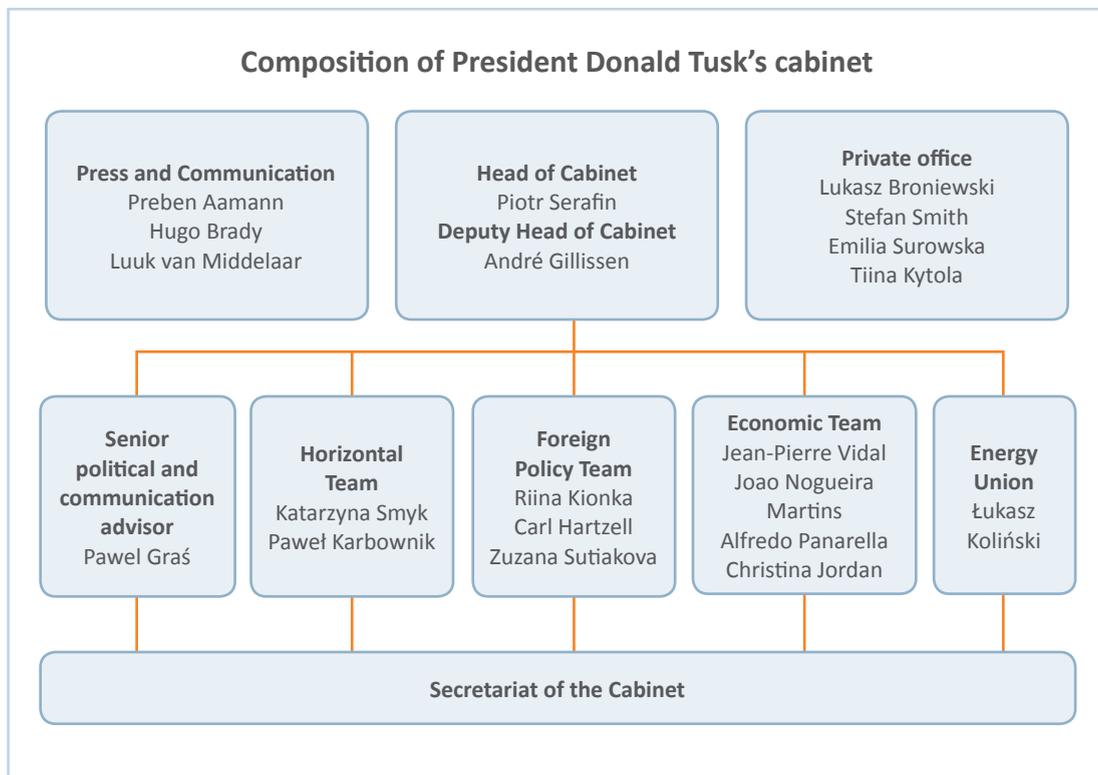
## II. COMPOSITION



### *The President*

The President is elected by the European Council by qualified majority for a term of two and a half years, renewable once.

Since 1 December 2014, the President of the European Council is **Donald Tusk** (PL). He succeeded the first President Herman Van Rompuy, who was elected in 2009 and re-elected in 2012.



**The President's role is defined in Article 15 TEU:**

- chair the European Council and drive its work forward,
- ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the conclusions of the General Affairs Council,
- endeavour to facilitate cohesion and consensus,
- present a report to the European Parliament after each meeting of the European Council,
- ensure the external representation of the EU on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

During the Van Rompuy-Barroso II era, the scope of the position was extremely vague, leading to duplication and overlap between the respective functions of the European Council President, the Commission President and the High Representative for Foreign Affairs and Security Policy. We can expect the position to be clarified during the tenure of Donald Tusk.

The European Council is composed of **the Heads of State or Government of the Member States**. The Commission President and High Representative for Foreign Affairs and Security Policy are members as of right. Individual Member State ministers and Commissioners can be invited to meetings addressing specific matters.

### III. COMPETENCES

The European Council's task is to provide the EU with the necessary impetus for its development and define its general political directions and priorities. It cannot exercise legislative functions.

More concretely, its role involves:

- defining the strategic guidelines for legislative and operational planning within the area of freedom, security and justice (Article 68 TFEU),
- discussing a conclusion on the broad guidelines of the EU's and Member States' economic policies on the basis of a report from the Council of Ministers (Article 121 TFEU),
- considering the EU's employment situation each year and adopt conclusions on it (Article 148 TFEU),
- regularly assessing the threats facing the EU in order to facilitate effective action (Article 222(4) TFEU),
- proposing to the European Parliament a candidate for Commission President (Article 17 TEU),
- appointing the Commission following a vote of approval by the European Parliament (Article 17 TEU),
- appointing the High Representative for Foreign Affairs and Security Policy, with the agreement of the Commission President (Article 18 TEU).

In practice, the European Council has devoted most of its efforts in the past five years to tackling the Euro crisis. Public opinion considered ex-President Van Rompuy to be bland and non-communicative, but to his colleagues he was a facilitator and a moderator of often conflicting national interests.

### IV. INTERNAL FUNCTIONING

The European Council in principle meets twice every six months and is convened by its President. Additional meetings can be convened wherever events require it, as was often the case with the Euro crisis.

The European Council takes decisions mainly by **consensus**. It can adopt decisions by qualified majority or unanimity in cases envisaged by the Treaties. For example, decisions concerning the common foreign and security policy are subject to voting by unanimity.

In cases where the European Council takes a vote, its President and the Commission President do not take part (Article 235(1) TFEU).

The European Council is assisted in its functioning by the General Secretariat of the Council of Ministers.



What is the real influence of the European Council? Does it only give an impetus and co-ordinate initiatives? Or does it dominate the co-legislators and the whole decision-making process?

# THE COUNCIL OF MINISTERS

## Co-legislator or supreme decision-maker?

### I. LEGAL BASIS

Article 17 TEU.

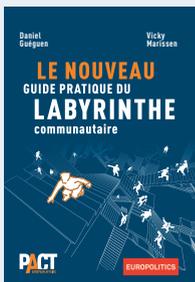
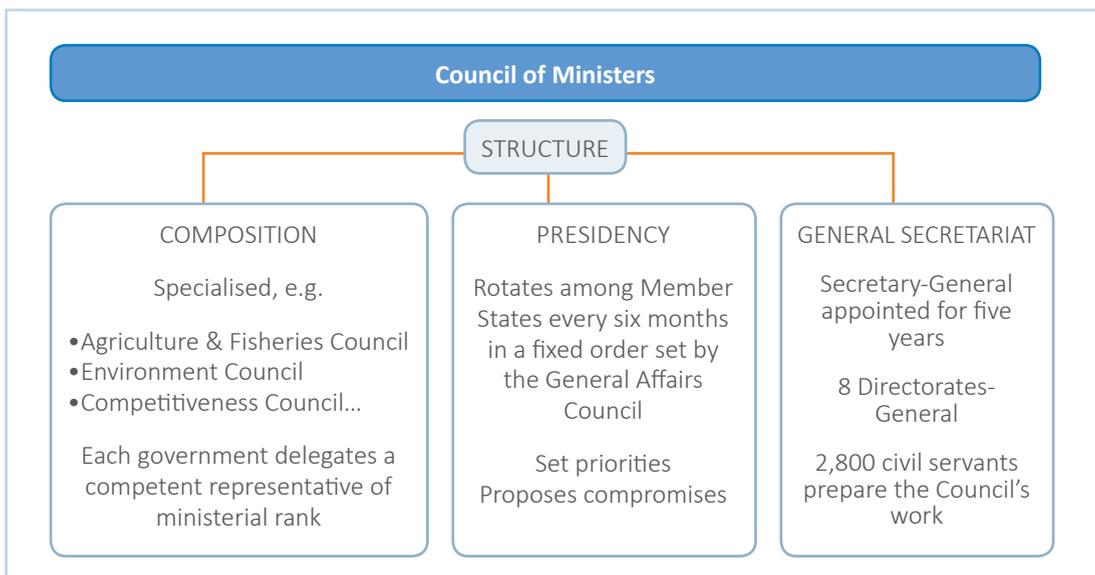
Articles 237 to 243 TFEU .

Since the Lisbon Treaty, the Council of Ministers is now legally known as the “Council of the European Union”. However, in the interests of avoiding confusion with the European Council, we will throughout this chapter refer to the Institution by its pre-Lisbon name.

The Council of Ministers, or more precisely the ‘Councils of Ministers’ (as they vary by topic) is composed of ministers from each Member State. Chaired by the minister of the Member State holding the rotating six-month presidency, its function is to:

- adopt legislative acts;
- co-ordinate the general policy guidelines of the EU.

Since the Treaty of Lisbon, the Council of Ministers shares most of the legislative and budgetary power with the European Parliament.



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## II. COMPOSITION

COUNCIL PRESIDENCY UNTIL 2018			
Period		Trio	Country
2015	January-June		Latvia
	July-December		Luxembourg
2016	January-June	T	Netherlands
	July-December		Slovakia
2017	January-June		Malta
	July-December		United Kingdom
2018	January-June	T	Estonia
	July-December		Bulgaria
2019	January-June		Austria
	July-December		Romania
2020	January-June		Finland

Only the Foreign Affairs Council has a permanent chairperson: the High Representative for Foreign Affairs and Security Policy, who is also Vice-President of the European Commission. The High Representative is elected by the European Council by qualified majority. **Ms Federica Mogherini (IT), the current High Representative, is part of both the executive power (the Commission) and the legislative power (the Council of Ministers).**

Meetings take place in Brussels or in the Member State holding the rotating presidency. They are divided into two parts: discussions on legislative acts and discussions on non-legislative acts.

The number of meetings varies depending on the policy area and significance. The most influential Councils meet at least every 2 months.

NUMBER OF MEETINGS PER YEAR AND PER SECTOR				
		2011	2012	2013
General Affairs	COREPER II	12	10	9
Foreign Affairs		13	12	12
Economic and Financial Affairs		11	11	9
Justice and Home Affairs		7	5	4
Employment, social policy, health and consumers		6	4	4
Competitiveness	COREPER I	NA	3	4
Transport, telecommunications and energy		9	7	6
Agriculture and fisheries		12	11	10
Environment		4	3	4
Education, youth, culture and sport		3	3	3
<b>TOTAL</b>		<b>77</b>	<b>69</b>	<b>65</b>

### III. POWERS

#### A. Legislative power

Since the Treaty of Lisbon, the Council of Ministers has lost its supremacy over the European Parliament with whom it must now co-operate in almost all policy areas. The **“ordinary legislative procedure”** (previously called the “co-decision procedure”) recognises the Parliament as a genuine co-legislator on an equal footing with the Council of Ministers.

Most EU policies are subject to the ordinary legislative procedure (in particular justice and home affairs, immigration, energy, transport and more generally, the internal market).

The consultation procedure and the consent procedure (previously the “assent procedure”) are known collectively as the **“special legislative procedures”** where the Council generally legislates by itself.

The legislative procedures (see pages 79-91) and voting rules (see pages 49-50) within the Council are set down by the Treaties and vary depending on the subject.

#### B. Budgetary power

The Treaty of Lisbon incorporates the concept of financial perspectives as the “multiannual financial framework” (Article 312 TFEU) and its provisions are legally binding. The framework is adopted via a special legislative procedure, requiring unanimity in the Council and approval by an absolute majority in the European Parliament.

The Council has significant competences regarding the budget, and has to establish it jointly with the European Parliament. Before, the Council had the last word on so-called “compulsory expenditure”, but the distinction between “compulsory” and “non-compulsory” has been abolished. This means the Parliament can now decide on all EU expenditure, on an equal footing with the Council.

#### C. Power of economic co-ordination

Meeting in the Economic and Financial Affairs Council (ECOFIN), economic and finance ministers adopt, via qualified majority and on the basis of a Commission recommendation, the broad economic policy guidelines (BEPG) for Member States.

The ECOFIN Council should not be confused with the Eurogroup, which is composed of the economic ministers of the Member States whose currency is the Euro. The main function of the Eurogroup is to ensure co-ordination of economic policies within the Eurozone and promote economic stability as well as growth. The Eurogroup meets once a month, on the eve of meetings of the ECOFIN Council.

In practice, the power of economic co-ordination is considered insufficient and remains marked by national disagreements, leading to gaps in competitiveness considered as especially harmful to the sustainability of the Euro.

## D. Concluding international agreements

The Council – after consulting with the European Parliament – concludes international agreements with non-EU countries and international organisations.

- The Council first adopts recommendations framing the Commission’s negotiating mandate;
- The Commission negotiates with the non-EU country (or third countries);
- The Council, together with the Commission, signs the agreement;
- The European Parliament is consulted and gives its consent in certain cases.

In short, the agreement is concluded by the Council, but negotiations are led by the Commission.

## IV. VOTING: MAJORITY OR UNANIMITY

There are three distinct types of voting:

1. Simple majority
2. Qualified majority (or “double majority”)
3. Unanimity

### 1. Simple majority

**Basis** Article 238 TFEU

**Scope** **Very limited.** Simple majority voting is used in rare cases where voting is not envisaged by the Treaties (e.g. Articles 241 and 337 on conducting studies).

**Procedure** A simple majority means a majority of Member States (i.e. 15 out of 28 if there are no abstentions).

### 2. Qualified majority (or “double majority”)

**Basis** Article 238 TFEU

**Scope** **Now widespread** following successive Treaty reforms. Especially used in the regulation of the internal market (Articles 26 and 114 TFEU) and health and safety of workers (Article 153 TFEU) .

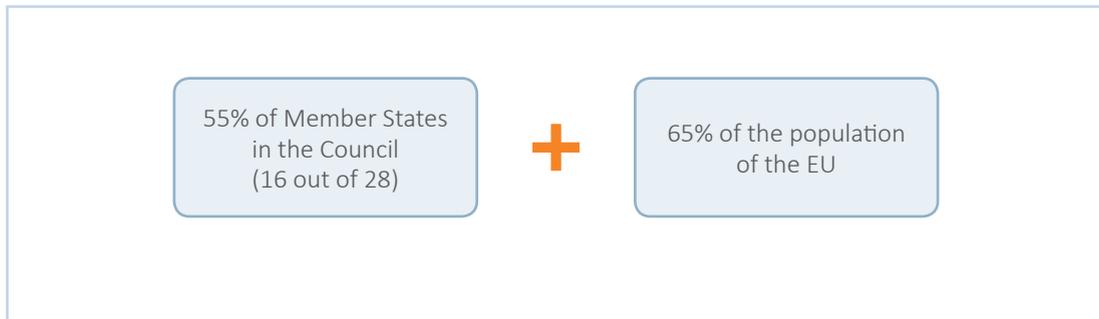
However, taxation and employment – essentially national policies – remain subject to unanimity of Member States.

**Procedure** Introduced by the Treaty of Lisbon, this type of voting has been applicable since 1 November 2014 (Articles 16 TEU and 238 TFEU).

#### Be careful with the terminology:

The notion of “qualified majority” (or “double majority”) is only applied to the Council of Ministers. The notion of “absolute majority” is only applied to the activities of the European Parliament (see relevant chapter). Only the notion of “simple majority” is common to the two Institutions, although the calculation method is different.

For the adoption of decisions via qualified majority, two conditions have to be fulfilled:



A **blocking minority** has to be made up of at least 4 Member States representing more than 35% of the population of the EU, according to the Lisbon Treaty. The smaller countries insisted on this point in order to prevent the three largest countries from forming a blocking minority on their own.

#### A transitional period: the old qualified majority can be used upon request up until 2017

During a **period of transition between November 2014 and March 2017**, Member States are entitled to request the application of the qualified majority rule introduced by the Nice Treaty. Under this old rule, Member State votes are weighted in accordance with population: a qualified majority under Nice requires a simple majority of Member States (15 out of 28) representing 260 votes out of 352. This derogation applies not only to legislative acts but also to delegated acts and comitology. Any individual Member State can invoke it. This was an important derogation for Member States such as Poland, which has lost influence under the new double majority system.

#### TRANSITIONAL PERIOD: WEIGHTING OF VOTES IN THE COUNCIL OF MINISTERS

Germany, France, Italy, United Kingdom	29 votes each
Spain, Poland	27 votes each
Romania	14 votes
Netherlands	13 votes
Belgium, Greece, Hungary, Portugal, Czech Republic	12 votes each
Austria, Bulgaria, Sweden	10 votes each
Denmark, Finland, Ireland, Lithuania, Slovakia, Croatia	7 votes each
Cyprus, Estonia, Latvia, Luxembourg, Slovenia	4 votes each
Malta	3 votes
<b>TOTAL VOTES</b>	<b>352 votes</b> <b>*260 votes required for a qualified majority</b>

### 3. Unanimity

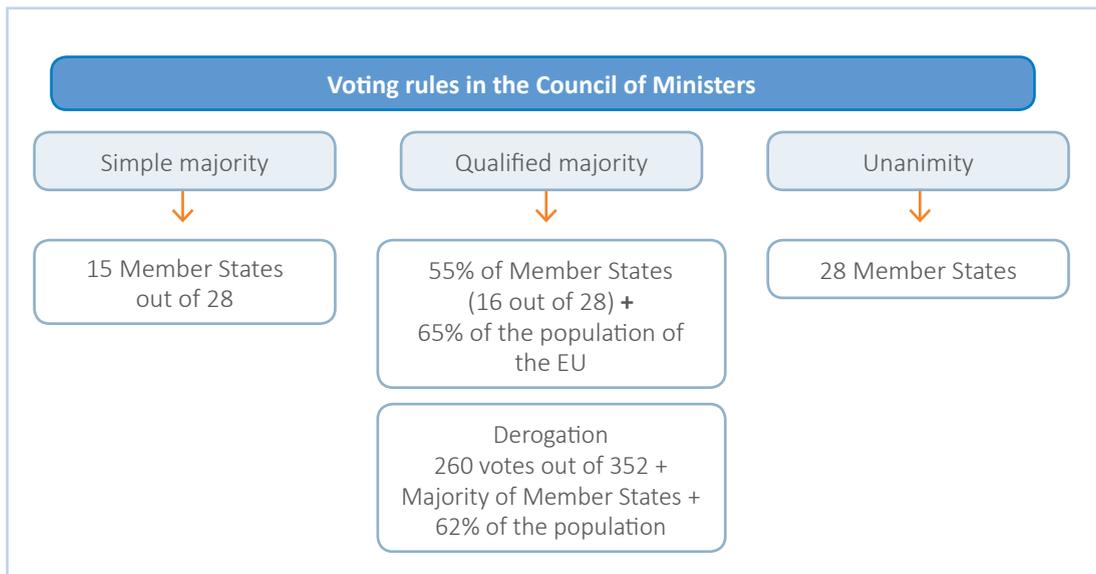
**Basis** Article 238 TEU

**Scope** **Limited:** once the rule under the Single European Act, unanimity has become the exception.

**Policy areas:** unanimity is required for ‘sensitive’ subjects, in particular:

1. The EU’s institutional framework;
2. The Common Foreign and Security Policy (CFSP), defence and immigration policy.
3. Certain ‘political’ aspects of the internal market (e.g. Article 113 TFEU on taxation, Article 153 TFEU on the rights and interest of workers).

**Procedure** Abstention does not prevent unanimity.

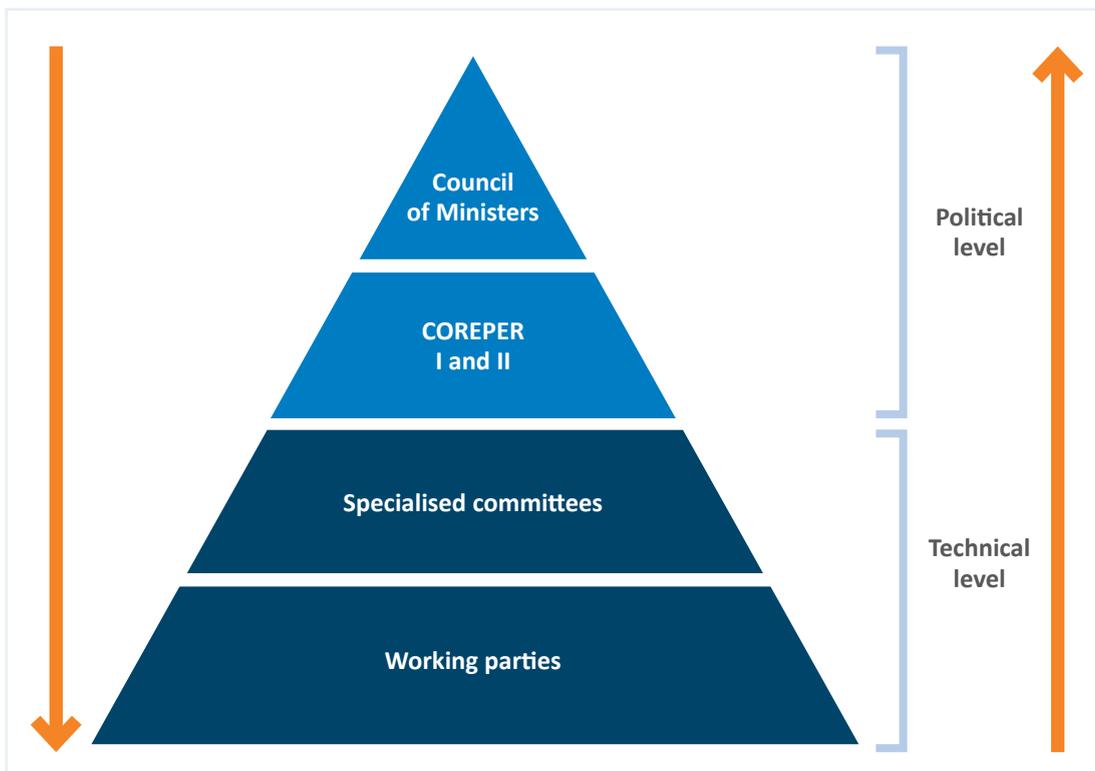


#### NOTE



The EU’s Common Foreign and Security Policy is co-ordinated by the **European External Action Service (EEAS)**. Established by the Treaty of Lisbon, its objective is to assist the High Representative in his or her functions and guarantee the consistency of EU foreign policy by giving it a single voice. The EEAS draws up proposals for action and implements them with the approval of the Council. The EU is represented abroad by delegations: the “embassies” of the European Union.

## V. FUNCTIONING



### A. COREPER (*Committee of Permanent Representatives*)

**Composition** COREPER is composed of the “Permanent Representative” of each Member State; in other words, a Member State’s ambassador to the EU. He or she personally takes part in the work of COREPER on matters of a political nature (COREPER II), or delegates to deputies for more technical questions (COREPER I).

The Commission is represented by civil servants with the minimum rank of director within COREPER II, and by a head of unit within COREPER I.

