

The European Commission

The European Commission operates at the heart of the Union. It is the main source of policy initiatives, and it has transformed the framework of the EU set up by the treaties, into what it is today.

Thanks to the commission, the citizens of Europe have seen many benefits, generally in better living standards.

The commission is made up of 20 commissioners, each one with a different job, and elected by parliament.

The President, Italian, Romano Prodi has 2 vice presidents, British – Neil Kinnock and Spanish Loyola De Palacio.

However, the commission has not done any of what it's done on its own, it works very close to the other institutions, and to the governments of the 15 member states.

The commission regularly drafts new legislation, it carries out lots of research prior to doing this, it speaks to people from all walks of life, including trade unions, governments and other interested parties. It attempts only to find things which benefit all people, no matter where they are from.

As part of the commission's role within the EU, it must act as the guardian of the treaties, and if anyone breaks them, it can threaten or actually take legal action in the European Court of Justice.

The commission must also manage policies, and negotiate international trade or cooperation agreements.

As the executive body of the Union, it's responsible for managing the EU's budget, normally about £60bn.

The commission normally only makes recommendations to the European Parliament, and the council of ministers, but in cases such as agriculture, it can go ahead and create the policies themselves, without consulting parliament or the CoM.

In terms of cooperation agreements and international trade, the union has about 100 countries these types of agreements with the EU. It is up to the commission to make sure that these are all managed correctly.

A good example of a cooperation agreement is seen by the Lomé convention, which links the union to developing countries of Africa, the Caribbean, and the Pacific.

Every 5 years, the commission gets reelected. The election process is explained in detail in the next section, where I talk about the European Parliament. Parliament also heavily overlooks the commission.

One note, however, that must be made about the European Commission, is that all 20 commissioners must swear on oath that their actions will be fair to all countries in the EU, and not just to their own. Therefore, as all commissioners must favour all countries evenly, the fact that the larger countries, such as the UK, seems to be a somewhat pointless exercise, and implies that they are there on behalf of their countries, even though they are there on behalf of the EU.

European Parliament

European Parliament is made up of 626 people from all 15 member states. The UK has got 87 representatives, each one elected by the British people. In the meetings, the representatives, or MEPs, sit in their political groups, of which there are 9, as opposed to in their countries.

The European Parliament, who meet in Brussels, Luxembourg, and Strassbourg. The Parliament has got three locations, for mainly historical; reasons:

- The European Coal and Steel Community (ECSC) was set-up in Luxembourg in 1952.
- The European Atomic Energy Community (known as Euratom) was set-up along with the European Economic Community (EEC) in 1958, both being located in Brussels.
- Strasbourg was initially the seat of the Council Of Europe, and then in 1952, of the European Parliament.

The European Council meeting in Edinburgh in 1992 and the Amsterdam treaty formalised the location of the institutions in these three places.

For two weeks a month, Parliament meets in Brussels, to make contact easier between parliament, the commission and the council. The third week in the month is set aside for meetings of the political groups, and the forth week is set aside for the plenary sitting in Strasbourg. The secretariat is located in Luxembourg.

Recently, especially since the 1992 Maastricht treaty, and the 1997 treaty of Amsterdam, the European Parliament has gained more power. Initially, upon formation, it was purely a consultative body, but now it is a more legislative body, similar to those national parliaments.

On official occasions, the president of the parliament, Nicole Fontaine, represents parliament. She also chairs meeting of the bureau, which is a regulatory body responsible for the parliament's budget and for administrative, organisational and staff matters.

The bureau has 1 president, 14 vice-presidents and 5 quastors, who deal with consultive capacity.

The president also represents parliament at the conference of presidents, which is where agendas and timetables are drawn up for the plenary sessions and plenary bodies. It is made up of the president of parliament, and the political group chairs.

There are multiple parliamentary committees, and those which were in existence in September 1999 are listed in my report, though I am not going to mention them now.

Parliament, as well as having the previously mentioned committees, can also set-up sub-committees, temporary committees, or committees of inquiry, similar to the one which was set-up to deal with the BSE case, which, later led to there being a European Veterinary Agency in Dublin.

The work of the parliament is organised by a secretariat, which is made up of approximately 3,500 people, one third of which work to translate., because of the 11 different languages spoken.

In terms of powers, the European parliament has 3 main powers. These are as follows:

- The Power to Legislate. This is done by co-decision between the parliament and the Council of Ministers. Both must come to a joint decision before anything is passed. However, in some cases, such as tax, parliament does not have to be a part of the process, the commission can simply pass the legislation on its own accord.
- The Power of the Purse. As this sounds, it is related to money. Each December the European Parliament adopts the following year's budget. It is not only parliament who are involved in this process. The commission also has a say, but it is the president's signature which makes the budget valid. In the event that the two cannot reach a reasonable agreement, the whole thing will be thrown out, and they must start over again.

Parliament also has a 'committee of budgetary control' which monitors the use of public funds by the commission. Each year, the parliament grants the commission a 'discharge' on the implementation of the previous year's budget, though in 1996, this didn't happen because of mismanagement and a lack of transparency.

