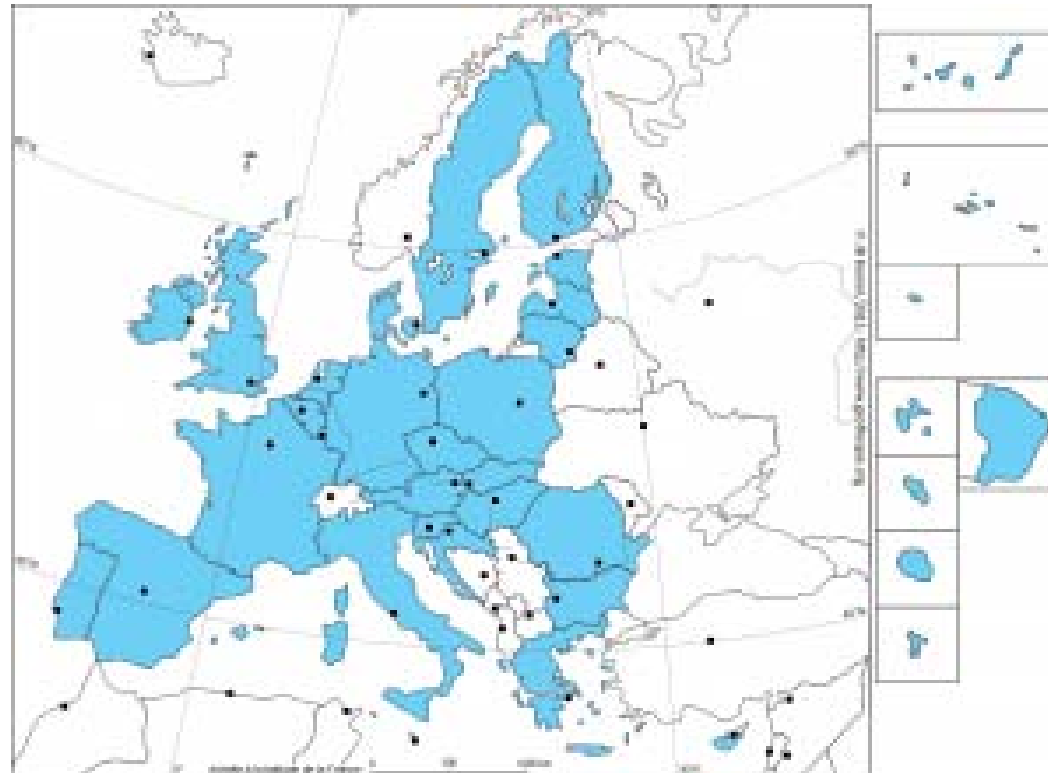# Lecture 1

The institutional design of the EU:

Who is doing what?

A Union of 28 Member States

So easy: tell me again...

The institutional context

- Highly institutionalized structure of negotiations
- Institutions are still based on intergovernmental treaties
- Main treaties (December 2009): ToEU; ToFEU
- 7 institutions in the treaties
- Advancing system of binding law: direct effect on citizens
- Result of compromises between States: pragmatism but also lack of clarity sometimes

- **1. The Council of ministers: the intergovernmental manager (Brussels)**

- Remains the key actor

- Multi-faceted composition

- Elements of collective identity however

- Importance of the role of the Presidency: Luxembourg currently (http://www.eu2015lu.eu/fr/index.html)

- Immense sub-structure below the level of ministerial sessions

- Role of the COREPER (Committee of Permanent Representatives)

- High Representative for foreign affairs and security policy (1.1.2010) + European External Action Service

The Justus Lipsius

The High Representative for Foreign Affairs and Security Policy

Federica Mogherini (Socialist, Italy)

2. The European Council: the intergovernmental motor (Brussels)

Impulse at the origin (Schmidt/Giscard, 1974)

Evolution towards a decision-taking body: main « political » decisions

President-elect since the Treaty of Lisbon

The President of the European Council

I
d

T
u
s

Donald TUSK (Liberal, PL)

European Council: "François, let me explain you…"