**Mission** COREPER’s job is to prepare the work of the Council.

It is a forum for dialogue between the Permanent Representatives and their respective hierarchies. COREPER is the place where EU compromises are often worked out.

To reach these compromises, COREPER sets up and oversees the Council’s specialised committees and working parties. These are composed of experts on each issue under consideration (see the section below).

The role of these working parties is vital, since their technical and political analyses form the basis for the decisions taken by COREPER and the Council.

## B. Specialised committees

There are several specialised committees assisting COREPER in the preparation of its work.

### SPECIALISED COMMITTEES

#### Established by the Treaties

- Economic and Financial Committee (Art.134 TFEU)
- Employment Committee (Art.150 TFEU)
- Trade Policy Committee (Art.207 TFEU)
- Political and Security Committee (PSC) (Art.222 TFEU)
- Standing Committee on Operational Cooperation on Internal Security (COSI) (Art.71 TFEU)
- Social Protection Committee (SPC) (Art.160 TFEU)

#### Established by an Intergovernmental Decision

- Special Committee on Agriculture (SCA)

#### Established by a Council act

- European Union Military Committee (EUMC)
- Committee for Civilian Aspects of Crisis Management (CivCom)
- Economic Policy Committee (EPC)
- Financial Services Committee (FSC)
- Security Committee (e.g. INFOSEC, GNSS)

#### Groups closely associated with COREPER

- **Antici Group:** prepares the work of COREPER I and works on technical files when no specific working group exists.
- **Mertens Group:** prepares the work of COREPER II and works on technical files when no specific working group exists.
- **Friends of the Presidency Group:** non-permanent (changing according to the rotating six-month presidency), this group meets on an ad hoc basis, mostly on horizontal issues; for example, the reform of the comitology system.

These groups are generally composed of high-level officials of the Member States' Permanent Representations or national administrations.

### C. Council working parties

Numerous working parties assist the COREPER and/or the specialised committees. Their number varies each year, but according to the most recent list published by the Council in January 2015, there are currently 217 Council working parties (141 main groups, assisted by 76 sub-groups).

They are composed of attachés from the Permanent Representations who are sometimes assisted by officials from national administrations.

Sector	Parties	Sub-groups	Example
Foreign Affairs	33	5	"Working Party on Transatlantic Relations"
Agriculture / Fisheries	27	55	"Working Party on Sugar and Isoglucose"
Justice and Home Affairs	19	0	"Visa Working Party"
General Affairs	18	1	"Working Party on Enlargement and Countries Negotiating Accession to the EU"
Competitiveness	13	10	"Working Party on Intellectual Property"
Economic and Financial Affairs	12	5	"Working Party on Tax Questions"
Transport / Telecoms / Energy	8	0	"Working Party on Land Transport"
Education, Youth and Culture	5	0	"Education Committee"
Employment and social policy / Health and consumers	4	0	"Working Party on Public Health"
Environment	2	0	"Working Party on the Environment"

**Influence** **Vital.** The Council's experts do not vote: their decisions are adopted by consensus. For any questions where a "pre-agreement" has already been reached within the working parties and COREPER, the Council approves without discussion.

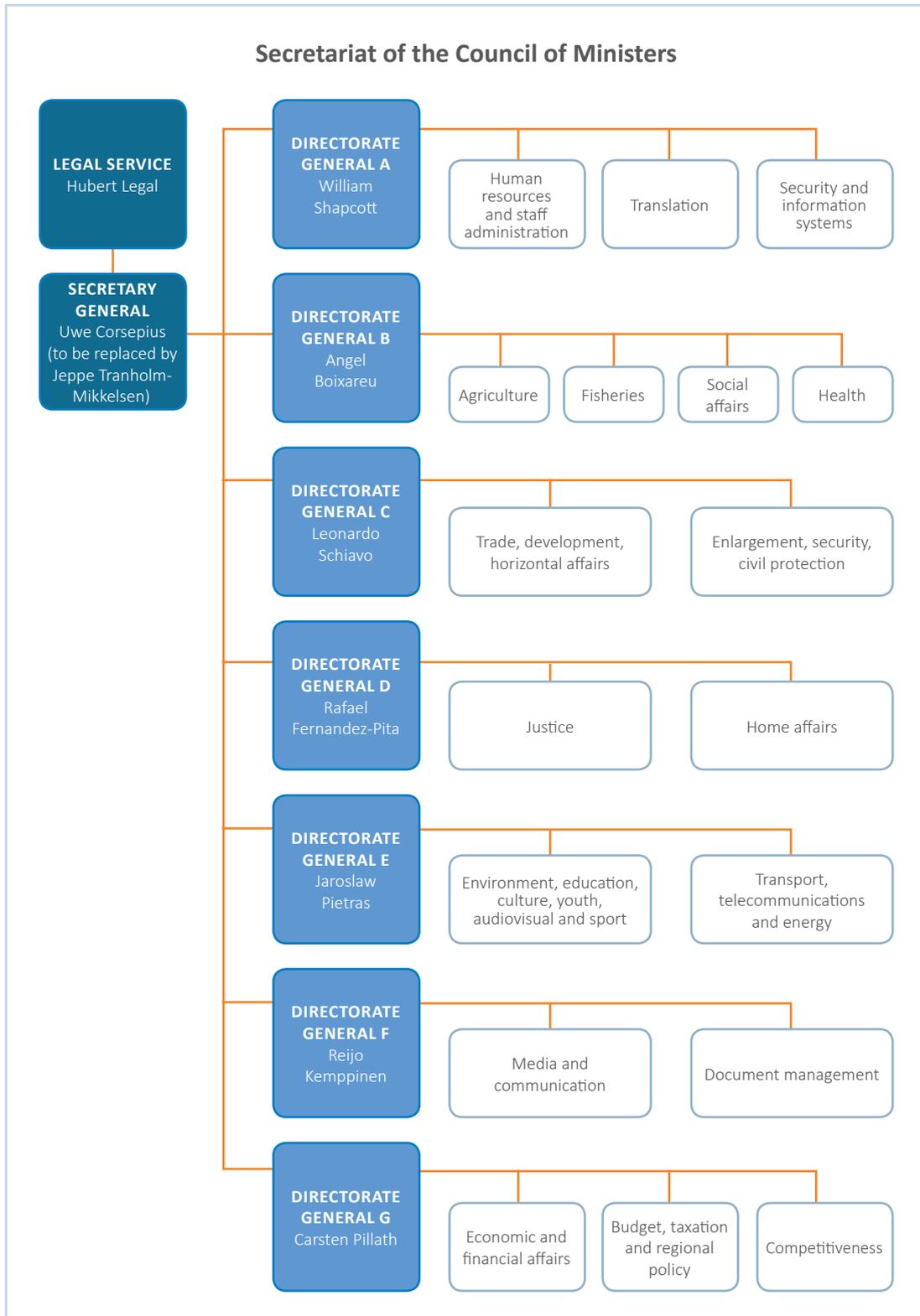
**A points** The expression "A point on the Council agenda" in effect means "adopted without debate", following a consensus already reached within COREPER.

**B Points** When the working party and COREPER are unable to reach a consensus, the issue goes to the Council as a "B point" on the agenda. The ministers will then try to find a compromise and hold a vote if necessary.

### D. Secretariat of the Council of Ministers

The Council and its preparatory bodies are assisted by the General Secretariat, responsible for ensuring the Council's administrative and financial affairs. It employs more than 2,800 civil servants.

The General Secretariat is headed by the Secretary-General, currently Uwe Corsepius (DE), who is also the head of the Secretariat of the European Council. Mr Corsepius will be replaced after 30 June 2015 by Jeppe Tranholm-Mikkelsen (DK). The Council appoints the Secretary-General by qualified majority.



# THE EUROPEAN PARLIAMENT A CO-LEGISLATOR WITH NO POWER OF INITIATIVE

The European Parliament is the Institution representing the citizens of the European Union. Over the years its power has progressed from a mere consultative role to full equality of co-decision with the Council of Ministers. Elected by universal suffrage by EU citizens every five years, the Parliament strives to embody democratic legitimacy.

## I. LEGAL BASIS

Articles 189 to 201 TEU.

Articles 223 to 234 and article 314 TFEU.

## II. COMPOSITION

### A. *President and Vice-Presidents*



The President of the European Parliament is elected by absolute majority (376 out of 751) on the basis of a secret ballot vote that takes place during the inaugural session of Parliament. He or she is elected for a term of two and a half years, renewable once.

The President's main function is to lead the work of the Parliament and its bodies. He or she opens and closes plenary sessions and declares the EU budget adopted.

The President also represents the European Parliament at international events and acts as an interlocutor in relations with the other Institutions.

The current President of the European Parliament is Martin Schulz, a German Social Democrat. He was elected for a second term on 1 July 2014.

The President is assisted by 14 Vice-Presidents who can replace him in his absence.

### B. *MEPs and political groups*

The 751 Members of the European Parliament (MEPs) are elected by direct universal suffrage, although electoral procedures vary from one Member State to another. A political group must be composed of at least 25 MEPs elected in at least a quarter of EU Member States.

Elected MEPs who are members of a national political party will become members of a political group in the European Parliament (apart from "non-aligned" MEPs).

**It is not permitted for the following persons to serve simultaneously as MEPs:**

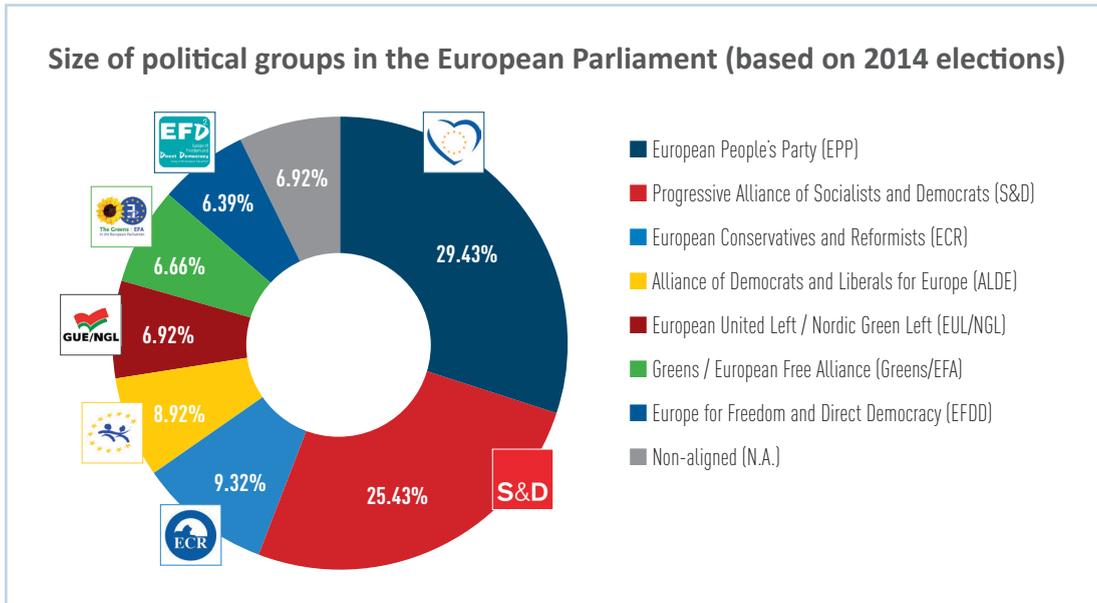
- National ministers,
- European Commissioners,
- Members of the Court of Justice,
- Members of the Court of Auditors,
- Civil servants of the EU Institutions (unless they resign),
- Since 2004, members of national parliaments (temporary derogations were, however, granted to Ireland and the United Kingdom).

**751 MEPS (2014-2019) EU-28**

									N.A.	Total
AT		5	5		1		3		4	18
BE		4	4	4	6		2		1	21
BG		7	4	2	4					17
HR		2	2	5			1	1		11
CY		2	2			2				6
CZ		7	4	2	4	3		1		21
DK		1	3	4	3	1	1			13
EE		1	1		3		1			6
FI		3	2	2	4	1	1			13
FR		20	13		7	4	6	1	23	74
DE		34	27	8	4	8	13		2	96
GR		5	4	1		6			5	21
HU		12	4				2		3	21
IE		4	1	1	1	4				11
IT		17	31			3		17	5	73
LV		4	1	1			1	1		8
LT		2	2	1	3		1	2		11
LU		3	1		1		1			6
MT		3	3							6
NL		5	3	2	7	3	2		4	26
PL		23	5	19					4	51
PT		7	8		2	4				21
RO		14	16		2					32
SK		6	4	2	1					13
SI		5	1		1		1			8
ES		17	14		8	11	4			54
SE		4	6		3	1	4	2		20
UK			20	20	1	1	6	24	1	73
<b>TOTAL</b>		<b>220</b>	<b>191</b>	<b>70</b>	<b>68</b>	<b>52</b>	<b>50</b>	<b>48</b>	<b>52</b>	<b>751</b>

For the purpose of “ideological solidarity”, MEPs are dispersed among seven distinct groups based on their political affinities and regardless of their nationality. As a result, the European Parliament contains a broad range of political parties, from the extreme left to the extreme right. There are also non-aligned MEPs who are not members of any political group.

MEPs are surprisingly accessible, open to discussion, and eager to receive expertise. In meetings and in the corridors, narrow nationalism and intolerance are not very popular.



Each political group is composed of a president (sometimes two per group), a bureau and a secretariat. Each political group has:

- Its **own resources** entered onto the Parliament’s budget;
- A **secretariat**, whose importance must be stressed:

Besides the civil servants of the Parliament, it is the advisors of the political groups who prepare the work of committees and the plenary session.

These administrators are specialised. Every political group assigns at least one administrator to each parliamentary committee (see page 64).

The groups also have a number of prerogatives:

- Active **participation** in drawing up committee and plenary agendas.
- Steady contribution to debates (via designation of an official spokesperson).
- The power to table a **motion of censure** against the European Commission.
- Organising their own activities (e.g. symposiums, study days, information bulletins).

## The seven political groups: how to contact them

	European People's Party	Progressive Alliance of Socialists and Democrats	European Conservatives and Reformists	Alliance of Democrats and Liberals for Europe	European United Left / Nordic Green Left	Greens / European Free Alliance	Europe for Freedom and Direct Democracy	Non-aligned
								
<b>Number of MEPs</b>	220	191	70	68	52	50	48	52
<b>Creation</b>	2009	2009	2009	2004	1995	1999	2009	Includes 24 "Front National" MEPs who do not satisfy the rules for creating a political group
<b>President</b>	Manfred Weber	Gianni Pittella	Syed Kamall	Guy Verhofstadt	Gabriele Zimmer	Rebecca Harms Philippe Lamberts	Nigel Farage David Borrelli	
<b>Position</b>	Right Center-right	Social Democrats	Center-right Non-federalists Liberals	Federalists Liberals	Left of the left	Environmenta- lists	Euroceptics Liberals	
<b>Spokes-person</b>	Kostas Sasmatzoglou	Utta Tuttlies	James Holtum	Didrik de Schaetzen	Sabine Lösing	Sandrine Rousseau	Hermann Kelly	
<b>Contact</b>	10, rue du Commerce 1000 Brussels Belgium +32 2 285 41 40	European Parliament Bâtiment Atrium 60, Rue Wiertz 1047 Brussels Belgium +32 2 284 11 56	European Parliament ATR 07K 070 60, Rue Wiertz 1047 Brussels Belgium +32 2 284 13 94	European Parliament 60, Rue Wiertz 1047 Brussels Belgium +32 2 284 21 11	European Parliament 60, Rue Wiertz 1047 Brussels Belgium + 32 2 283 23 01	European Parliament PHS02C27 60, rue Wiertz 1047 Brussels Belgium + 32 2 284 74 98	No data available	

### The European Parliament works on the basis of coalitions

Since the introduction of direct elections, no political group in the European Parliament has ever obtained a majority by itself. As a result, the Parliament mostly works on the basis of coalitions, encouraging a culture of dialogue among the various groups.

Just like the previous legislature, the 2014-2019 Parliament is based on an alliance between the two largest political groups: the EPP and the S&D.

Voting discipline in Brussels is weaker than in national parliaments, since a French socialist does not necessarily have the same views as a German or Danish social democrat.

Ad hoc coalitions can involve the parties of the right (EPP, liberals and ECR) or the left (S&D, Greens, EUL).

The liberals (ALDE)– a key group – tend to switch between one camp and the other, depending on the issue.

Due to the often shifting alliances, it is too difficult to present the policy programmes of each of the seven political groups. For ease of understanding, we can instead distinguish five broad ‘families’:

- The classic right: EPP
- The social democrats and socialists
- The libertarian Greens
- The “left of the left” (EUL)
- The Eurosceptics (EFDD, non-aligned)

### How are MEPs elected?

Member state	National electoral law	MEPs	Minimum voting age	Eligibility to stand (age)	Constituencies	Electoral system	Day of voting
<b>Austria</b>	26-01-1996	18	16	18	Single constituency	Open list proportional, 4% bar	Sunday
<b>Belgium</b>	23-03-1989	21	18 (compulsory)	21	4 constituencies	Open list proportional	Sunday
<b>Bulgaria</b>	26-06-2005	17	18	21	Single constituency	Open list proportional	Sunday
<b>Croatia</b>	10-07-2010	11	18	18	Single constituency	Open list proportional, 5% bar	Sunday
<b>Cyprus</b>	2004	6	18 (compulsory)	25	Single constituency	Proportional, 1.8% bar	Sunday
<b>Czech Republic</b>	18-02-2003	21	18	21	Single constituency	Proportional, 5% bar	Friday / Saturday
<b>Denmark</b>	04-03-1994	13	18	18	Single constituency	Open list proportional	Sunday
<b>Estonia</b>	18-12-2002	6	18	21	Single constituency	Closed list proportional, 5% bar	Sunday
<b>Finland</b>	02-10-1998	13	18	18	Single constituency	Open list proportional	Sunday
<b>France</b>	07-07-1977	74	18	18	8 constituencies	Closed list proportional, 5% bar	Sunday
<b>Germany</b>	08-03-1994	96	18	18	Single constituency	Proportional, 5% bar	Sunday
<b>Greece</b>	20-07-1981	21	18 (compulsory)	21	Single constituency	Proportional, 3% bar	Friday

Member state	National electoral law	MEPs	Minimum voting age	Eligibility to stand (age)	Constituencies	Electoral system	Day of voting
<b>Hungary</b>	2003	21	18	18	Single constituency	Proportional, 5% bar	Saturday / Sunday
<b>Ireland</b>	24-02-1997	11	18	21	4 constituencies	Single transferable vote	Saturday
<b>Italy</b>	24-01-1979	73	18	25	5 constituencies	Open list proportional, 4% bar	Sunday
<b>Latvia</b>	29-01-2004	8	18	21	Single constituency	Open list proportional, 5% bar	Sunday
<b>Lithuania</b>	20-11-2003	11	18	21	Single constituency	Open list proportional, 5% bar	Saturday
<b>Luxembourg</b>	18-02-2003	6	18 (compulsory)	18	Single constituency	Open list proportional	Sunday
<b>Malta</b>	26-11-2003	6	18	18	Single constituency	Single transferable vote	Saturday
<b>Netherlands</b>	28-01-1993	26	18	18	Single constituency	Open list proportional	Thursday
<b>Poland</b>	23-01-2004	51	18	21	13 constituencies	Proportional, 5% bar	Sunday
<b>Portugal</b>	29-04-1987	21	18	18	Single constituency	Closed list proportional	Sunday
<b>Romania</b>	16-01-2007	32	18	23	Single constituency	Closed list proportional, 5% bar	Sunday
<b>Slovakia</b>	10-07-2003	13	18	21	Single constituency	Closed list proportional, 5% bar	Saturday
<b>Slovenia</b>	25-10-2002	8	18	18	Single constituency	Closed list proportional	Sunday
<b>Spain</b>	19-06-1985	53	18	18	Single constituency	Closed list proportional	Sunday
<b>Sweden</b>	17-04-1997	20	18	18	Single constituency	Open list proportional, 4% bar	Sunday
<b>United Kingdom</b>	28-01-1999	73	18	21	12 constituencies	Closed list proportional	Thursday

### C. European Parliament committees

	Title	Chairperson	Number of MEPs
AFCO	Constitutional Affairs	Danuta Maria Hübner	25
AFET	Foreign Affairs	Elmar Brok	71
AGRI	Agriculture and Rural Development	Czesław Adam Siekierski	45
BUDG	Budgets	Jean Arthuis	41
CONT	Budgetary Control	Ingeborg Grässle	30
CULT	Culture and Education	Silvia Costa	31
DEVE	Development	Linda McAvan	28
ECON	Economic and Monetary Affairs	Roberto Gualtieri	61
EMPL	Employment and Social Affairs	Thomas Händel	53
ENVI	Environment, Public Health and Food Safety	Giovanni La Via	69
FEMM	Women's Rights and Gender Equality	Iratxe García Pérez	35
IMCO	Internal Market and Consumer Protection	Vicky Ford	40
INTA	International Trade	Bernd Lange	41
ITRE	Industry, Research and Energy	Jerzy Buzek	66
JURI	Legal Affairs	Pavel Svoboda	25
LIBE	Civil Liberties, Justice and Home Affairs	Claude Moraes	60
PECH	Fisheries	Alain Cadec	24
PETI	Petitions	Cecilia Wikström	34
REGI	Regional Development	Iskra Mihaylova	42
TRAN	Transport and Tourism	Michael Cramer	49

There are twenty standing committees responsible for carrying out the Parliament's legislative work and adopting amendments that will then be approved or rejected in the plenary session.

The committees vary in terms of the number of MEPs (between 25 and 71) and there are almost as many substitutes in each one. Every committee has a chairperson assisted by three vice-chairs.

**Political group policy advisors :** they play a very important role in the European Parliament. Each political group has at least one "policy advisor" per committee, or in total around 200 advisors. Political groups are free to choose who to appoint, and they each have a 5-year contract paid from the European Parliament budget. Those advisors have a joint technical and political expertise. They are key interlocutors for lobbyists, as they coordinate and communicate with all MEPs of a given group. **To receive an updated and consolidated list of policy advisors, free of charge, please contact Vicky Marissen (vm@pacteurope.eu).**

## D. Political bodies

### Bureau

MEPs elect (by a majority of votes cast) a Bureau composed of the Parliament President and the 14 Vice-Presidents, as well as 5 Quaestors (advisory role). All its members are elected for a two-and-a-half year term.

The Bureau's function is to draw up the preliminary budget of the Parliament and take care of any administrative, staff or organisational issues. It also determines the time allocated to each political group for interventions during plenary sessions.