- Power of Democratic Supervision. Parliament exercises the power of democratic supervision by supervising all of the other bodies set-up within the union. It has the power to set-up committees of inquiry, as it did with the BSE case.

The power of democratic supervision also means that on a daily basis, the parliament also studies monthly and annual reports which the commission must give to them. This just goes to show how much power the parliament has over the commission.

Each year, parliament also exercises its power by asking the commission about 5,000 questions, either in writing, or verbally.

The commission is elected by the parliament. The parliament listens and accepts all of the applications for people to become commissioners, and then listens to all of their cases individually before deciding which 20 they wish to make commissioners, by a vote of confidence.

The European parliament can also prove its power over the commission by starting a motion of censure, which would inevitably result in the commission resigning. This has never happened, but in 1999, after an independent report made for the parliament, the commission resigned, instead of facing a motion to censure, which would have forced them to resign anyway.

The European Court of Justice

The European court of Justice is the Judicial arm of the E.U. The court consists of 15 judges, assisted by six advocates general, and it sits in Luxembourg. The advocate general is there to investigate the matter submitted to the court and to produce a report and a recommendation for the consideration of the court. The actual court may accept the report or not as they see fit.

Attached to the ECJ is what is known as a Court of First instance, which was introduced by the Single European Act in 1986. The jurisdiction of the Court of First Instance is limited mainly to claims by employees of the community and to claims against fines made by the commission under community competition policy. The aim of this was to reduce the burden on the ECJ.

The European Court of Justice is essential to the smooth running of the European Union. One of the Court's main responsibilities is the maintenance of the balance between the powers of the institutions, and between the powers given to the union, and those which the member states retain. The court is regularly called on to answer questions of major economic significance or of a constitutional nature.

The ECJ has also laid down 2 essential rules:

- The Direct effect of community law in the member states,
- The Primacy of community law over national law.

The Primacy of community law over national law means that the Union's law takes priority over national law.

The direct effect of community law in the member states, which means that any law passed must take effect in member states instantly, thus, taking 'direct effect'.

In a case in 1998, a somewhat insignificant case in itself, but significant in terms of the union's laws and rules, the court decided that 'national rules which amounted to refusing to reimburse to an insured person the cost of glasses (spectacles) on the grounds that they had been purchased in another member state was an unjustified barrier to the free movement of goods.'

The above case shows how the European Court Of Justice moves to back-up the union's rules about free movement of goods, and other rules set out by the treaties. The court essentially is only there to settle cases, it has no other real purpose, even though it can create case laws in the same ways in which courts in the UK can create case laws.

In 1971, a judgement involving road transport meant that the member states could no longer exercise the right to obligations with third countries, if it was to affect the union's

rules. This essentially was the making of a new law by the court, and establishes the principle of the union's power in external relations.

The writing of this case law, which is different to any regular laws, means that all lower courts must abide by it. Because the European Court of Justice is higher than the House of Lords (the highest court in the UK) in the UK, any case law passed must be followed by the House of Lords, and every court in the European Union.

Under article 177 of the Treaty of Rome, national courts have the right to apply to the ECJ for a preliminary ruling on a point of community law before deciding the case. The House of Lords has done this on occasions.

It must be mentioned, however, that the ECJ only rules on community laws, and therefore, only community case laws are made by the ECJ.

The Council of Ministers

One of the hardest areas to understand of the European Union is the 'Council of Ministers'.

There is much confusion over the European Council, The Council of Ministers and the European council.

The Council of Ministers is the major decision making body in the E.U., both for policies and for legislation. The Council of Ministers codecides many decisions with the European Parliament, others, it can make on it's own. This is all explained on the section on the European Parliament.

The Council of Ministers is made up of ministerial representatives of each of the 15 countries within the E.U. The actual composition of the Council of Ministers varies, depending on the nature of the matter to be considered. When considering economic matters, the individual states will each be represented by their finance minister. If the matter being discussed were to be related to agriculture, however, the council will be made up, as you'd expect, of the member states' agriculture ministers. The organisation of the various specialist councils falls to the president of the Council of Ministers. The post of president is held for 6 months, and is predetermined. As the president of the Council of ministers, he / she would effectively be able to control the agenda, and focus on aspects which they feel are important to their country.

The Council of Ministers is the supreme decision making body of the E.U. and, as such has the final say in deciding upon E.U. legislation. Although the Council of Ministers does act on recommendations from the commission, it has got the power to instruct the commission to undertake particular investigations and to submit detailed proposals for it's consideration.

Council decisions are made by a mixture of voting procedures. Some measures, for instance, only require a simple majority; in others; a procedure of qualified majority is used; and then there are those in which unanimity is required.

In the Council of Ministers, different countries have different numbers of votes, depending on the size of their population. Some of the larger countries have 10 out of a total of 87 votes, and the smallest countries / member states may have as low as 2 votes. A qualified majority is where a minimum of 62 votes in favour is required.

The effect of this compromise is a matter of some doubt, especially as the commission would subsequently call for a vote on the new basis as soon as it felt that a reasonable time had elapsed.

The European Council and the Council of the European Commission are identical, as they had simply changed their name to the latter. However, they differ greatly from the Council of Ministers.