### College of Quaestors

A 5-member College of Quaestors is elected by the Parliament via secret majority ballot in three rounds: an absolute majority of the votes cast is required for the first two rounds and a relative majority is sufficient for the final round. The Quaestors take care of MEPs' administrative and financial affairs. They are directly attached to the Bureau.

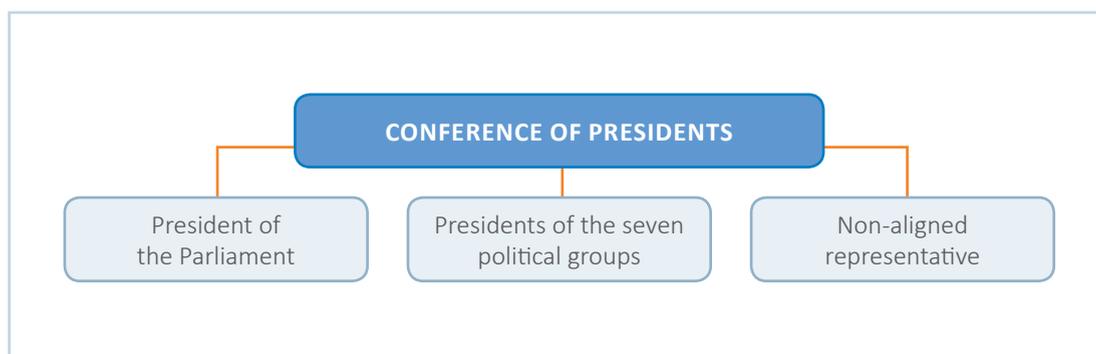
### Conference of Presidents

The Conference of Presidents is composed of the Parliament President and the presidents of the political groups. One representative of the non-attached MEPs also has a seat in the Conference of Presidents but no voting rights. When it meets, the Conference attempts to reach a consensus on the issues it discusses.

Meetings are generally organised twice per month and are not public.

Its prerogatives include:

- Distributing files and responsibilities among Parliament committees;
- Legislative planning, for example, setting the agenda of Parliament plenary sessions;
- Appointing senior civil servants;
- Relations with other EU Institutions and bodies, national parliaments of Member States and non-EU countries;
- Organising structured co-operation with European civil society on major issues.



### Conference of Committee Chairs

The Conference of Committee Chairs is the body responsible for ensuring good co-operation between the Parliament committees.

It is composed of all the chairpersons of the Parliament's committees (permanent as well as temporary). It generally meets once a month during plenary sessions in Strasbourg.

The Conference of Committee Chairs may:

- make recommendations to the Conference of Presidents on committee work or the preparation of plenary agendas;
- advise the Conference of Presidents in cases of a dispute between two committees over competence.

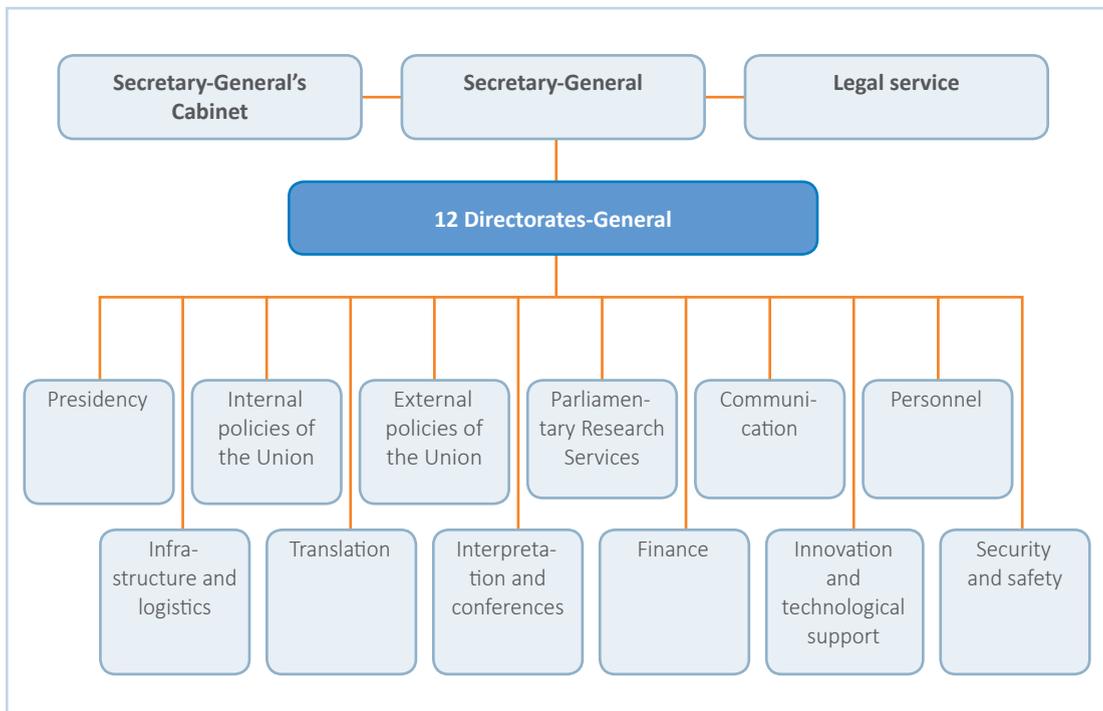
## E. Administrative services of the European Parliament

### Secretariat

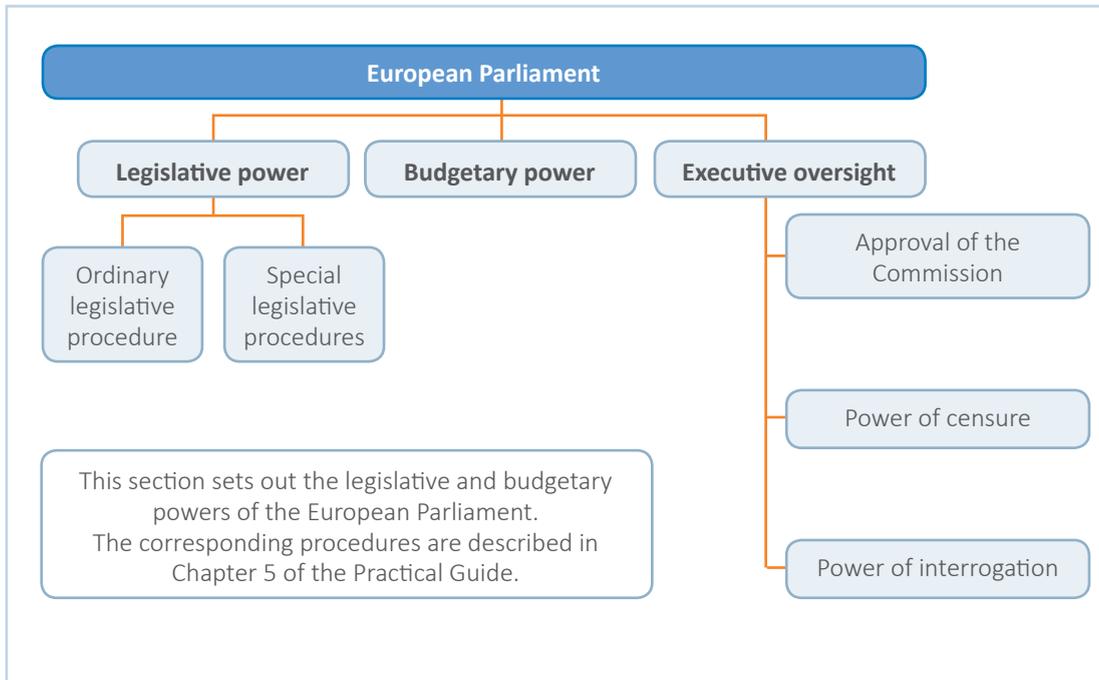
Its function is to co-ordinate the legislative work of the Parliament and organise the plenary sessions and other meetings. It is also responsible for providing technical assistance to MEPs in their daily work.

The current Secretary-General of the European Parliament is **Klaus Welle** (DE).

The offices of the Secretariat are based in Brussels and Luxembourg.



### III. EUROPEAN PARLIAMENT POWERS



#### A. Legislative power

The Treaty of Lisbon introduced a clear distinction between the ordinary legislative procedure (previously called “co-decision”) and the special legislative procedures (covering the pre-Lisbon procedures of consultation and assent).

As indicated above, the various stages of the ordinary and special legislative procedures are set out in Chapter 5 of the Practical Guide. In this section we explain the respective scope of each procedure.

##### 1. Ordinary legislative procedure

This is the modern form of the co-decision procedure introduced by the Treaty of Maastricht. Based on a Council of Ministers-European Parliament partnership legislating on a strict equal footing, it covers among others the following policy areas:

- Economic governance
- Immigration
- Energy
- Common Agricultural Policy
- Transport
- Environment
- Consumer protection...
- Monetary policy
- Culture
- Research
- Tourism
- Humanitarian aid

**Note:** The Common Agricultural Policy is now governed by the ordinary legislative procedure. Before the Treaty of Lisbon, it came under Member State competence, with the European Parliament having only a consultative role. Giving the European Parliament a say on the policy consuming still today the biggest part of the EU budget, is an important development..

## **2. Special legislative procedures**

These procedures correspond to situations where the legislative power belongs to the Member States who act on a proposal from the Commission. For some special legislative procedures, the European Parliament merely has a consultative function, but for others it has the ability to reject decisions adopted by the Council.

- **Special legislative procedures involving a consultative role for the Parliament include:**
  - Certain residual aspects of the Common Agricultural Policy (in particular, prices and quotas);
  - Legislative acts requiring unanimity within the Council of Ministers (e.g. taxation, employment).
- **However, there are also special legislative procedures granting the Parliament the right to block the adoption of an act.** This procedure, known as “consent” (previously “assent”) allows the Parliament, acting by an absolute majority of MEPs, to reject acts adopted by the Council of Ministers concerning, for example:
  - ratification of certain trade agreements negotiated by the EU;
  - association agreements between the EU and non-EU countries;
  - agreements with significant budgetary implications for the EU;
  - accession of new Member States to the EU, or withdrawal by existing Member States.

## **B. Budgetary power**

Since the Treaty of Lisbon, the Parliament and Council share the budgetary power equally. In reality, it is necessary to distinguish the Multiannual Financial Framework (MFF) from the annual budget, as they are governed by two different procedures, further developed in Chapter 5.

## **C. Executive oversight**

The European Parliament has several options for supervising the work of the Commission and of the Council.

### **The power to approve the European Commission**

- The procedure begins with the nomination of a candidate for the position of Commission President. Under the treaties, the choice of candidate is for Member States to determine, but they must take into account the results of the most recent elections to the European Parliament. This was unexpectedly interpreted in the Parliament’s favour in 2014 due to political pressure. The “Spitzenkandidaten” system led to the nomination of Jean-Claude Juncker as candidate for Commission President at the Parliament’s initiative, with the subsequent support of the European Council.

- The selected candidate was then subject to a formal vote in the European Council (in June 2014, the United Kingdom and Hungary voted against Jean-Claude Juncker's candidacy, making him the first Commission President not to be unanimously chosen by the Council) before being confirmed by the Parliament via absolute majority.
- Once the Commission President is nominated, each Member State proposes a candidate Commissioner, whose portfolio is a matter for the President's discretion.
- The candidate Commissioners must undergo a hearing in the European Parliament and each is subject to a vote, sometimes resulting in the rejection of a candidate (such as the Slovenian candidate Alenka Bratušek in October 2014).
- Once all 27 candidate Commissioners (28 - President) have had their hearing, the entire College of Commissioners is subject to a vote of approval by the Parliament's plenary acting by an absolute majority of its members (in October 2014: 423 votes in favour of the Juncker Commission, 209 against and 67 abstentions).

Used for the first time during the May 2014 European elections, the **"Spitzenkandidaten" system** has altered the rules for appointing the Commission President, as described in the Treaties. Each political group puts forward its candidate for Commission President (called a "Spitzenkandidat"). In practice, this means that the candidate of the political group obtaining the most seats in the elections is considered as THE candidate for the post of Commission President.

The chosen candidates campaigned throughout the EU during the elections and faced each other in television debates broadcast in several European countries.

The goal of this approach is to allow EU citizens to choose between different political visions via a candidate put forward by each group in the Parliament. Many want to see the system repeated in future, as it makes the EU debate more "political" as well as more accessible for EU citizens.

### ***The power of censure***

Since the European Parliament acquired autonomy thanks to elections of its members via universal direct suffrage, it has enjoyed the power to censure the Commission by an absolute majority of MEPs and two-thirds of the votes cast.

- This power has been used a number of times: motions of censure were tabled in 1972, 1977, 1993 and 1997, but none of them were adopted.
- In 1999, the Parliament forced the Jacques Santer Commission to resign after threatening to use its motion of censure.
- In 2004, 2009 and 2014, certain individual candidate Commissioners were withdrawn due to opposition from the Parliament.

With the emergence of a large group of Eurosceptics following the 2014 elections, we can expect more motions of censure to be tabled against the current Commission. The first was tabled on 18 November 2014 and failed.

**The European Parliament can only bring down the Commission collectively as a College; the Commission President has the option of requesting the resignation of an individual Commissioner.**

### ***The power of interrogation***

The Parliament can submit written or oral questions to the Commission and the Council on any issue concerning the EU and its Member States. These questions can be followed by a debate.

- Concerning oral questions, “question time” can be organised between the Parliament and, for example, the Council of Ministers, the Commission President, the High Representative for Foreign Affairs and Security Policy and the President of the Eurogroup.
- For written questions, a rather long procedure is required, involving a period of three to six weeks between the submission of the question to the relevant Institution and the reply.

Written questions to the Commission are sent to the Commission Secretariat-General, which ensures they are forwarded to the competent Directorate-General (DG). A “lead DG” is appointed when the question concerns several issues or more than one DG.

The main DGs have within their structure a unit specifically devoted to relations with the European Parliament.

The relevant unit has an average period of 15 days to prepare a draft reply that passes up the hierarchy from the unit to the Director General. After approval by the relevant DG, the reply comes back to the Secretariat-General which then sends it to the College of Commissioners for formal approval via written procedure.

In the meantime, the specialised services of the Commission (e.g. the legal and linguistic services) check the text to guarantee that the style is correct as well as acceptable from a legal and linguistic perspective.

The reply is sent back to the relevant MEP before being published in the Official Journal of the European Union.

## **IV. INTERNAL FUNCTIONING**

### ***A. Voting in the European Parliament***

#### **Majority rules**

The rules depend on the decision being taken, for instance:

Ordinary legislative procedure	Majority of the votes cast
Budgetary procedure Veto of a delegated act, ...	Majority of MEPs (376 out of 751) («absolute majority»)
Motion of censure	Majority of 2/3 of votes cast + absolute majority of MEPs

### Voting procedures

The procedures are surprisingly unsophisticated...

Under Article 165 of the Parliament's internal rules of procedure, votes are in principle taken by a show of hands.

- If the President decides that the result via show of hands is doubtful, the Parliament will vote electronically or, if the latter is not possible, by "sitting and standing".
- If this final procedure still gives rise to doubt, the vote will be conducted via roll-call.
- If 40 MEPs or a political group make a request in writing the evening before the start of voting, a roll-call vote may be held.

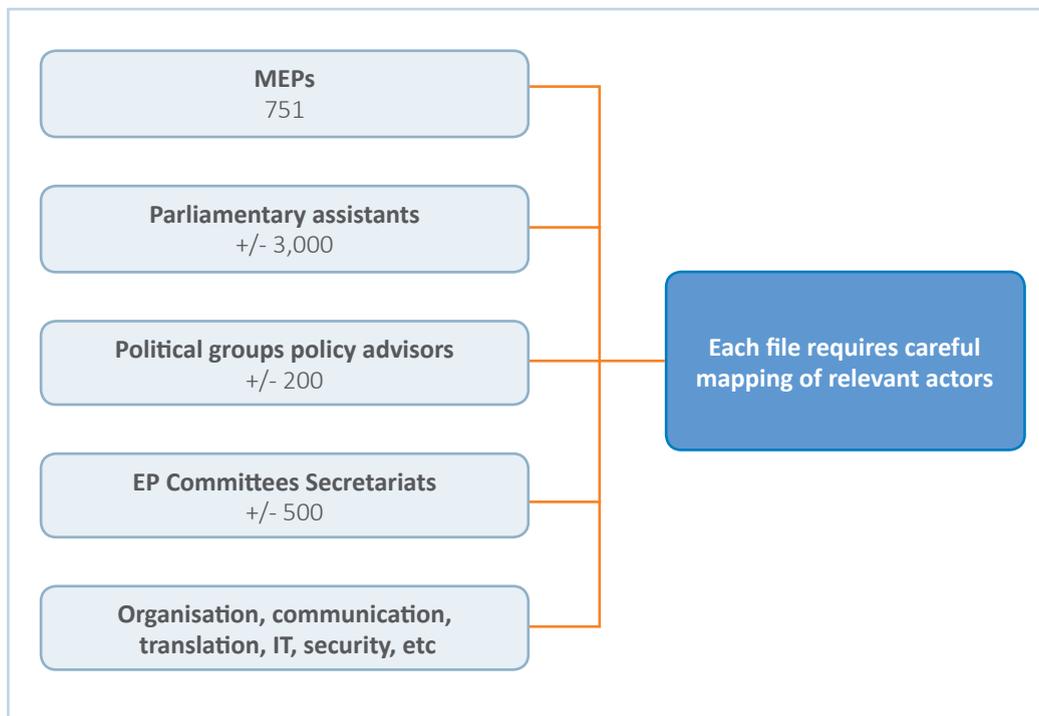
The President can, at any time, request that electronic voting be used. Voting by secret ballot is used for appointments.

Finally, it should be noted that voting by proxy is forbidden.

### B. Working with the European Parliament

The European Parliament is a massive beehive with 10,000 people, composed of many levels: MEPs (751), their assistants (+/- 3,000), political advisors (+/- 200), the committee secretariats (+/- 500) and a whole network of officials responsible for organisation, communication, interpretation and security.

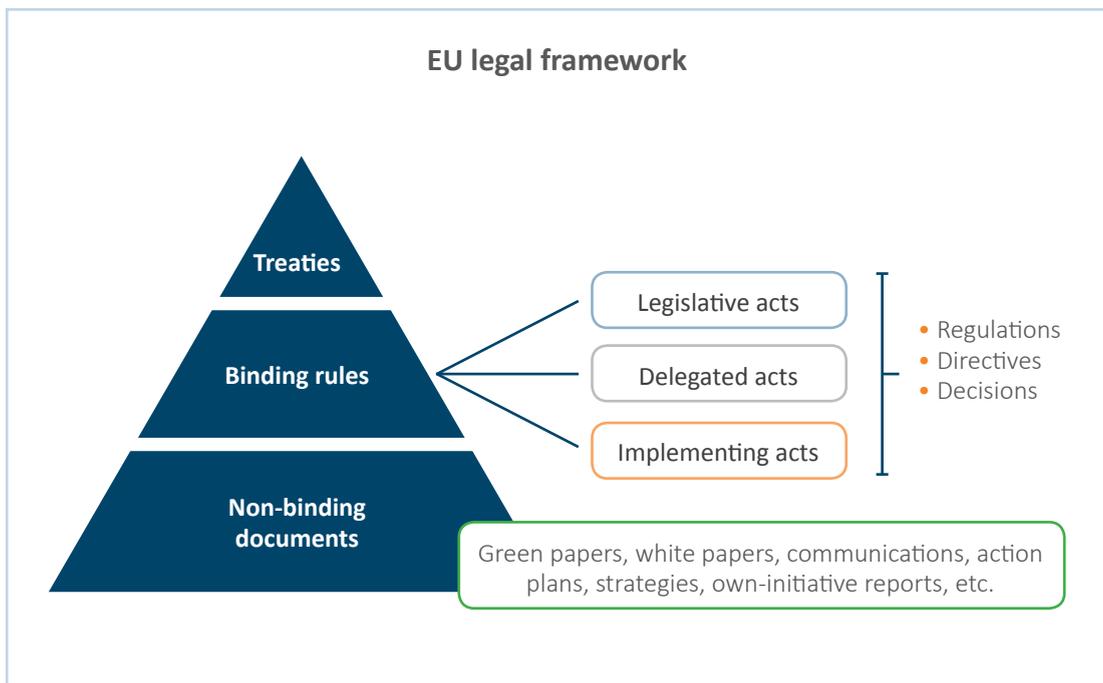
In practice for stakeholders, an important legislative file can mobilise up to 1,000 people; a more targeted operation 50-100 contacts.



# The legal order and decision-making procedures of the European Union

## I. THE EU LEGAL ORDER

### A. Hierarchy of legal acts



The Treaty of Lisbon introduced major changes to the architecture of EU legal acts. To clarify the separation of powers, a distinction was made between legislative acts (setting out political principles of general scope) and non-legislative acts (essentially technical).

### 1. TREATIES

At the top of the EU legal framework are the treaties, the pillars of the EU legal order.

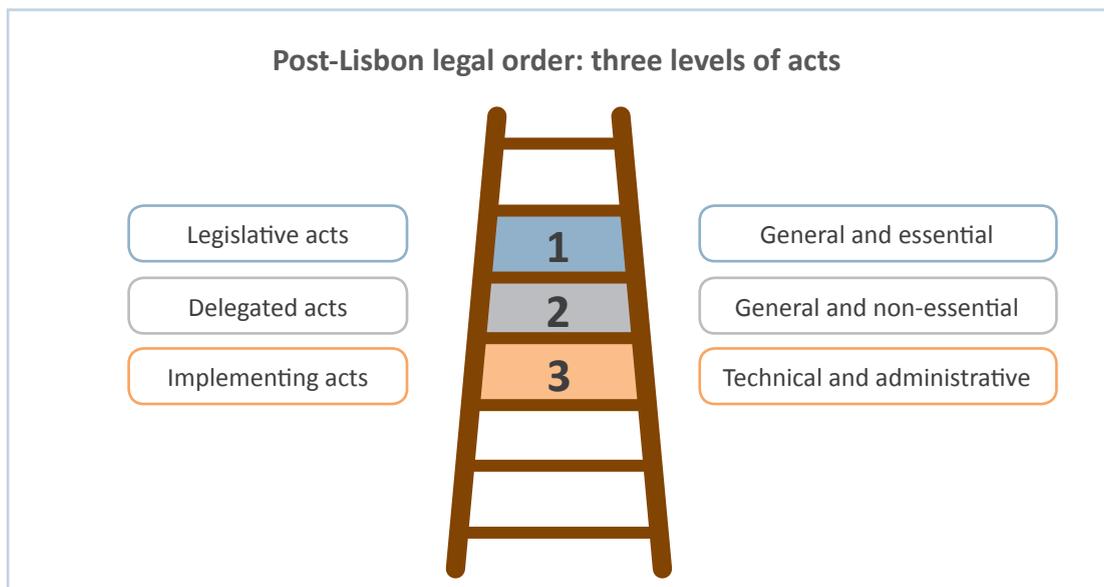
The Treaty of Lisbon is composed of two treaties, both having the same legal value:

- The **Treaty on the European Union (TEU)**. Relatively short, it sets out the general values and objectives of the EU, presents the Institutions and enshrines the EU's legal personality.
- The **Treaty on the Functioning of the European Union (TFEU)**. Longer than the TEU, the TFEU spells out each of the EU's competences and describes in detail the procedures for exercising them.

**Located at the top of the hierarchy, the treaties are known as “primary law”.**

They are supplemented by a series of **protocols, annexes and declarations**, as well as the **Charter of Fundamental Rights**. All these acts have the same legal value as the two treaties.

With the Treaty of Lisbon, the European Union has acquired legal personality. This means that, as a subject of international law, it is authorised to conclude **international agreements** with third party countries or organisations.



### The importance of soft law

It should be underlined that in practice, non-binding EU measures – also called “soft law” – can take various forms, e.g. conclusions, declarations, standards, guidance papers, green papers and codes of good practice.

These measures are used in cases where Member States fail to agree on binding acts or where the EU does not have direct competence. Their main objective is to influence Member State behaviour, encouraging the potential enactment of binding measures in the relevant area.

For example, a green paper is a report published by the Commission with the aim of launching discussion on a specific issue (e.g. employment, social policy, gender equality) with a consultation. This can then lead to a white paper describing concrete measures to be taken. Guidance documents or guidelines are non-binding documents with the objective of facilitating the practical implementation of legislative and regulatory frameworks.

## 2. LEGISLATIVE ACTS

Legislative acts are adopted via the procedures set out in Article 289 TFEU: the ordinary legislative procedure or the special legislative procedures.

A legislative act lays down the essential and general aspects of a given EU policy. **It can take the form of a regulation, a directive or a decision.** Two examples of legislative acts include:

- **Directive** 2014/40/EU on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products;
- **Regulation (EU)** 536/2014 on clinical trials on medicinal products for human use.

## 3. DELEGATED ACTS

Introduced by Article 290 TFEU, a delegated act is:

- a non-legislative act of general application;
- used to amend or supplement certain non-essential elements of a legislative act;
- adopted by the Commission on the basis of a ‘mandate’ specifically set down in the relevant legislative act.

**Delegated acts are of considerable scope.** Amongst others, they permit the Commission to amend the annexes of a legislative act. However, the practice of delegated acts has given rise to real problems Member States, even though they signed the Treaty of Lisbon, initially did not realise:

- The notion of “non-essential” is extremely subjective and open to many possible interpretations;
- The Commission’s ability to propose AND adopt delegated acts means the de facto abolition of comitology committees (composed of Member State officials) which were previously used for quasi-legislative measures;
- The varying scope of the mandate granted to the Commission by the legislators has led to a “case-by-case” approach to the decision-making process, that has become extremely complex as a result.

Since the Treaty of Lisbon, delegated acts are now used across all policy areas.

## 4. IMPLEMENTING ACTS

Governed by Article 291 TFEU, implementing acts:

- are purely technical and administrative measures;
- unlike delegated acts, make no substantial change to the legislative act;
- enable the uniform application of technical measures or grant marketing authorisations for products, e.g. medicines.

Implementing acts remain subject to the approval of Member States via comitology committees, with an examination committee, an appeal committee and multiple exceptions and derogations.

## B. Types of legal acts

Article 288 TFEU envisages a series of legal acts the EU can use to take action.

It is important to note that legislative acts, delegated acts and implementing acts can all potentially take the form of a regulation, directive or decision.

### 1. REGULATION

BASIS	Article 288 TFEU.
FORCE	A regulation is compulsory in all its aspects. It sets down what must be done and how it should be done. Incomplete or selective application is not possible.
IMPORTANCE	<b>Major.</b> 1409 regulations were adopted in 2013.
ORIGIN	Due to the principle of attribution of competences, there are Council regulations, Council and European Parliament regulations and there are Commission regulations. In all cases, their status and effects are identical.
SCOPE	A regulation is of general (i.e. impersonal) application. It concerns classes of persons, not specific individuals or businesses.
IMPLEMENTATION	<b>A regulation is directly applicable in every Member State.</b> Transposition into national law is automatic. A regulation enters into force simultaneously and uniformly in every Member State.
APPLICATION	Every regulation sets the date of its application.
PUBLICATION	Any regulation has to be published in the Official Journal of the European Union (OJEU), otherwise it cannot apply.
EXAMPLE	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

### 2. DIRECTIVE

BASIS	Article 288 TFEU.
FORCE	<b>A directive binds Member States regarding the result to be achieved, leaving national authorities with discretion as to the form and means of achieving it.</b>
IMPORTANCE	<b>Major.</b> The directive was the basic tool for building the Internal Market. Legislation on food, commerce and social policy takes the form of directives. They involve flexibility, with an emphasis on national implementing measures. 69 directives were adopted in 2013.
SCOPE	Legally, they are not of general application but in reality, most directives apply to all 28 Member States.
IMPLEMENTATION	<b>It varies depending on the Member State, since a directive only stipulates the result to achieve, leaving the means to national discretion.</b>
APPLICATION	In practice, directives are very precise and the margin for Member States is limited. Monitoring of the transposition of directives within the specified timeframe is getting stricter.

PUBLICATION	Like for regulations, a directive has to be published in the OJEU, but publication is not a condition for applicability.
EXAMPLE	Directive 2009/48/EC of the Parliament and of the Council of 18 June 2009 on toy safety

### 3. DECISION

BASIS	Article 288 TFEU.
FORCE	A decision (of the Commission or of the Council and Parliament) is obligatory in all its aspects for the persons to whom it is addressed.
SCOPE	<b>A decision has a specific scope of application. Unlike a regulation, it is addressed to one or more specific persons, companies or Member States.</b>
UTILITY	<b>A decision is an administrative implementing instrument of EU law.</b>
PUBLICATION	Publication in the OJEU is required but is not a condition for applicability.
EXAMPLE	EU Decision 2013/C 311/01 of 25 October 2013 granting market authorisation to Orphacol (CTRS).

### 4. RECOMMENDATIONS AND OPINIONS

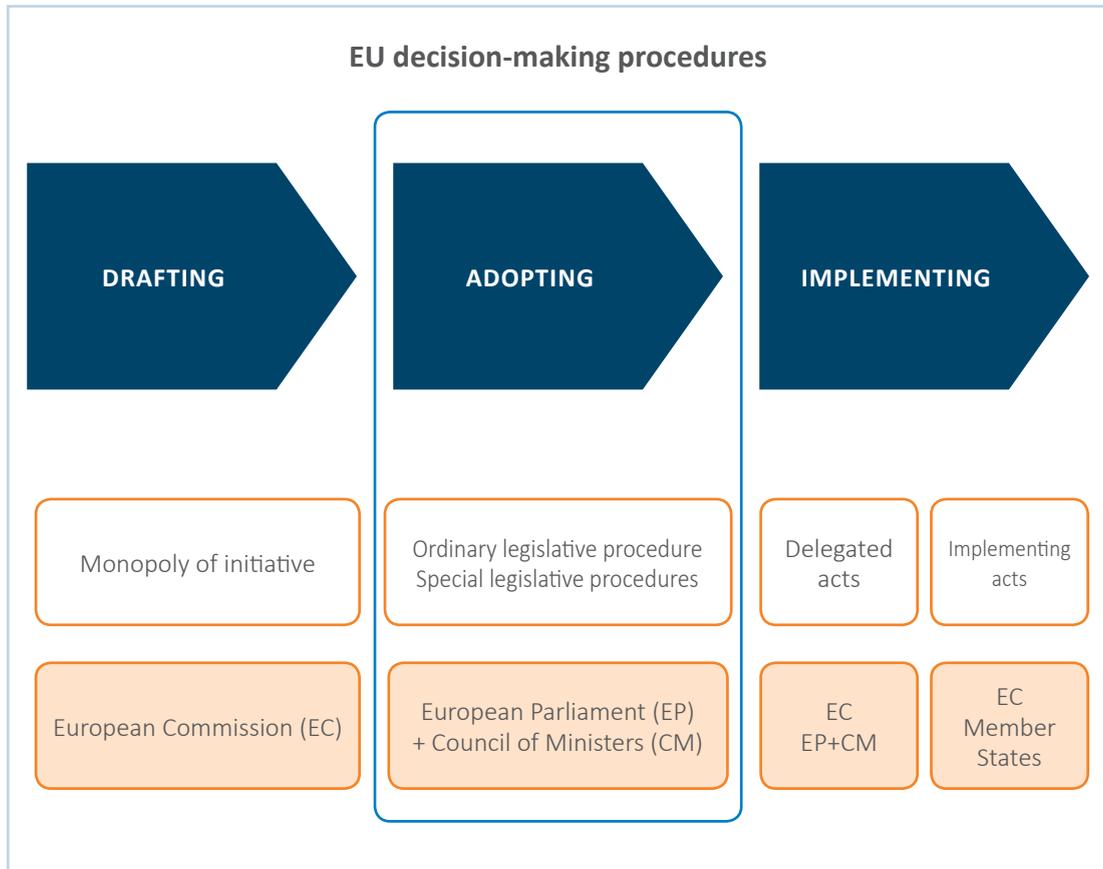
BASIS	Article 288 TFEU.
SCOPE	<b>They have no binding force.</b> Therefore, they are not sources of law, but rather guidance tools for conduct and implementation. They can be addressed to Member States and to stakeholders.
SOURCE	Like for regulations, recommendations and opinions can be adopted by the Commission, by the Council, or by the Council and European Parliament.
ROLE	<b>Recommendations and opinions often express a forward-looking view.</b>
EXAMPLE	Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe.

**EP own-initiative reports:** The Commission having the monopoly of initiative, the Council or the European Parliament cannot force it to come forward with a directive or a regulation. **This is the reason why the European Parliament, while a co-legislator, is not a “real Parliament” yet.**

Since Maastricht, the European Parliament has been granted the power of publishing own-initiative reports to urge the Commission to take action in a certain field (without the Commission being forced to do so).

Between 2009 and 2014, 22 own-initiative reports were adopted, most of them with concrete results. This is therefore a useful option in the European Parliament’s toolbox.

## II. EU DECISION-MAKING PROCEDURES

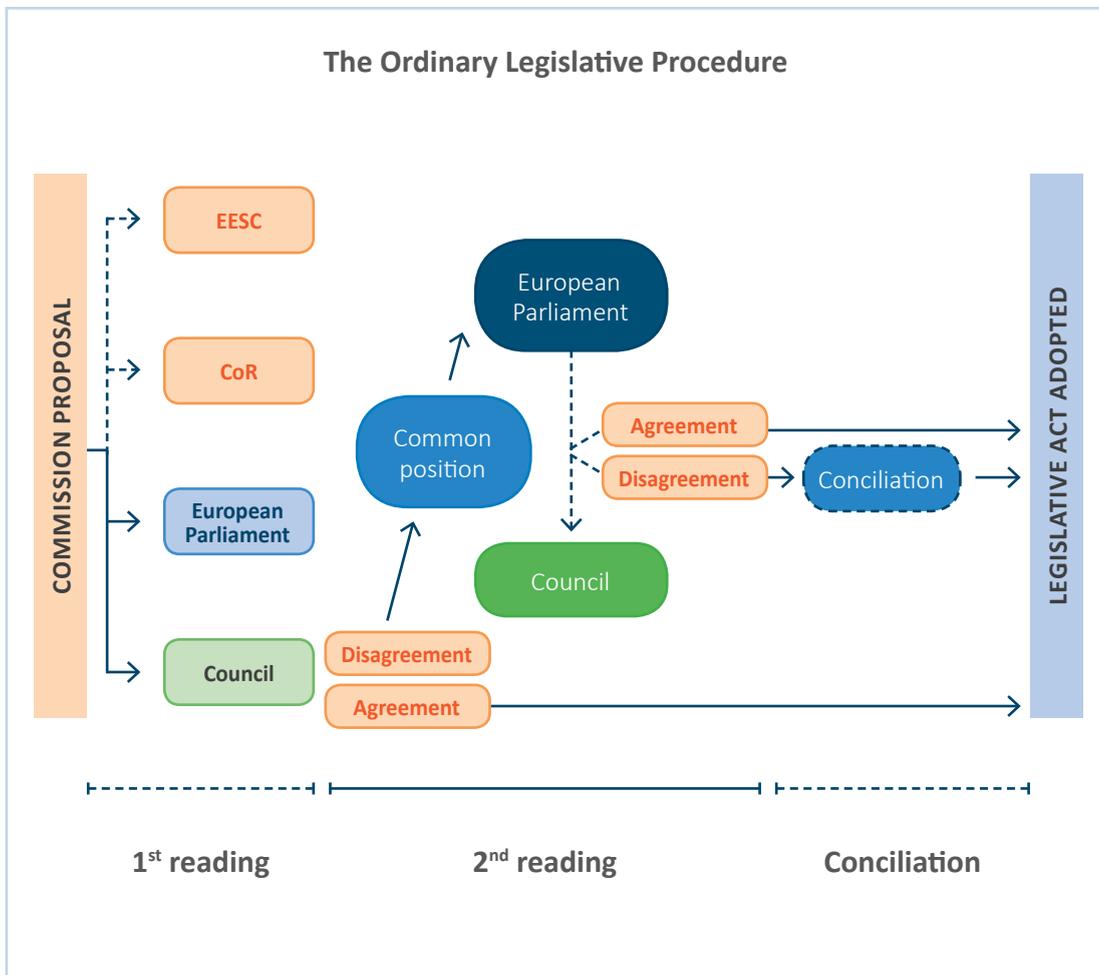


### 1. ORDINARY LEGISLATIVE PROCEDURE (ARTICLE 294 TFEU)

Formerly known as “co-decision”, this is the most commonly used legislative procedure. It is structured around three possible stages (first reading, second reading and conciliation) and requires agreement from both co-legislators on an identical text.

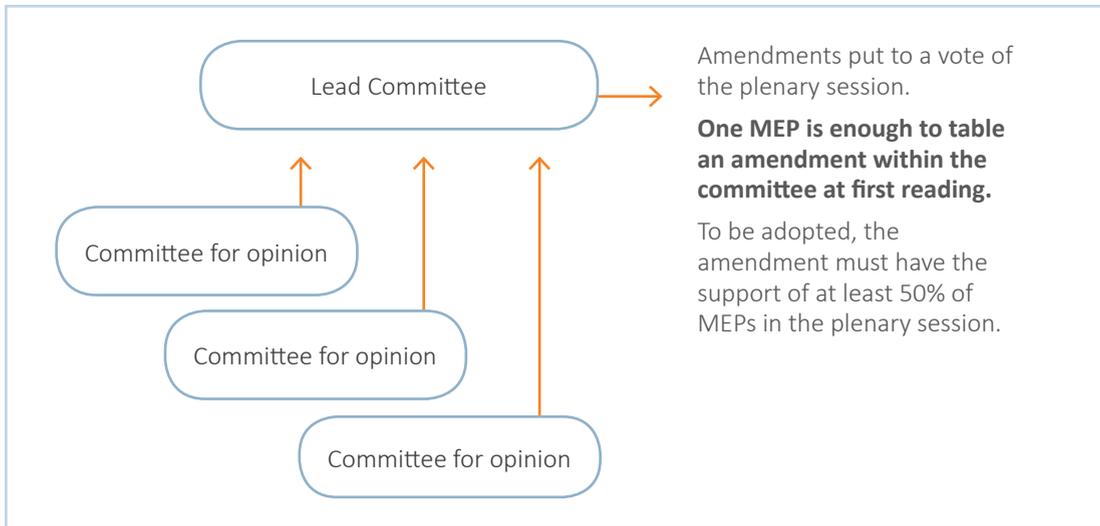
The ordinary legislative procedure begins with the publication of a draft legislative act drawn up by the Commission services and adopted by the College of Commissioners. The draft is usually sent to the four Institutions participating in the legislative process.

- Two of these Institutions are of minor, even negligible, importance: the European Economic and Social Committee (EESC) and the Committee of the Regions (CoR). Their role is simply to submit a non-binding opinion;
- The two other Institutions – the Council of Ministers and the European Parliament – can be described as “co-legislators”. They act on an equal footing, although their internal procedures are different.



**First reading in the Parliament:**

- For every legislative proposal, the Parliament designates a lead committee and, if necessary, committees for opinion (generally 3 or 4) having a more indirect role in the file.
- Each parliamentary committee appoints a rapporteur who is the “boss” of the Parliament’s debate on the proposal. He or she is surrounded by “shadow rapporteurs” appointed by the political groups (apart from the group the lead rapporteur comes from). This Anglo-Saxon system of rapporteurs typifies the Parliament’s culture of dialogue and its desire to create consensus.
- Each parliamentary committee debates and votes amendments to the Commission’s proposal. **The amendments of the lead committee are tabled directly for a vote to the plenary. Amendments by committees for opinion have to be validated by the lead committee before being submitted to the plenary session in Strasbourg.**

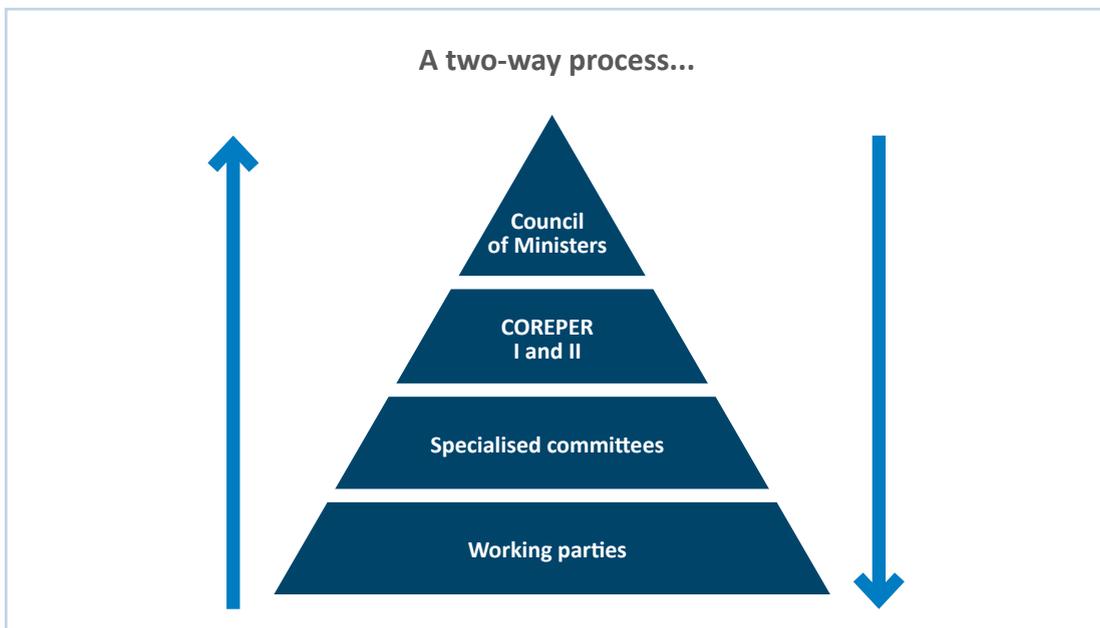


**Note:**

- There is no time limit for reaching a first reading agreement.
- Any amendment adopted by the Parliament or Council can be rejected by the Commission.

**First reading in the Council of Ministers**

In the Council, a number of levels are involved, from the more ‘political’ (the Council of Ministers stricto sensu) to the more ‘technical’ (the Council’s working groups).



COREPER (the Committee of Permanent Representatives), gathering the ambassadors of the Member States to the European Union, is the most important level, situated between the political level and the technical level.

**There are in fact two COREPERs:** COREPER I is composed of Member States' deputy ambassadors to the EU, while COREPER II is made up of the ambassadors themselves. COREPER II takes care of the most "sensitive" Councils (foreign affairs, security, economic and financial affairs, justice and home affairs). COREPER I addresses the more 'technical' Councils linked to the Internal Market.

COREPER and working parties do not vote. Everyone works on the basis of consensus. When COREPER finds unanimous agreement, the Council of Ministers does not vote and automatically ratifies the consensus agreed by the ambassadors: this is known as a "A Point" on the Council's agenda. When consensus is not possible, the ministers will have to negotiate and potentially take a vote by qualified majority (known as a "B Point" on the Council's agenda).

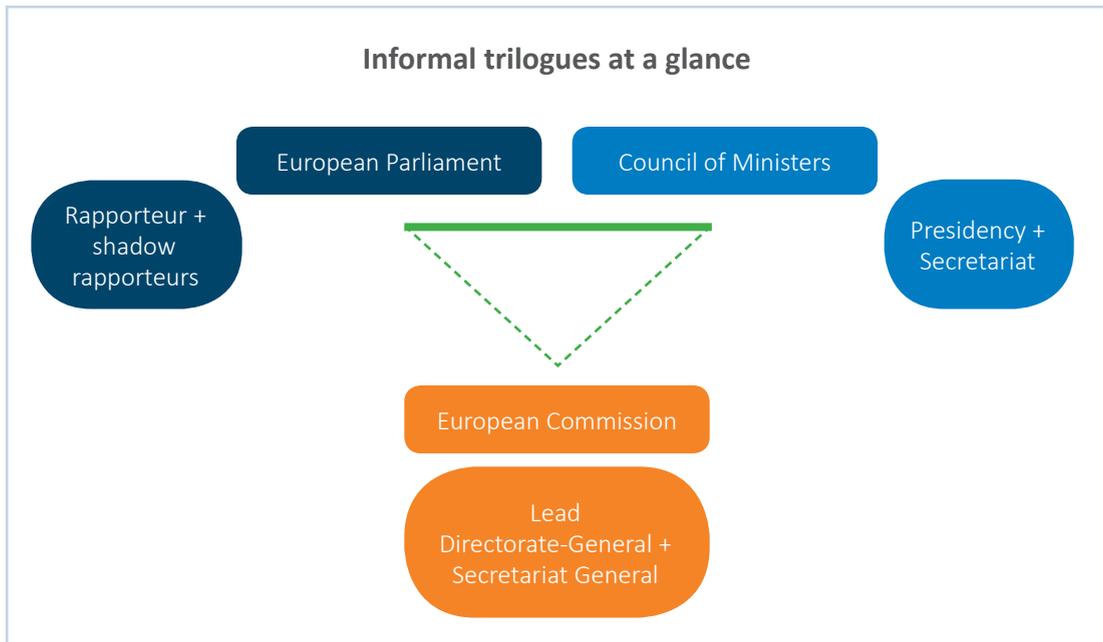
**A trend towards more Parliament-Council agreements at first reading:  
informal trilogues**

As already explained, the Treaty of Lisbon maintains the ordinary legislative procedure unchanged. Although its name (formerly "co-decision") is now different, the various stages and readings remain. However, when we compare the percentage of legislative acts adopted following the three possible reading stages both before and after Lisbon, the statistics are incontrovertible:

**Ordinary legislative procedure-statistics**

2005		2013	
1 <sup>st</sup> reading agreements	25%	1 <sup>st</sup> reading agreements	85%
2 <sup>nd</sup> reading agreements	50%	2 <sup>nd</sup> reading agreements	10%
Conciliation agreements	25%	Conciliation agreements	5%

The swing in the legislative process towards first reading agreements can be explained first of all by the successive enlargements of the European Union. Now with 28 Member States, the EU has become a huge organism based on the lowest common denominator. The weight of all its members has overwhelmed the Institutions, especially the Parliament with its 751 MEPs – a significant number! **The widespread use of trilogues** is seen as a way of facilitating the co-legislators' decision-making by drastically reducing the number of persons sitting around the table. However, as we will see, this desire to speed up the EU decision-making process has **implications for the quality of legislative texts adopted, as well as for the balance of power.**



The systematic use of trilogues results not from the treaties but from a simple inter-institutional agreement adopted by the Commission, Council and Parliament in 1999 and updated in 2007. Under this agreement:

- The three Institutions commit themselves to adopt legislative acts at as early a stage as possible, preferably at first reading;
- The Institutions are to co-operate via trilogues which, according to the agreements, have demonstrated “vitality” and “flexibility”;
- The Commission is recognised as overseeing the process, with the goal of “reconciling the positions” of the European Parliament and Council.

### Formal trilogues, informal trilogues... Who initiates trilogues and how?

People generally speak about “informal trilogues”, but certain trilogues are more informal than others. There are “official trilogues” composed of the principal figures and “informal-informal trilogues” involving simple three-way discussions after a meeting or over drinks at the Parliament bar. In short, it has a very ‘case-by-case’ dimension and little transparency, with negotiations conducted behind closed doors.

The beginning of trilogues is subject to the adoption of a mandate by both co-legislators. These negotiating mandates are sometimes very specific, other times very general: this reinforces the ad hoc character of the post-Lisbon EU decision-making process for both primary and secondary legislation.

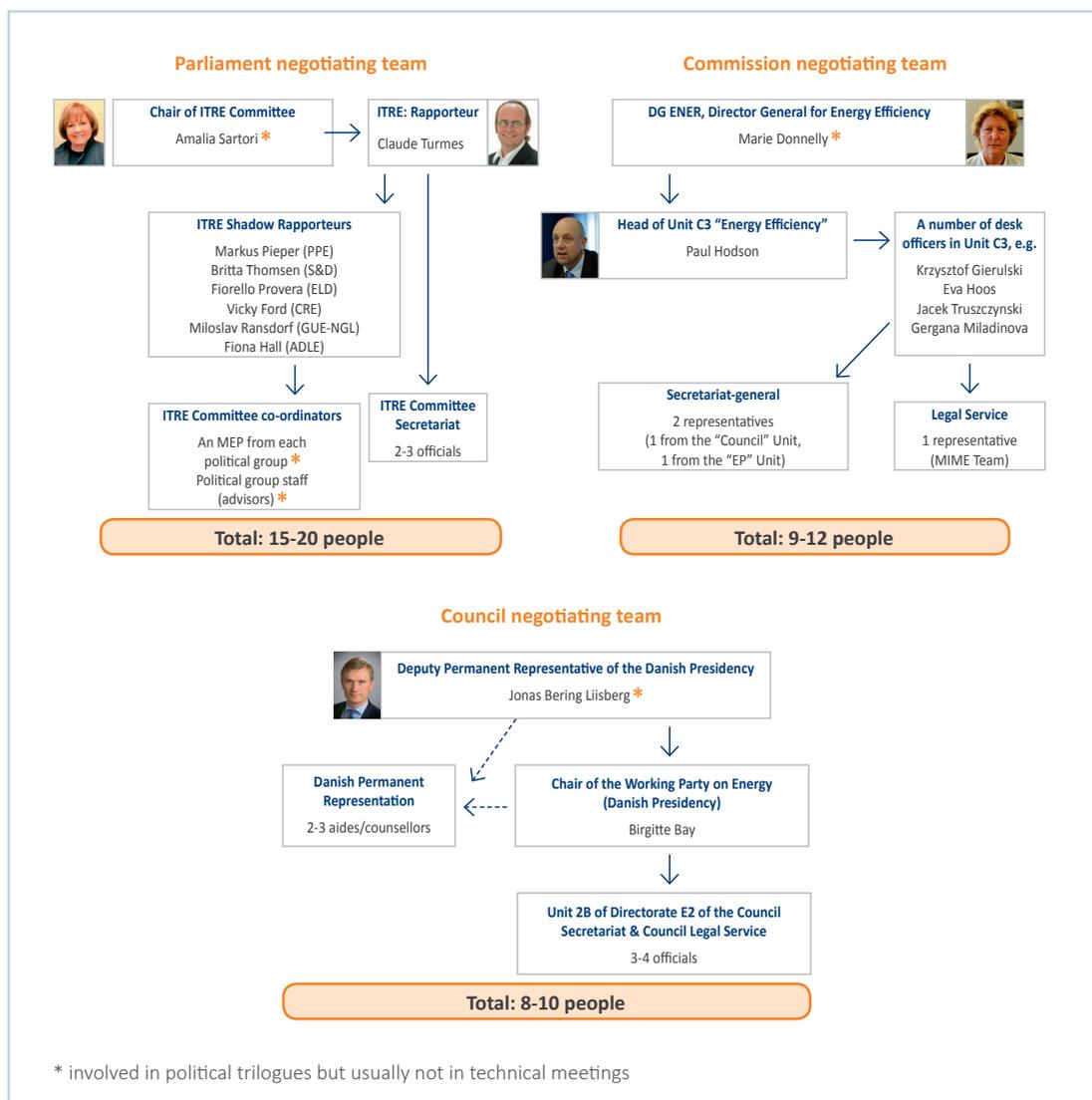
### The composition of “official trilogues”:

- **Council of Ministers:** represented at trilogues by the chairperson of the relevant working group or by the chairperson of COREPER (thus the representatives of the rotating presidency). In addition, there are one or two national officials (with an unexpectedly important role) and three or four civil servants from the Council Secretariat and the Legal Service. In total, there are usually between 8 and 10 persons.

- **European Parliament:** the delegation is led by the chairperson of the lead Parliament committee, but in practice negotiations are carried out by the rapporteur. The shadow rapporteurs and political groups co-ordinators, assisted by specialised Parliament civil servants, are supposed to be involved in “political” trilogue discussions. In total, between 15 and 20 people.
- **Commission:** in principle, the Director of the competent DG, but in practice it is usually the head of unit in charge, some desk officers, the Secretariat-General and the Legal Service, around 9-12 people.

**Example: trilogues for the Energy Efficiency Directive**

Below is an example of the composition of trilogues during negotiations on the 2012 Energy Efficiency Directive. This file was of particular importance to the Danish Council Presidency, as shown by the pace of trilogues: six held between 11 April 2012 and 13 June 2012, with one every ten days!



The higher-level figures (i.e. the Chairwoman of the ITRE Committee, the Director-General of DG ENER and the Deputy Permanent Representative of the Danish Presidency), who are in this example the names next to an orange star, generally participated only in the “political” trilogues, with the “technical” trilogues left to the lower-level officials of the Council, Commission and Parliament.

### Trilogue negotiations

Negotiations generally get started once the lead Parliament committee and the Council working group have adopted their amendments at first reading. Even though it has not happened yet, the Commission would prefer to begin trilogues as early as possible on the basis of a simple mandate, in other words before the adoption of any amendments at the committee/working group level.

Negotiations are carried out behind closed doors: this lack of transparency goes hand in hand with a major problem of access to documents. Trilogue discussions are organised around a four-column document which details, paragraph by paragraph, the basic Commission proposal (column 1), the Parliament’s position (column 2) and the Council’s position (column 3). The fourth column containing the final compromise should be filled in by the Council Presidency, if one follows the logic of the EU process. In practice, it often is the Commission that does this, thus fully demonstrating its key role in “overseeing” the process.

Version 4.0 (02/12/2014)

**Type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC  
COM(2013)0316 - 2013/0165 (COD)**

Cell in green: The text can be deemed as already agreed

Cell in yellow: The issue needs further discussion at technical level

Cell in red: The issue needs further discussion in depth at the trilogue meetings

Note: Differences between EP's position and the Commission's proposal are highlighted in ***Bold/italics***; modifications by lawyer-linguists are in *italics*. **Bold underline** in the Council column indicates where the Council has amended Commission's text. Deletions are marked with a ~~strike through~~. Compromise wording is in ***Bold/italics double underline***.

COMMISSION PROPOSAL <sup>1</sup>	EP AMENDMENTS <sup>2</sup>	COUNCIL AMENDMENTS <sup>3</sup>	COMPROMISE PROPOSALS
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning type-approval requirements for the deployment of the eCall in-vehicle system and amending Directive 2007/46/EC	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning type-approval requirements for the deployment of the eCall in-vehicle system <b><i>based on the 112 service</i></b> and amending Directive 2007/46/EC <b>[Am. 1]</b>	<i>Idem</i>	<b>GREEN</b> <b>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b> concerning type-approval requirements for the deployment of the eCall in-vehicle system <b><i>based on the 112 service</i></b> and amending Directive 2007/46/EC
(1) A comprehensive Union type-approval system for motor vehicles has been established by Directive 2007/46/EC of the European	(1) A comprehensive Union type-approval system for motor vehicles has been established by Directive 2007/46/EC of the European	<i>Idem</i>	<b>GREEN</b> <b>(1) A comprehensive Union type-approval system for motor vehicles has been established by Directive</b>

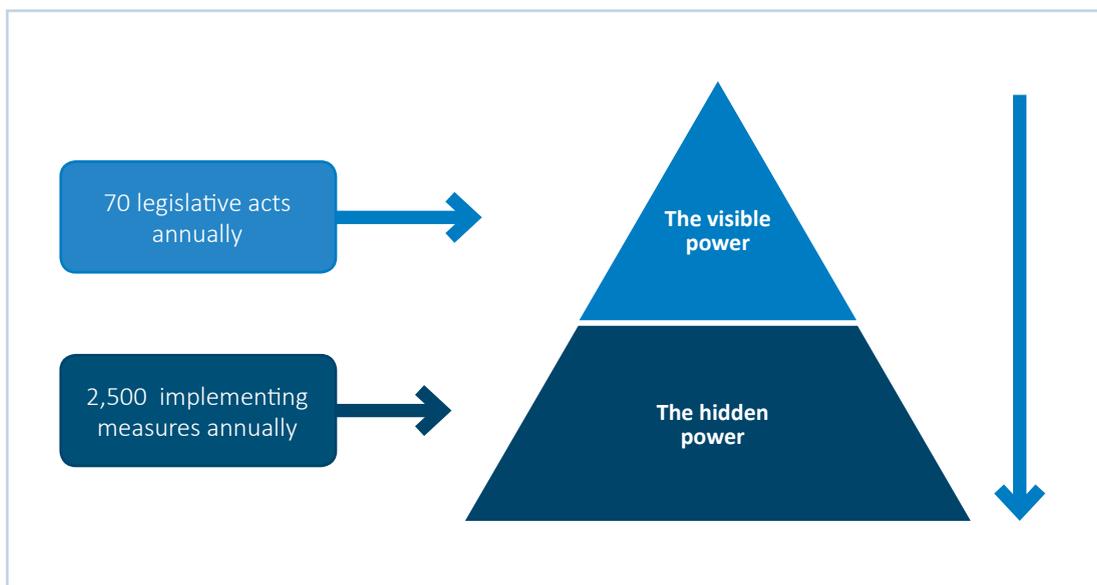
<sup>1</sup> COM(2013)0316.  
<sup>2</sup> P7\_TA(2014)0154, 26.2.2014.  
<sup>3</sup> 9879/14, 19.5.2014.

1

When the four-column document is completed, the agreement is done. The amendments negotiated in trilogues are then sent:

- to the relevant Council of Ministers which adopts them collectively and often without debate (in other words, as a “A Point” on its agenda);
- to the European Parliament which approves them at the plenary sessions, also generally without debate.

Although this Practical Guide is a deliberately neutral and technical work, the authors nonetheless believe that this procedure, while understandable in its intentions, clearly undermines both the spirit and the letter of the treaties. This method of law-making has consequences: **fast-track negotiations lead to a sort of “light” legislation or framework-legislation, where a lot of the substantive content, potential problems and technical measures are pushed/deferred/delegated to secondary legislation.**

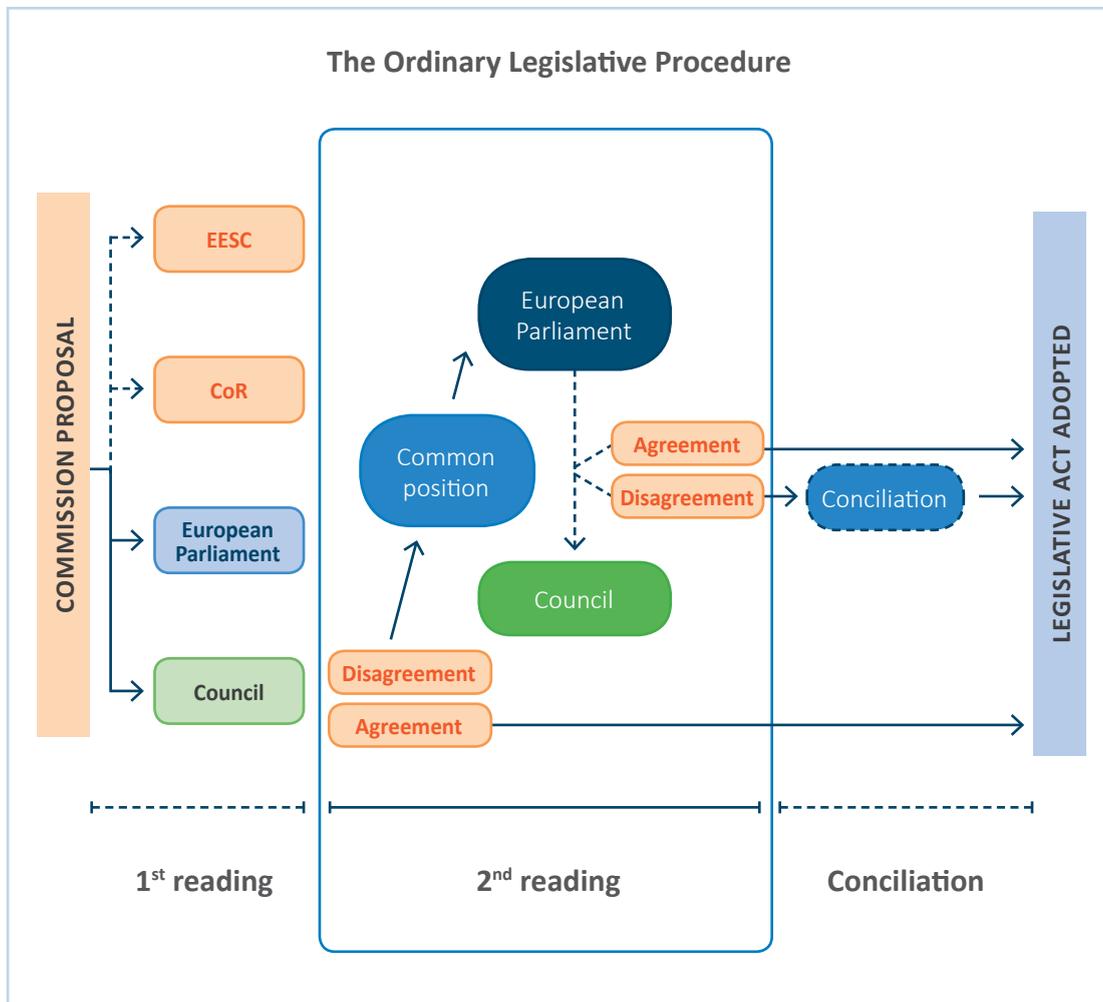


The systematic use of trilogues along with the adoption of new procedures for secondary legislation has radically transformed the EU decision-making process and the balance of power between the Commission and the co-legislators. In parallel, the system has become more complex, more legal, more opaque and more ad hoc. It will have a significant impact on the trust between the three main Institutions and on the strategies of EU lobbyists.

### Second reading

As explained in detail, second reading and conciliation are the exception. They are limited to situations where the co-legislators have clear disagreements on a file (e.g. cloning of meat) making it impossible to reach an agreement in first reading trilogues.

The failure of first reading trilogues – i.e. the inability of the co-legislators to agree on a common text – opens the way to second reading.

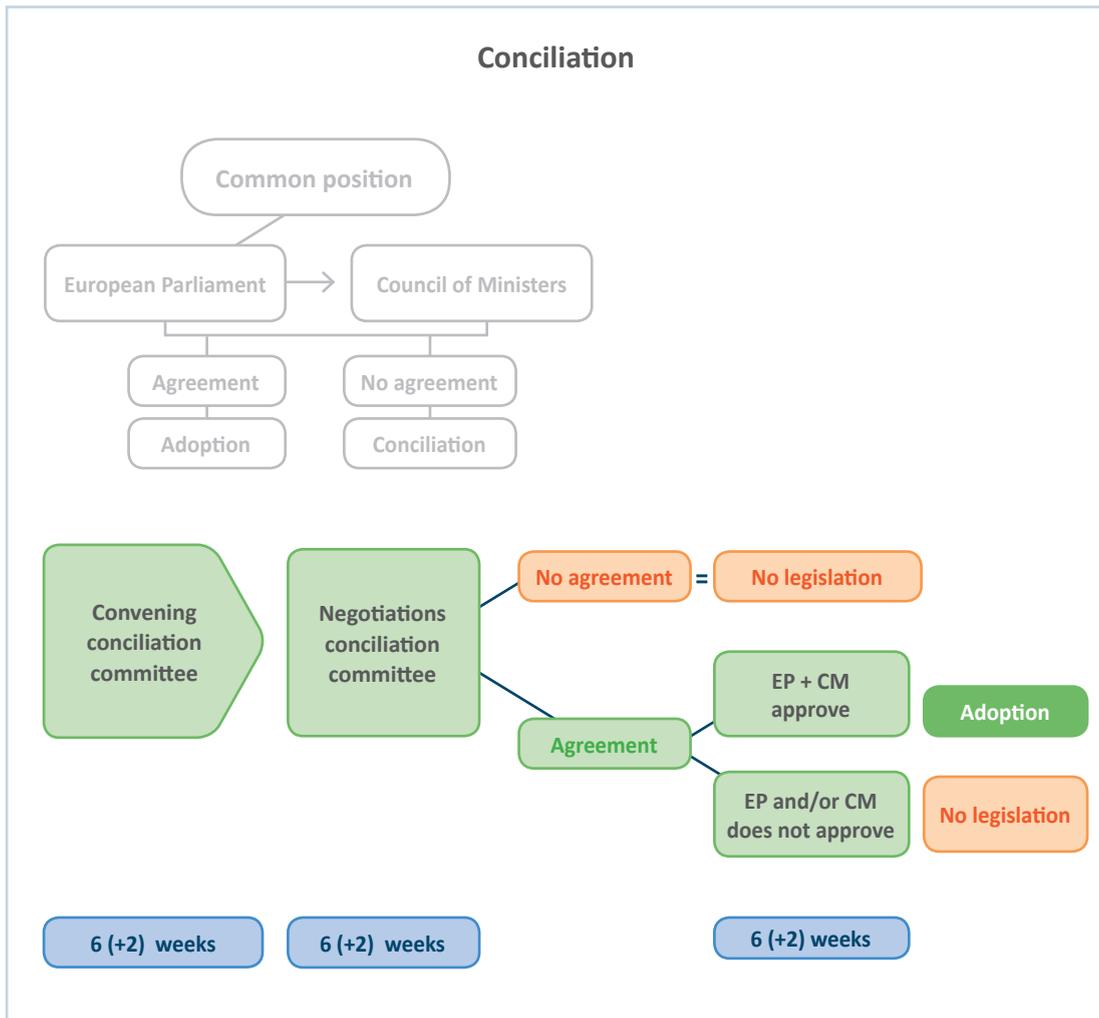


- Between the end of first reading and beginning of second reading, there is a crucial and often misunderstood stage: drafting the “common position”.
- As always, the vocabulary can cause confusion. Some might assume that “common position” means an agreed position of the Council and Parliament. Not at all. The common position is a Council document. Based on first reading discussions, its own stance and the prevailing balance of power, the Council of Ministers drafts a revised proposal that will be the starting point of second reading talks.
- Like at first reading, the common position is not subject to any deadline. The Council can take its time drafting it and take advantage of a favourable political climate. On the other hand, second reading itself is subject to deadlines: agreement must be found within four months for the European Parliament and four months for the Council, or in total a maximum of eight months from the publication of the common position.
- The co-legislators begin discussions again under quite strict conditions. In the Parliament, amendments must be tabled by a political group or at least 40 MEPs and be voted in the plenary by absolute majority. In the Council, the rules for amendments remain the same (i.e. qualified majority). Like at first reading, the Commission can refuse the Council or Parliament’s amendments.

- If, at the end of the 4 (+4) months deadline, the co-legislators have agreed on a single text, it will be adopted “in second reading”. If not, the process moves to third reading, or “conciliation”.

**Conciliation: a kind of ‘third reading’ trilogue**

The conciliation phase is a trilogue in the sense that it involves a limited number of people from the three Institutions negotiating behind closed doors and within a short timeframe. The aim is to reach agreement on a legislative text approved at neither first nor second reading.



Conciliation takes place in three stages each within a maximum period of eight weeks: the first stage involves organising the composition of the conciliation committee and convening it; the second stage involves the real ‘negotiations’; the third stage covers the official validation by Council-Parliament of the negotiations.

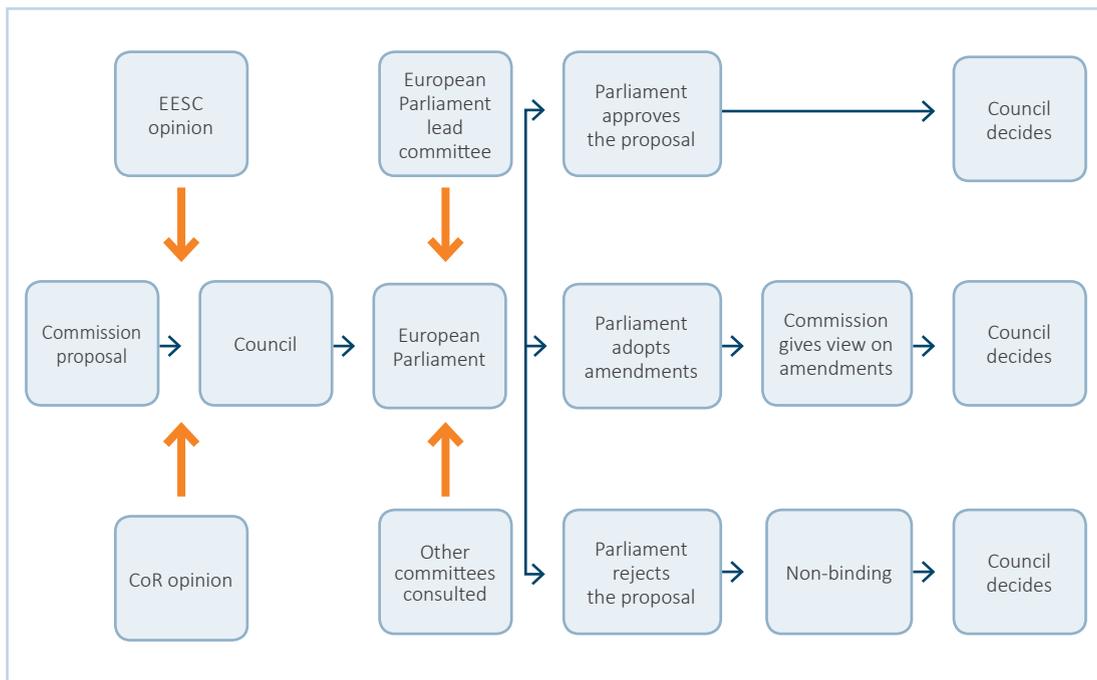
- The conciliation committee is made up of 28 Council officials (1 per Member State) and 28 MEPs (generally the ones most involved in the file), accompanied by a delegation of Commission officials whose task is to facilitate and, if necessary, mediate discussions.
- Once agreement is found during negotiations, the Parliament and Council once again have a maximum period of eight weeks to give formal approval to the terms of the agreement. The Council decides by qualified majority and the Parliament decides by absolute majority.

## 2. SPECIAL LEGISLATIVE PROCEDURES

Sticking to the essential, the special legislative procedures cover:

- the consultation procedure,
- the consent procedure (formerly “assent”),
- the budget procedure.

### A. Consultation procedure



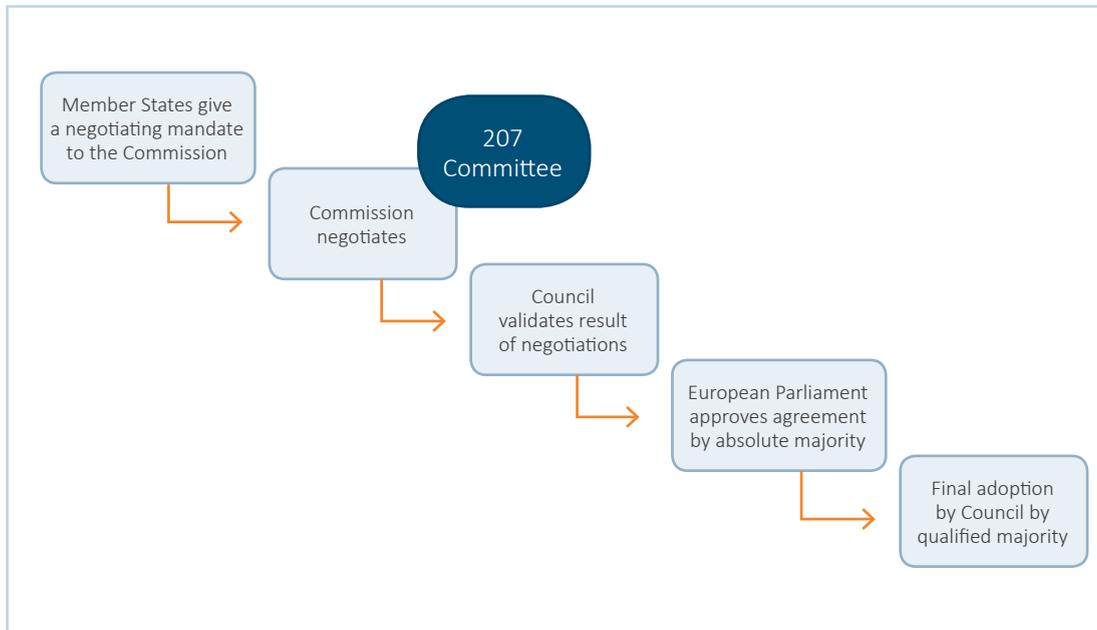
- The table above explains the various stages of the consultation procedure. In the upstream phase, it is more or less the same as the ordinary legislative procedure. Downstream, the adoption phase is very different: **here, the Parliament has only a consultative role and the Council of Ministers is the ultimate decision-maker.**
- The consultation procedure (whose scope was set out on page 68) is much rarer than it used to be. Before, it was notably used for the Common Agricultural Policy which, since the Treaty of Lisbon, comes under the ordinary legislative procedure.

## B. Consent procedure

Formerly known as “assent”, this procedure was introduced by the Single European Act of 1987.

The procedure gives a right of veto to the Parliament for certain acts of major importance, such as the ratification of association agreements or international trade agreements. The right of veto means that the Parliament can reject, although it cannot make amendments.

**The table below summarises the consent procedure for international trade agreements (e.g. WTO or bilateral):**



## C. Budget procedure

Articles 310-316 TFEU constitute the legal basis for the Multiannual Financial Framework and for the annual budget.

The Multiannual Financial Framework (MFF), previously known as “Financial Perspectives”, sets down the budgetary framework for a period of seven years, i.e. currently 2014-2020. The annual budget specifies the MFF year by year.

**The procedure for adopting the MFF is contained in Article 312 TFEU. The Council has a dominant role in this process with four consecutive stages:**

- **Clarification:** the Commission proposes a draft MFF, the Member States discuss it and agree their position.
- **Negotiation:** the Council Presidency defines the negotiating framework, including key aspects for discussion and options. The options are gradually reduced and the proposed text is adapted. The principle “nothing is agreed until everything is agreed” applies.

- **Conclusion:** a political agreement is concluded when the European Council votes by unanimity in favour.
- Then comes the **legislative stage:** once the political agreement is reached, it is ‘translated’ into legislative texts and adopted by the Council of Ministers via unanimity.

At the end of the process, the European Parliament must give its approval. It can approve or reject the proposal, but has no power of amendment.

### The procedure for adopting the annual budget is contained in Article 314 TFEU

Unlike for the MFF, the European Parliament is on an equal footing with the Council of Ministers regarding the annual budget.

- The process begins with a proposal from the Commission at the latest on 1st September of the year preceding the relevant budget (i.e. 1st September 2014 for the 2015 budget).
- Once this is done, the Council adopts its position on the proposal by qualified majority and communicates its position to the Parliament by the latest on 1st October.
- The European Parliament then has 42 days to approve or amend the Council position by absolute majority.

In the case of agreement, the budget is adopted. Where there is disagreement, a conciliation committee is convened. This committee is given 21 days to find agreement (Council by qualified majority, Parliament by absolute majority). A new “common proposal” is drawn up by the Commission, then the Parliament and Council have 14 days to agree on this revised proposal. If the Council disagrees, **the Parliament can impose its amendments on the Council by a majority of three-fifths of MEPs.** Therefore, the Parliament has the last word.

**Implementing measures:** To avoid going into too much detail in this chapter, and since the Commission has a dominant role, the procedures for adopting delegated acts and implementing acts are set out in the chapter on the Commission (pages 33 to 35).

For more detailed information about secondary legislation, you are advised to consult the **Handbook on EU Secondary Legislation** by Daniel Guéguen and Vicky Marissen available on [www.pacteurope.eu](http://www.pacteurope.eu) or at this link:



# EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC)

Consensus rules, but influence is marginal

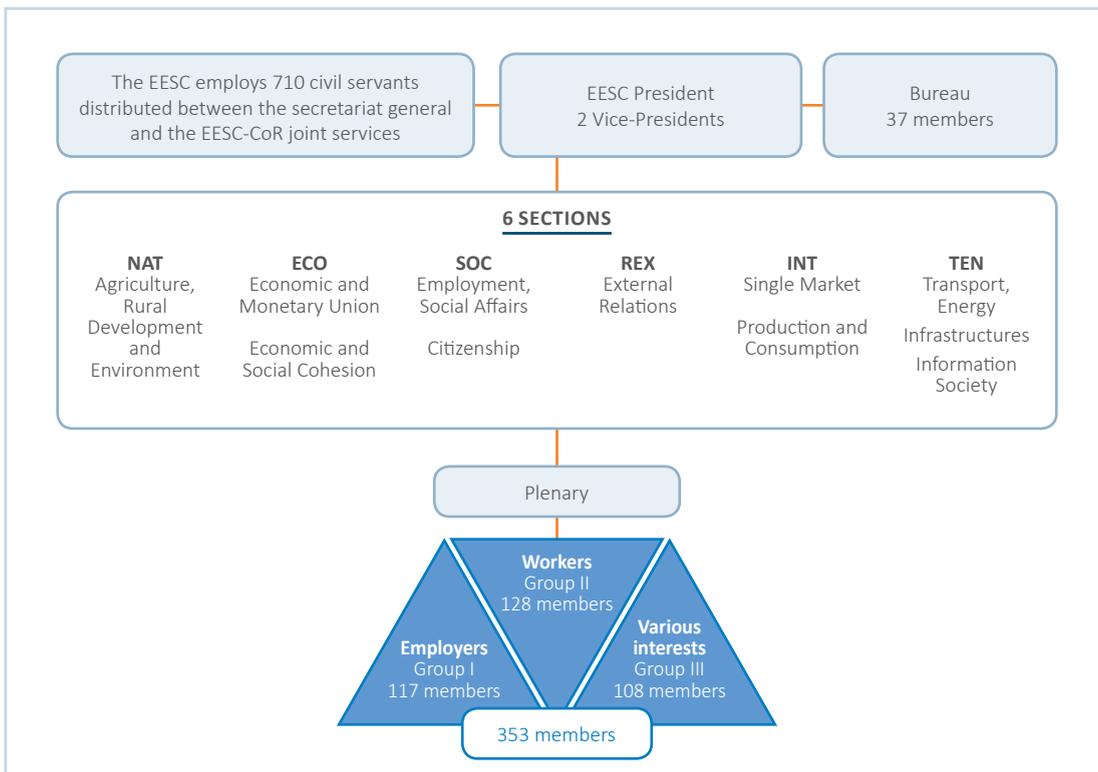
The European Economic and Social Committee (EESC) is the voice of European civil society. Its principal function is to advise the Commission, Parliament and Council – either at their request or on its own initiative – and provide them with the point of view of the various economic and social interests of Europe.

The EESC is a consultative assembly: its opinions are not binding.

## I. LEGAL BASIS

Articles 301-304 TFEU.

## II. COMPOSITION



## A. Members

The EESC is composed of 353 members (known as “Councillors”) based on the respective populations of the Member States.

DISTRIBUTION OF EESC MEMBERS			
Germany	24	Sweden	12
France	24	Bulgaria	12
Italy	24	Croatia	9
United Kingdom	24	Denmark	9
Spain	21	Finland	9
Poland	21	Ireland	9
Romania	15	Lithuania	9
Austria	12	Slovakia	9
Belgium	12	Estonia	7
Greece	12	Latvia	7
Hungary	12	Slovenia	7
Netherlands	12	Luxembourg	6
Portugal	12	Cyprus	6
Czech Republic	12	Malta	5

## B. Groups

The 353 Councillors are divided into three groups:

- Group I: employers,
- Group II: workers,
- Group III: various interests (e.g. farmers, craftsmen, traders, liberal professions).

This distribution among different groups allows the EESC to ensure optimal representation of the various social, economic, professional and cultural interests of the European Union.

## C. Bureau

The Bureau contains 37 members (including the President and two vice-presidents).

Its main tasks involve organising and co-ordinating the work of the EESC and determining its political guidelines.

The current EESC president is French national **Henri Malosse**, elected in April 2013 for two and a half years. He oversees the EESC’s work, looks after relations with the other Institutions and third-party organisations, and represents the EESC at external events. He is assisted by two vice-presidents.

BUREAU					
President	Member State	Group	Vice-President	Member State	Group
Henri Malosse	FR	I	Jane Morrice	UK	III
			Hans-Joachim Wilms	DE	II

### D. Sections

Six specialised sections have responsibility for preparing the opinions of the EESC as well as the nine EESC plenary sessions held each year:

Sections	President	Member State	Group	Vice-presidents	Member State	Group	Members
Economic and Monetary Union, Economic and Social Cohesion (ECO)	Joost Van Iersel	NL	I	Carmelo Cedrone	IT	II	133
				Göke Frerichs	DE	I	
				Wiliam Pálenik	SK	III	
Single Market, Production and Consumption (INT)	Martin Siecker	NL	II	Edgardo Maria Oiza	IT	II	140
				Reine-Claude Mader	FR	III	
				Peter Morgan	UK	I	
Transport, Energy, Infrastructure, Information Society (TEN)	Stephane Buffetaut	FR	I	André Mordant	BE	II	124
				Ulla Sirkeinen	FI	I	
				Pirkko Raunemaa	FI	III	
Employment, Social Affairs and Citizenship (SOC)	Maureen O'Neill	UK	III	Ákos Topolánszky	HU	III	137
				Vladimíra Drbalová	CZ	I	
				Xavier Verboven	BE	II	
Agriculture, Rural Development and Environment (NAT)	Dilyana Slavova	BG	III	Joana Agudo I Bataller	ES	II	88
				Brendan Burns	UK	I	
				Kaul Nurm	EE	III	
External Relations (REX)	José Maria Zufiaur Narvaiza	ES	II	Giuseppe Iuliano	IT	II	133
				Jonathan Peel	UK	I	
				Evelyne Pichenot	FR	III	

### E. Secretariat

The EESC employs a total of 710 civil servants. It shares a joint body of civil servants with the Committee of the Regions, particularly for translation and interpretation activities. The secretariat is managed by **Luis Planas Puchades**, elected by the Bureau in January 2014.

## III. COMPETENCES

The EESC participates in the EU decision-making process as an advisory body. It issues non-binding opinions, with no legal effect on final decisions.

It is obligatory to consult the EESC on:

- Agricultural policy (Article 43 TFEU);
- Free movement of workers (Article 46 TFEU);
- Right of establishment (Article 50 TFEU);
- Free movement of services (Article 59 TFEU);
- Transport (Articles 91 and 95 TFEU);
- Internal Market (Article 114 TFEU);
- Social policy (Articles 153 and 154 TFEU);
- European Social Fund (Articles 164 and 165 TFEU);
- Vocational Training (Article 166 TFEU);
- Research and technological development (Article 188 TFEU);
- Environment (Article 192 TFEU).

The Treaty of Lisbon expanded the scope of policies where it is obligatory to consult the EESC:

- Sport (Article 165 TFEU);
- European Research Area (Article 182 TFEU);
- Energy Policy (Article 194 TFEU).

**The EESC also has a function centred on integration and information:**

- It organises numerous actions with the goal of maintaining and improving relations between EU citizens and the EU Institutions;
- It monitors the internal market, helping to improve its functioning by identifying problems and proposing solutions;
- It serves as a liaison point with the economic and social councils of the Member States, regional authorities and non-EU countries.
- Without carrying any real weight on EU policies, the EESC has taken it upon itself to become a “EU populariser” by hosting study trips and conferences on its premises for groups of students and citizens.

**The EU, citizens and civil society:**

- The Ombudsman investigates cases of poor administration by EU Institutions.
- Citizens’ Initiatives enable 1 million EU citizens to officially ask the Commission to table a legislative proposal.

## IV. INTERNAL FUNCTIONING

### A. Appointment

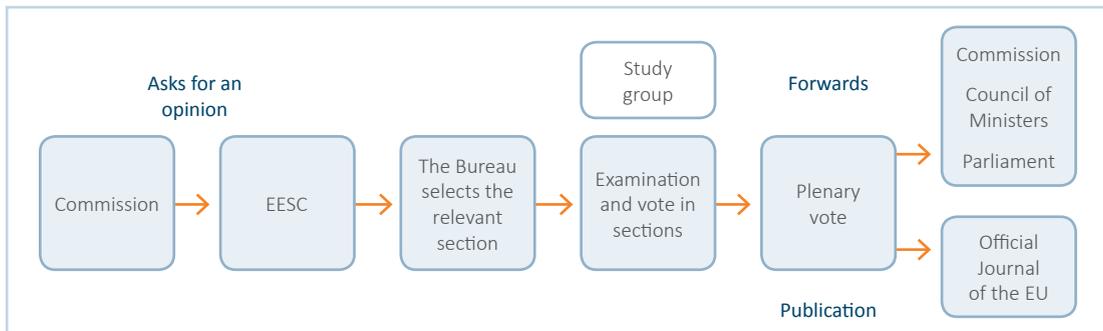
Since the Treaty of Lisbon, EESC members and their substitutes are appointed for a term of five years (renewable) by the Council of Ministers, acting by qualified majority, on the basis of a list of candidates put forward by each Member State. In other words, the appointments are purely national.

The lists presented by the Member States endeavour to ensure appropriate representation of the various socio-economic sectors. The method of nomination (unanimity and appropriate representation) symbolises the consensual role of the EESC and the goal of minimising political divisions.

The EESC works in a concrete and operational climate, but its composition suffers from a lack of balance: the agricultural sector is over-represented while new technological sectors are under-represented.

### B. Drafting opinions

Prepared by the specialised sections, opinions are voted in the plenary session by a majority of votes cast. The deliberate search for consensus often results in unanimous or landslide majority votes. On average, the EESC issues 170 opinions a year.



Always capable of producing opinions of technical significance, for years the EESC has been suffering from a major loss of influence. This has been the result of a growing disinterest in the EESC on the part of the Commission, a failure of successive inter-governmental conferences to strengthen its competences and the increasing age of EESC Councillors.

However, presidents and secretary-generals of European federations have the possibility of being invited as experts by the sections, study groups or Councillors. Here, they can express themselves freely. So even if the EESC has lost influence, it remains an interesting network for trade associations and NGOs.

#### The EESC is very active. In 2011 it produced:

- 161 opinions
- 20 exploratory opinions
- 29 own-initiative opinions
- 2 information reports
- 4 additional opinions

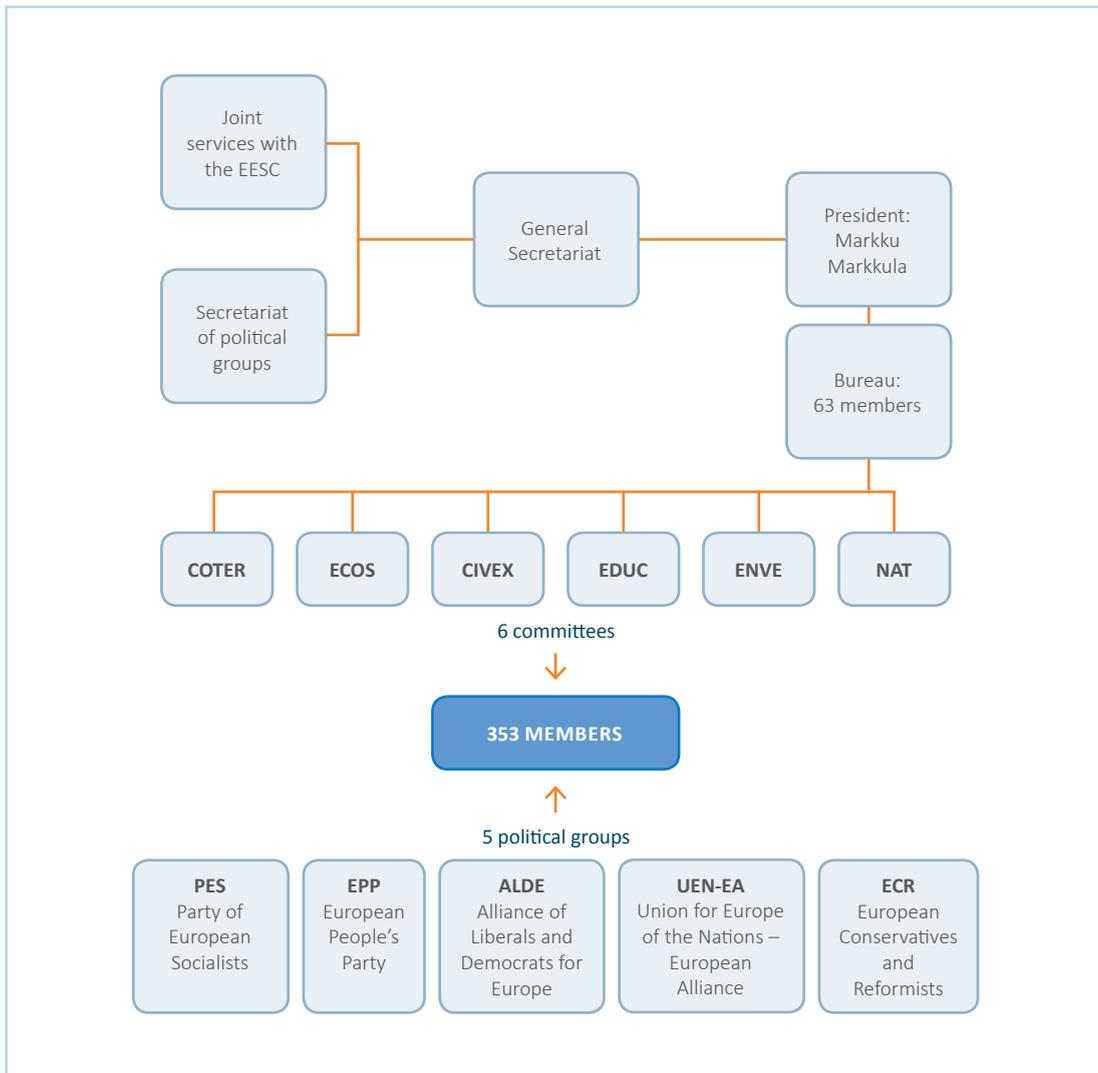


# THE COMMITTEE OF THE REGIONS

## A peripheral player

The Committee of the Regions is a consultative body of the European Union. Its main role is to represent the position of the EU's local and regional authorities. The Council and the Commission are obliged to consult it when they deal with policy areas that concern territorial authorities.

Like for the European Economic and Social Committee, its opinions are not binding.



## I. LEGAL BASIS

The CoR was established by the Treaty of Maastricht and set up in 1994. Articles 300, and 305 to 307 TFEU.

## II. COMPOSITION

Just like the European Economic and Social Committee, the Committee of the Regions is composed of 353 members, distributed as follows:

DISTRIBUTION OF CoR MEMBERS			
Germany	24	Sweden	12
France	24	Bulgaria	12
Italy	24	Croatia	9
United Kingdom	24	Denmark	9
Spain	21	Finland	9
Poland	21	Ireland	9
Romania	15	Lithuania	9
Austria	12	Slovakia	9
Belgium	12	Estonia	7
Greece	12	Latvia	7
Hungary	12	Slovenia	7
Netherlands	12	Luxembourg	6
Portugal	12	Cyprus	6
Czech Republic	12	Malta	5

### A. Appointment and term

CoR members – and an equal number of substitutes – are appointed for a term of five years, following a proposal by Member States. The Council adopts the list of members by unanimity (Article 305 TFEU). The five-year term is renewable.

Since the entry into force of the Treaty of Nice, a member of the CoR must be either:

- a holder of an electoral mandate within a regional or local authority, or
- politically accountable to an elected assembly.

### B. Secretariat-General

The Secretariat-General is divided into seven distinct branches: administration and finance; members and clerks' service; consultative works; communication, press and events; horizontal policies and networks. Logistics and translation are managed jointly with the European Economic and Social Committee.

The current President of the Committee of Regions is Finnish national **Markku Markkula**.

The current Secretary-general is Czech-German national **Jiří Buriánek**.

### Bureau

The Bureau is the political driving force of the CoR: it drafts the CoR's political programme, oversees its implementation and co-ordinates the work of the plenary session and committees. The Bureau must reflect the political pluralism of the CoR. It meets 7 to 8 times a year.

From its members, the CoR designates its President, its first vice-president and its Bureau for a period of two and a half years.

The Bureau is composed of:

- The President (Markku Markkula – FI/EPP);
- The first vice-president (Karl-Heinz Lambertz - BE/PES);
- 28 other vice-presidents (one per Member State);
- 28 members of national delegations;
- The 5 presidents of the political groups.

There are **63 persons** in total, amounting to a high and possibly counter-productive number.

### C. Committees

Six specialised committees composed of CoR members examine proposals on which the CoR is consulted and draws up draft opinions, which are then debated in the plenary session. The drafts are adopted by a majority of the votes cast. The committees meet five times a year in plenary session.

	COMMISSION	PRESIDENT
CIVEX	Citizenship, governance, institutional and external affairs	António Costa (PT/PSE)
COTER	Territorial cohesion policy	Marek Woźniak (PL/EPP)
ECOS	Economic and social policy	Simone Beissel (LU/ALDE)
EDUC	Education, Youth, Culture and Research	Anton Rombouts (NL/EPP)
ENVE	Environment, climate change and energy	Marialuise Coppola (IT/EPP)
NAT	Natural resources	René Souchon (FR/PES)

### D. Political groups

Just like European Parliament members, CoR members are split into political groups, five in total.

Every political group has its own secretariat and meets before each plenary session. They can also organise as many as two extraordinary sessions per year outside Brussels.

POLITICAL GROUPS	PRESIDENT
European People's Party (EPP)	Michael Schneider (DE)
Alliance of Liberals and Democrats for Europe (ALDE)	Bas Verkerk (NL)
Party of European Socialists (PES)	Karl-Heinz Lambertz (BE)
Union for Europe of the Nations – European Alliance (UEN-EA)	Uno Silberg (EE)
European Conservatives and Reformists (ECR)	Gordon Keymer (GB)

### E. National delegations

Members and substitutes of a Member State make up a national delegation, which sets down its own rules of procedures and elects a president. Within the internal framework of the CoR, the Secretary-general sets up a network available to all the delegations, allowing every member to obtain information or assistance in his or her official language.

## III. COMPETENCES

The CoR ensures the representation of regional and local authorities in the EU decision-making process. It considers itself to be the guardian of the principles of subsidiarity and proximity to citizens. Despite its desires, the CoR in practice has nothing more than a marginal role in EU decision-making. Nevertheless, since the Treaty of Lisbon it can take cases to the EU Court of Justice if the regional implications of a legislative act have not been sufficiently taken into account or if it has not been consulted as required by the treaties.

### The CoR acts as an advisory body through 4 distinct channels:

1. It is obligatory for the Council or Commission to consult the CoR on the following issues:

- Education (Article 165 TFEU),
- Culture (Article 167 TFEU),
- Public Health (Article 168 TFEU),
- The Regional Development Fund (Article 192 TFEU),
- Implementing the trans-European networks (Article 170 TFEU),
- Framework-agreements for structural funds (Article 175 TFEU),
- Transport, environment, social policy and employment since the Treaty of Amsterdam,
- The Treaty of Lisbon added civil protection, climate change, energy and service of general interest.



The Commission and Council can oblige the CoR to adopt an opinion within a very short time period (one month). They can simply disregard the opinion in the event of a delay.

2. The CoR can be consulted on any issue where the Council, Commission or Parliament considers it useful.
3. It can issue an opinion on any subject on which it is consulted.
4. It can also issue opinions on its own initiative.

# THE JUDICIAL SYSTEM OF THE EUROPEAN UNION

Ensuring  
observance  
of EU law

The Court of Justice of the European Union comprises a number of levels (Article 19(1) TEU):

- The Court of Justice
- The General Court
- Specialised courts (including the Civil Service Tribunal)

*The Court of Justice of the European Union “shall ensure that in the interpretation and application of the Treaties the law is observed”.*

## I. LEGAL BASIS

Article 19 TEU.

Articles 251 to 281 TFEU.

## II. COMPOSITION

### A. The various functions

#### President

The judges designate from among themselves a President for a term of three years.

The role of the Presidents of the Court of Justice and General Court is important, involving:

- assigning cases to the various chambers,
- designating a “judge-rapporteur” for each case,
- setting the timetable for hearings and deliberations,
- deciding on applications for interim measures.

#### Advocates General

According to the treaties, their task is *“acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his involvement”*. Every year, the Court of Justice designates a lead Advocate General who decides on the distribution of cases between the various Advocates General immediately following the appointment of the judge-rapporteur by the President of the Court.

Only the Court of Justice contains permanent Advocates General.

### Referendaires

Every judge and Advocate General is assisted by two referendaires (or “law clerks”) who have the status of EU civil servants. Their task is to examine cases and prepare case files.

### Registrar

The judges and Advocates General together appoint the Court’s Registrar for a period of six years. This term is renewable.

Similar to a secretary-general, the Registrar receives and sends out all Court documents, has responsibility for pending cases, maintains the registers, records procedural acts and determines the proceedings for hearings. He or she also manages administrative services and financial matters.

## B. Court of Justice

The Court of Justice is composed of 28 judges (one from each Member State), 9 Advocates General and 1 Registrar.

COUR	
M. Vassilios SKOURIS, President	M. Paolo MENGGOZZI, Advocate General
M. Koen LENAERTS, Vice-president	M. Yves BOT, Advocate General
M. Antonio TIZZANO, President of the First Chamber	M. Jean-Claude BONICHOT, Judge
Mme. Rosario SILVA DE LAPUERTA, President of the Second Chamber	M. Alexander ARABADJIEV, Judge
M. Marko ILEŠIČ, President of the Third Chamber	Mme. Camelia TOADER, Judge
M. Lars BAY LARSEN, President of the Fourth Chamber	M. Daniel ŠVÁBY, Judge
M. Thomas von DANWITZ, President of the Fifth Chamber	Mme. Maria BERGER, Judge
M. Pedro CRUZ VILLALÓN, First Advocate General	M. Niilo JÄÄSKINEN, Advocate General
M. Endre JUHÁSZ, President of the Tenth Chamber	Mme. Alexandra PRECHAL, Judge
M. Marek SAFJAN, President of the Ninth Chamber	M. Egidijus JARAŠIŪNAS, Judge
M. Carl Gustav FERLUND, President of the Eighth Chamber	M. Melchior WATHELET, Advocate General
M. José Luís da CRUZ VILAÇA, President of the Seventh Chamber	M. Christopher VAJDA, Judge
M. Alan ROSAS, Judge	M. Nils WAHL, Advocate General
Mme. Juliane KOKOTT, Advocate General	M. Siniša RODIN, Judge
M. George ARESTIS, Judge	M. François BILTGEN, Judge
M. Jiří MALENOVSKÝ, Judge	M. Küllike JÜRIMÄE, Judge
M. Egils LEVITS, Judge	M. Maciej SZPUNAR, Advocate General
M. Aindrias Ó CAOIMH, Judge	M. Alfredo CALOT ESCOBAR, Registrar
Mme. Eleanor SHARPSTON, Advocate General	M. Jean-Jacques KOSEL, Judge



### NOTE

*Of the 9 Advocates General, 6 are appointed by each of the six largest EU Member States: Germany, France, United Kingdom, Italy, Spain and Poland. The 3 other positions alternate in alphabetical order between the 22 smaller Member States. It is envisaged that the number of Advocates General will increase to 11 by October 2015.*

*The increased complexity of EU decision-making procedures is generating a growing number of cases, that in turn will require a strengthening of the team of judges, Advocates General, referendaires and others...*

### Appointment

The judges and Advocates General are appointed by common agreement of the Member State governments.

Article 253 TFEU requires that they are chosen from “*persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence.*”

The judges’ independence is guaranteed by their status. They are irremovable and benefit from an immunity preventing any criminal action against them during their mandate.

Judges and Advocates General are appointed for a renewable term of 6 years.

- A partial renewal of the judges takes place every 3 years.
- 4 of the 9 Advocates General are renewed every 3 years.

### Organisation

- The Court of Justice usually sits in a Chamber of 3 judges and in a Chamber of 5 judges for new or complex cases.
- It sits in a Grand Chamber (15 judges) when a Member State or an Institution party to a case requests it, and as a full court (28 judges) in specific cases envisaged by the treaties and where the Court considers the case to have exceptional importance.

## C. General Court

In order to ease the Court of Justice’s workload, a General Court – previously known as the “Court of First Instance” – was created via a Council Decision on 24 October 1988 with jurisdiction over certain categories of legal action (see table on page 110).

The General Court has been operational since 1 November 1989 and is composed of 28 non-specialised judges, appointed for 6 years. A partial renewal takes place every 3 years.

The General Court contains 28 judges and a Registrar.

THE GENERAL COURT	
M. Marc JAEGER, President of the General Court	Mme Ingrida LABUCKA, Judge
M. Heikki KANNINEN, Vice-President of the General Court	M. Juraj SCHWARCZ, Judge
Mme Maria Eugénia MARTINS DE NAZARÉ RIBEIRO, President of Chamber	M. Andrei POPESCU, Judge
M. Savvas PAPASAWAS, President of Chamber	Mme Mariyana KANCHEVA, Judge
M. Miro PREK, President of Chamber	M. Eugène BUTTIGIEG, Judge
M., Alfred DITTRICH, President of Chamber	M. Carl WETTER, Judge
M. Sten FRIMODT NIELSEN, President of Chamber	Mme Vesna TOMLJENVIĆ, Judge
M Marc VAN DER WOUDE, President of Chamber	M. Egidijus BIELIŪNAS, Judge
M. Dimitros GRATSIAS, President of Chamber	M. Viktor KREUSCHITZ, Judge
M. Guido BERARDIS, President of Chamber	M. Anthony Michael COLLINS, Judge
M. Nicholas James FORWOOD, Judge	M. Ignacio ULLOA RUBIO, Judge
M. Franklin DEHOUSSE, Judge	M. Stéphane GERVASONI, Judge
M. Ottó CZÚCZ, Judge	M. Lauri MADISE, Judge
Mme Irena WISZNIEWSKA-BIALECKA, Judge	M. Emmanuel COULON, Registrar
Mme Irena PELIKÁNOVÁ, Judge	

### Organisation

On 13 October 2014, the Court of Justice submitted to the Member States a proposal to increase gradually the number of General Court judges from 28 to 56 by 2019: in other words, two per Member State.

- The General Court is composed of 5 chambers containing 3 or 5 judges. In certain cases, it can sit as a single judge. For more important cases, the General Court sits in a grand chamber or full court.
- Every judge is assisted by a referendaire.
- Unlike the Court of Justice, the judges are not assisted by permanent Advocates General. However, the functions of an Advocate General can be exercised by a judge in a limited number of cases. In practice, this does not happen very often.
- The General Court uses the staff of the Court of Justice, rather than employing its own.

### D. Civil Service Tribunal

The Civil Service Tribunal's function is to deal with cases involving the EU and its civil servants. It is composed of 7 judges appointed by the Council for a renewable period of 6 years. A Registrar is appointed by the judges for a 6-year period.

The Tribunal sits in chambers containing 3 judges. However, like for the Court of Justice and the General

Court where the difficulty or importance of the legal issues require, a case can be heard before the full court. It can sit in chambers of 5 judges or 1 judge in certain cases envisaged by its internal rules.

### **III. ACTIONS AND COMPETENCES**

#### *A. Types of action*

**There are seven types of action:**

- Action for failure to fulfil obligations,
- Action for annulment,
- Action for failure to act,
- Action for damages,
- Action by a civil servant,
- Action on arbitration clauses,
- Preliminary reference.

#### **Action for failure to fulfil obligations (Article 258 TFEU)**

- This concerns cases where a Member State has allegedly failed to fulfil its obligations under EU law (also known as “infringement proceedings”).
- The Commission or a Member State may refer a case to the Court of Justice.
- The Court of Justice can declare an infringement of EU law and impose fines for non-compliance. However, the Court cannot oblige the infringing Member State to take specific measures.

#### **Action for annulment (Article 263 TFEU)**

- This action concerns ensuring the conformity of EU acts and decisions with the treaties and resolving issues of separation of powers between the Institutions.
- An action for annulment can be launched due to lack of competence, infringement of an essential procedural requirement, infringement of the treaties or misuse of powers.
- Actions for annulment can be launched by a Member State, an Institution, a private or legal person.
- If the Court finds the action to be well-founded, it will usually declare the act null and void retroactively from the date it entered into force.

#### **Action for failure to act (Article 265 TFEU)**

- This concerns a case where an Institution has failed to take a decision required by EU law.
- Actions for failure to act are open to the Institutions, Member States or private/legal persons.
- The Court can declare a failure to act and propose measures to be taken, but it cannot oblige.

### **Action for damages (Article 340 TFEU)**

- This action concerns injury caused to third parties by actions of the EU Institutions or their agents and compensation of victims.
- Complainants have to prove the EU's liability by establishing the existence of both fault and damage and causation.

### **Action by a civil servant (Article 270 TFEU)**

- This concerns cases between the EU Institutions and its officials. If necessary, compensation can be granted.

### **Action on arbitration clauses (Article 272 TFEU)**

- The Court acts as an arbitrator in the context of arbitration clauses inserted into private or public law contracts concluded by the EU or by others on its behalf.

### **Preliminary reference (Article 267 TFEU)**

- This procedure involves co-operation between national courts and the Court of Justice in a way that ensures the uniform application of EU law in all 28 Member States.
- There are two types of preliminary reference: interpretation of EU law and validity of EU legal acts.
- When an issue comes up before a national court regarding the interpretation of EU law or the validity of an EU act or national measure:
  - this court can make a “preliminary reference” to the Court of Justice asking it for guidance on how to interpret the text or act in question.
  - a preliminary reference becomes compulsory when the issue of interpretation or validity comes up before a court that is the last instance within the Member State in question and whose decisions are not subject to appeal (e.g. the Supreme Court of the United Kingdom or the French Cour de cassation).
- Once it has received a preliminary reference, the Court of Justice limits itself purely to addressing the questions of EU law, without offering a solution to the case pending at national level. It is up to the national judge to rule on the specific case and apply EU law.
- The Court cannot refuse to rule on a preliminary reference on the basis that it finds the question inappropriate or irrelevant. It can, however, refuse if it considers the issue to fall outside its sphere of jurisdiction.
- Preliminary references are the most frequent form of legal recourse at EU level, due to the increasing omnipresence of EU law in the national legal orders of the Member States.

## ***B. Competences***

The Treaty of Nice introduced in 2001 a new division of jurisdiction between the Court of Justice and the General Court:

- The General Court acquired enlarged jurisdiction, notably regarding direct actions;
- The Court of Justice maintained primary jurisdiction over inter-institutional disputes and preliminary references.

**The Court of Justice remains the EU’s “supreme court”:**

- Its rulings cannot be appealed to a higher EU authority;
- National courts may submit questions to the Court of Justice on:
  - the interpretation of EU law,
  - the validity of acts adopted by any EU Institution or body, or acts adopted by any national body under EU legislation.
- Judgments of the General Court can be appealed to the Court of Justice within a period of two months, but only on questions of law (not questions of fact).

DIVISION OF JURISDICTION		
	Court of Justice	General Court
<b>Action for failure to fulfil obligations</b>	Yes	No
<b>Action for annulment</b>	Yes, except for...	...actions taken by legal or private persons.
<b>Action for failure to act</b>	Yes, except for...	... Council implementing acts, state aid and trade defence.
<b>Action for damages</b>	No (except on appeal)	Yes
<b>Action by a civil servant</b>	Review in exceptional cases	Yes (on appeal from the Civil Service Tribunal).
<b>Action on arbitration clause</b>	No (except on appeal)	Yes
<b>Preliminary reference</b>	Yes, except for...	...specific cases set down by the Court statute.

**The General Court also has jurisdiction over:**

- Certain specific preliminary references;
- Actions initiated by Member States against the EU Institutions.

Under the Treaty of Lisbon, the European Parliament and the Council “may create specialist courts attached to the General Court”.

**IV. PROCEDURES AT THE COURT OF JUSTICE**

The procedures vary depending on whether it is a preliminary reference (submitted to the Court of Justice by a national court) or a direct action.

### *A. Procedure for direct actions*

- Cases are initiated via a written application addressed to the Court Registrar by registered mail or email.
- The application is entered onto the Court registry and published in the Official Journal of the European Union.
- The President of the Court appoints a judge-rapporteur responsible for monitoring the progress of the case. At the Court of Justice, the First Advocate General appoints an Advocate General.
- The “written phase” follows: the application is notified to the opposing party (the respondent), who has 1 month to lodge a defence.
- The applicant has 1 month to respond to the defence. The respondent can reply to applicant’s reply within an additional 1-month period.
- At the end of the written phase, the case can be heard at a public hearing before the judges. At the Court of Justice, the Advocate General can deliver his or her non-binding opinion on the case, recommending a solution to the judges.
- Finally, the Court deliberates on the basis of a draft judgment drawn up by the judge-rapporteur.

### *B. Preliminary reference*

This procedure is founded on co-operation with national courts:

- The national court submits to the Court of Justice any question relevant to the interpretation or validity of a provision of EU law in the context of a given case at national level.
- The Registrar has the application translated into all official EU languages by the Court’s services, notifies it to the parties concerned (as well as the Member States and the EU Institutions) and publishes a summary in the Official Journal.
- The parties are given 2 months to provide any comments to the Court of Justice.

Then, just like for direct actions:

- A judge-rapporteur and Advocate General are appointed;
- The case can be heard at a public hearing before the judges, then the Advocate General presents his or her conclusions;
- The Court deliberates on the basis of a draft ruling drawn up by the judge-rapporteur.

After receiving the preliminary ruling from the Court of Justice, the national judge has to respect the ruling, which has legally binding force. The ruling is also binding on all other national judges when they are subsequently confronted with similar cases.

### *C. Decisions of the Court*

Decisions of the Court are adopted by majority. In the event of a tie, the vote of the lowest-ranked judge is excluded.

In 2013, the average length of the procedure for a direct action at the Court of Justice was 24 months; for preliminary references, it was 16 months.

It should be noted that, unlike courts in countries with an Anglo-Saxon legal tradition or the European Court of Human Rights, the Court of Justice of the European Union does not provide for concurring or dissenting opinions. The judgments never specify the majority by which they were adopted.

## V. ACTIVITIES

### COURT OF JUSTICE – STATISTICS ON PROCEDURES

	2012		2013	
	Cases introduced	Cases closed	Cases introduced	Cases closed
Preliminary references	404	386	450	13
Direct actions	73	70	72	110
Appeals	139	129	166	160
Request for opinion	1	0	2	1
Specific procedures	15	10	9	17
<b>Total</b>	<b>632</b>	<b>595</b>	<b>699</b>	<b>701</b>

### GENERAL COURT – STATISTICS ON PROCEDURES

	2012		2013	
	Cases introduced	Cases closed	Cases introduced	Cases closed
State aid	36	63	54	60
Competition	34	61	23	75
Intellectual property	238	210	293	217
Other direct actions	220	240	275	226
Appeals	11	33	57	39
Specific procedures	78	81	88	85
<b>Total</b>	<b>617</b>	<b>688</b>	<b>790</b>	<b>702</b>

## VI. THE CASE LAW OF THE COURT

Vitally important in the past and potentially in the future.

The Court of Justice has delivered rulings in every policy area covered by the treaties. Its contribution to EU integration has been considerable, especially in the 1960s and 1970s.

**Example: free movement of goods.**

- Products legally manufactured and marketed in a Member State can be marketed in the territory of other EU Member States (Cassis de Dijon judgment – 20 February 1979)
- This principle is the basis of “mutual recognition of technical regulations” (what is good in one country is good in another country – German beer purity law judgment – 12 March 1987)
- These two principles have been upheld in numerous later cases (e.g. Concentrated milk – 23 February 1988; “Meat-based production” – 2 February 1989) and aim to prohibit any excessive commercial protectionism within the EU.

These rulings have been essential for the construction of the Single Market. For the future, a lot is expected of the Court of Justice in terms of clarifying among others the opaque process of adopting delegated and implementing acts.

Two rulings by the Court on secondary legislation were particularly frustrating as they did not solve the institutional problems in question:

- The **Orphacol case** (2013) gave the Court of Justice an opportunity to have a say on an important element in the adoption procedure of implementing acts. The question was the following: faced with two negative votes by Member States by qualified majority in an examination committee and an appeal committee, can the Commission re-table the same proposal in substance for an implementing act? The Court did not answer, judging the scientific and medical errors of the Commission’s file were enough to annul the anti-Orphacol decision, without addressing the procedural point.
- The **Biocides case** (2014) is yet another disappointment. What is a delegated act? What is an implementing act? That was the question asked to the Court. Its answer was very vague and leaves a lot of leeway to the co-legislators.

**Several other cases have been submitted to the Court in the last few months and we can already expect a number of actions on secondary legislation.** The Court has already asked for a strengthening of its human and material resources and the creation of 13 new judges.



## PRACTICAL GUIDE

### The golden rules of EU lobbying

This chapter on lobbying already featured in the previous edition of the Practical Guide. While its title has remained the same, its content is very different. With the emergence of an inter-governmental EU, the systematic use of trilogues and the radical changes in decision-making processes for delegated and implementing acts, lobbying techniques have to be reshaped.

In short, post-Lisbon lobbying is becoming more legal, more complex, more opaque and more ad hoc. On this latter point, it should be noted that before the Treaty of Lisbon, the EU decision-making processes were uniform. Co-decision was not so affected by trilogues, management committees operated the same for sugar, meat or wine; and the regulatory committees applied the same rules whether it was energy, environment or transport.

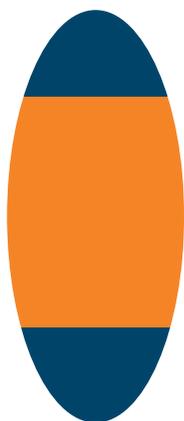
**Now, every legislative or regulatory file has its own institutional setting.** There are multiple types of delegated acts and innumerable exceptions and derogations for implementing acts.

Before the Treaty of Lisbon, a good lobbyist understood the technical file in question and pinpointed the right interlocutors in the various stages of the process. Now, this is no longer enough. In addition to the lobbyist's technical competence on a given file, procedural expertise is required to identify not only the applicable procedure (e.g. ordinary or special legislative procedure, delegated act or implementing act) but also the distinctive features of each file – and therefore each stage of the procedure.

If you do not know what the next step in your file is, then you are quite simply paralysed, since you do not know who your next interlocutor is (Council, Parliament or Commission) and at what level they are located. In short, **mastering the EU decision-making procedure has become as important for a lobbyist as mastering the technical detail of a file.**

This will revolutionise classical lobbying techniques, to the point where we will be able to speak of 'pre-Lisbon lobbying' and 'post-Lisbon lobbying' in every sense.

#### I. THE COMMUNITY METHOD HAS BEEN REPLACED BY AN INTER-GOVERNMENTAL APPROACH



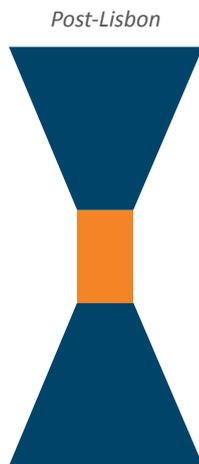
*Pre-Lisbon*

The two diagrams on the left and on the next page summarise the way the EU decision-making process has swung from the classical 'Community method' towards a more inter-governmental approach. This transformation entails major repercussions for the balance of power between the three Institutions and has led to a slide from primary legislation towards secondary legislation.

This nice shape – balanced like a rugby ball – symbolises the Community method. The upper part corresponds to the drafting phase, where the Commission is dominant and enjoys its power of initiative. At this stage, the Member States and the European Parliament play little or no role. The Commission prepares legislative proposals in remarkable transparency where it is easy to identify the relevant civil servants.

The middle of the rugby ball represents the adoption phase – generally co-decision with two readings and debates in the Parliament (in the committees and in plenary) as well as in the Council (in the working parties, COREPER and the Council itself). This phase is particularly transparent in the Parliament, but more opaque in the Council.

The implementation phase – represented in the lower part of the diagram – is admittedly complicated and opaque, but as already mentioned above, the procedures in the management committees and the regulatory committees are uniform and well-understood by lobbyists.

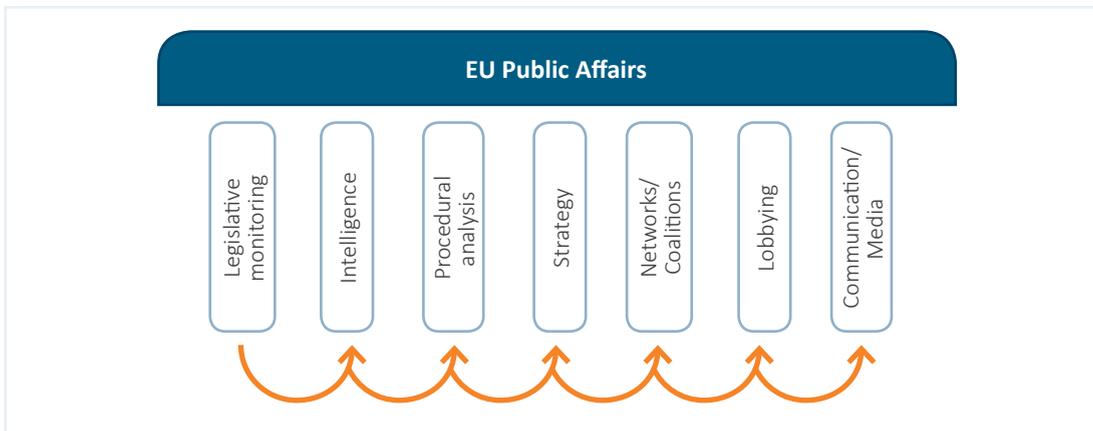


**This shape, radically different from the previous one, demonstrates the way the paradigm has changed.** The drafting phase has become more complex and more opaque, as the inter-governmental approach involves the European Council, the Member States and the Parliament upstream. On top of this, there are impact assessments, consultations and communications. The drafting phase has turned into a ‘foggy power’, an uncertain and muddled environment where it is difficult to know who is doing and deciding what.

The adoption phase – the central part – has become a minor element because, due to trilogues, 85% of primary legislation is adopted at first reading. This leads to a kind of ‘legislation-lite’ composed of framework laws and guidelines.

Less ambitious legislative acts mean that a large amount of regulatory issues are pushed into secondary legislation – delegated acts and implementing acts – which, as we have seen, constitute a real black box.

## II. THE 7 PILLARS OF EU PUBLIC AFFAIRS



- The impact on **monitoring** is profound, since it must now cover secondary legislation, an uncharted territory for most monitors. Moreover, for primary legislation (trilogues) as well as delegated acts, most documents are not public. This requires monitoring systems to be strengthened so that relevant information can be collected. Technical analysis of files must go hand-in-hand with procedural analysis.

- **Strategy** must include a stronger upstream dimension than before, to anticipate Commission decisions in the drafting phase and, paradoxically, a stronger downstream strategy to ensure an active role in secondary legislation. As a result, networks have to be adapted. Coalitions remain useful, even necessary for primary legislation, but have little utility in secondary legislation.
- **Lobbying techniques** will also undergo important changes due to the double primary legislation/secondary legislation angle and also because every file has become unique. All uniformity in lobbying has disappeared. Lobbying is now a kind of ‘project management’ that needs to be planned and implemented on a case-by-case basis. For delegated and implementing acts, the opponent is more clearly identified and lobbying is more combative.
- The more complicated a file gets, the more important communication becomes. Adopt a ‘story-telling’ approach, make the most complex information simple and send carefully targeted messages via specialised media. All these techniques form (or should form) part of the toolbox of the European lobbyist.

**The arrows connecting the 7 pillars above highlight the fact that influence in Brussels is based on methodology and competence.** Having good information is not enough if your strategy or communication is bad. In Brussels, influence is therefore founded on excellence and this is even truer since the Lisbon Treaty.

### III. HOW TO WORK WITH THE INSTITUTIONS

#### A. Identifying your interlocutor

In the Institutions, every Directorate-General is sub-divided into Directorates, themselves divided into Units which are composed of 7 or 8 officials responsible for specific matters. It is possible to identify your interlocutor by two channels:



- **On a given matter or file:** the EU WhoisWho Directory allows you to determine the competent Directorate-General, Directorate and Unit. The secretariat of each Unit will then be able to direct you to the civil servant(s) in charge of the file.



- **On a specific legislative proposal:** the Legislative Observatory (CEIL) of the European Parliament will help you identify the relevant Parliament Committee and the MEP rapporteur for every proposed Regulation or Directive.

#### B. Interacting with a civil servant

In Brussels, they do things the ‘Anglo-Saxon’ way: minimum formality and short meetings that must be to the point.

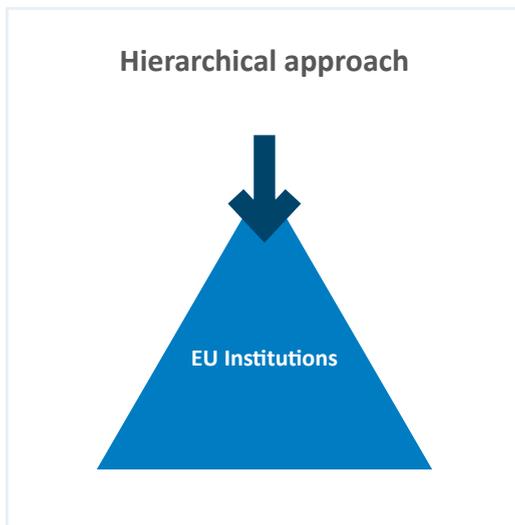
- Any dialogue with a civil servant must be based on technical argumentation (the French-style elitist approach is not popular).
- Heads of Unit often have a responsibility equal to that of the director general of a national ministry. The civil servants supervised by him also have considerable power since they are the ones who draft proposals.
- The Commission as an Institution is non-formal and accessible. Civil servants are prepared to meet lobbyists. Meetings generally do not last longer than 30-45 minutes and focus on the technical aspects of the files.
- In Brussels, the problem is not obtaining the first meeting but getting the second: if you are not on the ball technically, your relationship with the Commission will be finished after the first meeting!

### C. Identifying the ‘right MEPs’ for your file

The strategy of bombarding all 751 MEPs with position papers or emails is counter-productive.

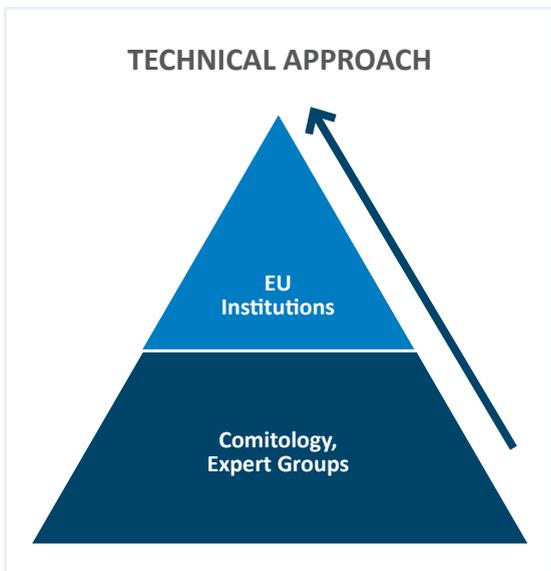
- The European Parliament is organised around specialised committees dealing with specific policy areas. This emphasis on policy specialisation is often more important than the traditional political left-right dimension that prevails at national level.
- MEPs have to be targeted depending on their area of expertise. The key MEPs are the rapporteur in charge of a file, the shadow rapporteurs appointed by the other political groups as well as the co-ordinator of each political group.
- Apart from MEPs, any lobbying strategy at the European Parliament has to involve a group of key figures: MEP assistants, Parliament civil servants and policy advisors of the political groups.

## IV. THE RIGHT APPROACH: HIERARCHICAL OR TECHNICAL?



This “French” or “American” approach targets the higher levels (e.g. Commission President, Commissioner), as they are seen as holding the power.

This approach is elitist and overlooks the distinctive features of the EU decision-making process where it is the one holding the pen (the civil servant) who holds the power. This approach, too hierarchical and aggressive, is counterproductive.

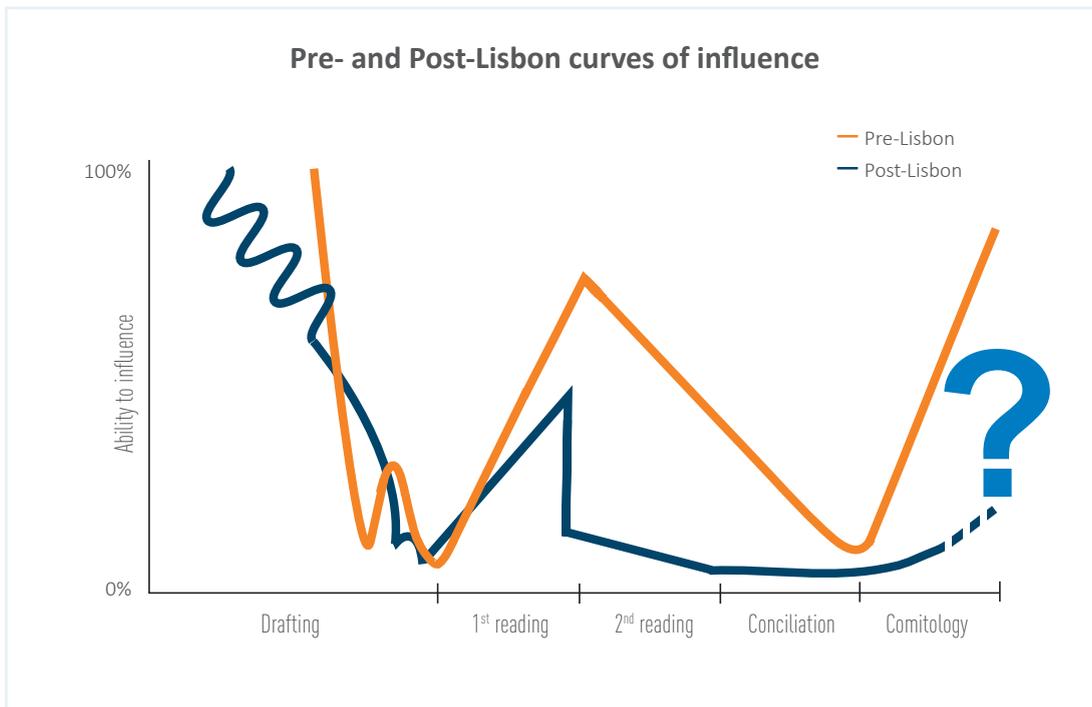


The technical approach takes into account the classical decision-making process and all the expert groups and committees assisting the Commission in the drafting, adoption and implementation of EU legislation.

This approach, much more technical and tailored, leads to results that are clearly more effective, although it requires considerable mastery of the decision-making process.

The technical approach allows for upstream intervention, where the ability to influence and modify a proposal is highest. Low-level lobbying requires more professionalism but produces infinitely superior results.

**The technical approach is the only truly effective one with secondary legislation.**



We can clearly see that the new decision-making process – more legal, more opaque, more complex and more ad hoc – makes lobbying more difficult and demanding in every single stage of the process. Lobbying the EU is a job better left to professionals.

# PRACTICAL GUIDE

## Addresses of the European Union Institutions

### EUROPEAN COMMISSION

Rue de la Loi 200  
1049 Brussels  
BELGIUM  
Tel. +32 229-91111  
[www.ec.europa.eu](http://www.ec.europa.eu)

### EUROPEAN COUNCIL

Rue de la Loi 175  
1048 Brussels  
BELGIUM  
Tel. +32 2281-6111  
[www.europeancouncil.europa.eu](http://www.europeancouncil.europa.eu)

### COUNCIL OF MINISTERS

Rue de la Loi 175  
1048 Brussels  
BELGIUM  
Tel. +32 2281-6111  
[www.consilium.europa.eu](http://www.consilium.europa.eu)

### EUROPEAN PARLIAMENT

#### Strasbourg: plenary sessions

The plenary sessions of the European Parliament take place in Strasbourg generally once a month. Outside this period, the buildings are unoccupied.

#### Luxembourg: administrative services

The Parliament's administrative services and Secretariat are based in Luxembourg, the main work is however done in Brussels.

#### Brussels: political groups and committees

The European Parliament's engine is located in Brussels, where the 20 parliamentary Committees meet on average 2-3 days per month. The political groups and advisors are also based there. Every MEP has his or her own office. Extraordinary plenary sessions can be held in the new hemicycle.

#### Strasbourg

1 avenue du Président-Robert Schuman  
67070 Strasbourg Cedex  
FRANCE  
Tel. +33 3881-74001

#### Luxembourg

Plateau du Kirchberg  
2929 Luxembourg  
LUXEMBOURG  
Tel. +352 4300-1

#### Brussels

Rue Wiertz 60  
1047 Brussels  
BELGIUM  
Tel. +32 2284-2111

[www.europarl.europa.eu](http://www.europarl.europa.eu)

### EUROPEAN OMBUDSMAN

1, av. du Président-Robert Schuman  
67070 Strasbourg Cedex  
FRANCE  
Tel. +33 3 88 17 23 13  
[www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)

### COURT OF JUSTICE

Rue du Fort Niedergrünwald  
2925 Luxembourg  
LUXEMBOURG  
Tel. +352 4303-1  
[www.curia.europa.eu](http://www.curia.europa.eu)

### COURT OF AUDITORS

12, rue Alcide De Gasperi  
1615 Luxembourg  
LUXEMBOURG  
Tel: +352 4398-1  
[www.eca.europa.eu](http://www.eca.europa.eu)

### ECONOMIC AND SOCIAL COMMITTEE

Rue Belliard 99  
1040 Brussels  
BELGIUM  
Tel. +32 2546-9011  
[www.eesc.europa.eu](http://www.eesc.europa.eu)

### COMMITTEE OF THE REGIONS

Rue Belliard 99-101  
1040 Brussels  
BELGIUM  
Tel. +32 2 282 22 11  
<http://cor.europa.eu/>

### EUROPEAN CENTRAL BANK

60640 Frankfurt am Main  
GERMANY  
Tel.+49 69 1344 0  
[www.ecb.europa.eu](http://www.ecb.europa.eu)

### How can I obtain accreditation for the European Parliament?

- Any organisation wishing to request accreditation to access the European Parliament must be entered on the Transparency Register.
- Accreditations granted are valid for a maximum period of 12 months. It is prohibited for more than four persons from the same organisation to use their accreditation on the same day.
- Following an invitation by an MEP, it is possible to obtain a “visitor’s badge” at the Parliament reception. This badge is valid for one day.



### DIRECTORATES-GENERAL AND SERVICES OF THE EUROPEAN COMMISSION

Commission civil servants are dispersed among several locations in Brussels (occasionally outside Brussels).

#### Berlaymont

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
BERL	Berlaymont, rue de la Loi 200, 1040 Brussels	CA, COMM, EPSC, HR, OIB, SG, SJ	52426, 68691,68692

#### Breydel

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
BRE2	Breydel 2, avenue d'Auderghem 19, 1040 Brussels	BUDG, HR	90493
BREY	Breydel, avenue d'Auderghem 45, 1040 Brussels	BUDG, GROW, HR	62972, 53097
DM-24	Demot 24, rue Demot 24, 1040 Brussels	MOVE, ENER, SANTE, EPSO, European Administrative School (EAS)	62927, 51186
F101	Froissart 101, rue Froissart 101, 1040 Brussels	SANTE	55836

### Beaulieu

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
BU-1	Beaulieu 1, avenue de Beaulieu 1, 1160 Brussels	REGIO	93652, 66636
BU-5	Beaulieu 5, avenue de Beaulieu 5, 1160 Brussels	ENV, REGIO	93552, 93650
BU-9	Beaulieu 9, avenue de Beaulieu 9, 1160 Brussels	ENV, OIB	61387 (BU11), 61378 (BU11)
BU24	Beaulieu 24, avenue de Beaulieu 24, 1160 Brussels	CLIMA	74590
BU25	Beaulieu 25, avenue de Beaulieu 29, 1160 Brussels	CNECT	53318
BU29	Beaulieu 29, avenue de Beaulieu 29, 1160 Brussels	CLIMA, ENV	68375, 68666
BU31	Beaulieu 31, avenue de Beaulieu 31, 1160 Brussels	CNECT	68665, 68453
BU33	Beaulieu 33, avenue de Beaulieu 33, 1160 Brussels	CNECT	68200, 54966

### Charlemagne

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
CHAR	Charlemagne, rue de la Loi 170, 1040 Brussels	BUDG, COMM, ECFIN, TRADE	90600, 91736

### Joseph II

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
J-27	Joseph II 27, rue Joseph II 27, 1040 Brussels	EMPL	94434, 94161
J-30	Joseph II 30, rue Joseph II 30, 1040 Brussels	OLAF European Schools	95944 (COMMUN), 91740 (OLAF), 91693 (OLAF)
J-54	Joseph II 54, rue Joseph II 54, 1040 Brussels	EMPL, DEVCO, Advisers (SG)	98868, 98869
J-59	Joseph II 59, rue Joseph II 59, 1040 Brussels	COMP, FISMA	74091
J-70	Joseph II 70, rue Joseph II 70, 1040 Brussels	COMP	59414
J-79	Joseph II 79, rue Joseph II 79, 1040 Brussels	MARE, TAXUD, CDP-OSP, COMP	57434 (J-79), 57480 (J-79), 87923 (Loi80), 87924 (Loi80)
J-99	Joseph II 99, rue Joseph II 99, 1040 Brussels	FISH	64957, 65409

### Rue de la Loi

Code	Name and address	Occupied by	Telephone: +32 (0)2 29...
L-41	Loi 41, rue de la Loi 41, 1040 Brussels	RELEX DEL, DEVCO	65802, 93520
L-56	Loi 56, rue de la Loi 56, 1040 Brussels	RELEX DEL, COMP, Galileo	
L-86	Loi 86, rue de la Loi 86, 1040 Brussels Loi 102, rue de la Loi 102, 1040 Brussels	DIGIT, OIB, COMP, AGRI, HR, SIPP AGRI	56463, 58244 61776
L-130	Loi 130, rue de la Loi 130, 1040 Brussels	AGRI	50290/62754 (Bloc C), 55150/61991 (Bloc E)

## Madou

Code	Name and address	Occupied by	Brussels +32 (0)2 29...
MAD0	Madou, Place Madou 1, 1210 - Saint-Josse-Ten-Noode	COMP, DIGIT, IAS	56004

## Montoyer

Code	Name and address	Occupied by	Brussels +32 (0)2 29...
M034	Montoyer 34, rue Montoyer 34, 1040 Brussels	DIGIT, HR	53003, 53004
M059	Montoyer 59, rue Montoyer 59, 1040 Brussels	JUST	91213, 58802, 91155

Full list of Commission buildings:



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Croatia	Avenue des Arts 50, B-1000 Brussels	Tel. +32 2 507 54 11	hr.perm.rep@mvep.hr
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Annex 2

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