- **3. The Commission: Politics through expertise (Brussels)**

- A role far beyond a secretariat in any other institutional organization
- Both a political body (28 commissioners) and a bureaucracy (33 000 civil servants).
- Crucial power of the drafter of texts (exception in CFSP)
- Target of critics for its « undemocratic » and technocratic nature

The President of the Commission

Jean-Claude JUNKER (Conservative, L)

The Berlaymont building

The Directorate Generals

Departments (DGs)

Agriculture and Rural Development (AGRI)
Budget (BUDG)
Climate Action (CLIMA)
Communication (COMM)
Communications Networks, Content and
Technology DG (CNECT)
Competition (COMP)
Economic and Financial Affairs (ECFIN)
Education and Culture (EAC)
Employment, Social Affairs and Inclusion (EMPL)
Energy (ENER)
Enlargement (ELARG)
Enterprise and Industry (ENTR)
Environment (ENV)
EuropeAid Development & Cooperation (DEVCO)
Eurostat (ESTAT)
Health and Consumers (SANCO)
Home Affairs (HOME)
Humanitarian Aid (ECHO)
Human Resources and Security (HR)
Informatics (DIGIT)
Internal Market and Services (MARKT)
Interpretation (SCIC)
Joint Research Centre (JRC)
Justice (JUST)
Maritime Affairs and Fisheries (MARE)
Mobility and Transport (MOVE)
Regional Policy (REGIO)
Research and Innovation (RTD)
Secretariat-General (SG)
Service for Foreign Policy Instruments (FPI)
Taxation and Customs Union (TAXUD)
Trade (TRADE)
Translation (DGT)

- **4. European Parliament: a transnational legislative? (Strasbourg)**
- Direct election for five years since 1979
- 751 deputies (last election in June 2014)
- Weak turn out (42,54% in June 2014)
- Organized in political groups, not nationalities

The President of the European Parliament

Martin Schulz (Socialist, D)

Number of seats in the EP

Member States	Former allocation of seats (until 2014)	Current allocation of seats since 2014	Difference
Germany	99*	96	-3
France	74	74	=
United Kingdom	73	73	=
Italy	73	73	=
Spain	54	54	=
Poland	51	51	=
Romania	33	32	-1
Netherlands	26	26	=
Greece	22	21	-1
Belgium	22	21	-1
Portugal	22	21	-1
Czech Republic	22	21	-1
Hungary	22	21	-1
Sweden	20	20	=
Austria	19	18	-1
Bulgaria	18	17	-1
Denmark	13	13	=
Slovakia	13	13	=
Finland	13	13	=
Ireland	12	11	-1
Croatia	12	11	-1
Lithuania	12	11	-1
Slovenia	8	8	=
Latvia	9	8	-1
Estonia	6	6	=
Cyprus	6	6	=
Luxembourg	6	6	=
Malta	6	6	=
TOTAL	766	751	15

Main political groups

- European People's Party (Center Right and Christian Democrats)
- Progressive Alliance of Socialists and Democrats
- Alliance of Liberals and Democrats for Europe
- Greens/European Free Alliance
- European Conservatives and Reformists
- European United Left - Nordic Green Left
- Europe of Freedom and Direct Democracy
- Europe of Nation and Freedom

Seats in political groups

EPP 217
S&D 190
ALDE 70
Greens – EFA 50
EUL-NGL 52
ECR 74
EFDD 45
ENF 38
Non affiliated 15

EPP + S&D = 412 votes on 751 (54,2%)

- Weak legitimacy but real powers:
- Budgetary power (rejection of the budget)
- « Co-decision procedure »: 60 pc of all decisions
- Legitimacy gap comes from a difficulty to identify a clear majority inside the EP

- **5. The European Court of Justice: the gate keeper of a creative law (Luxemburg)**

- Three levels of organisation:
- Court of Justice
- Tribunal
- Civil Service Tribunal
- Cases of non enforcement rare but do exist
- Court has taken important decisions to facilitate the free movement of goods, capital, services (1979: Cassis de Dijon)
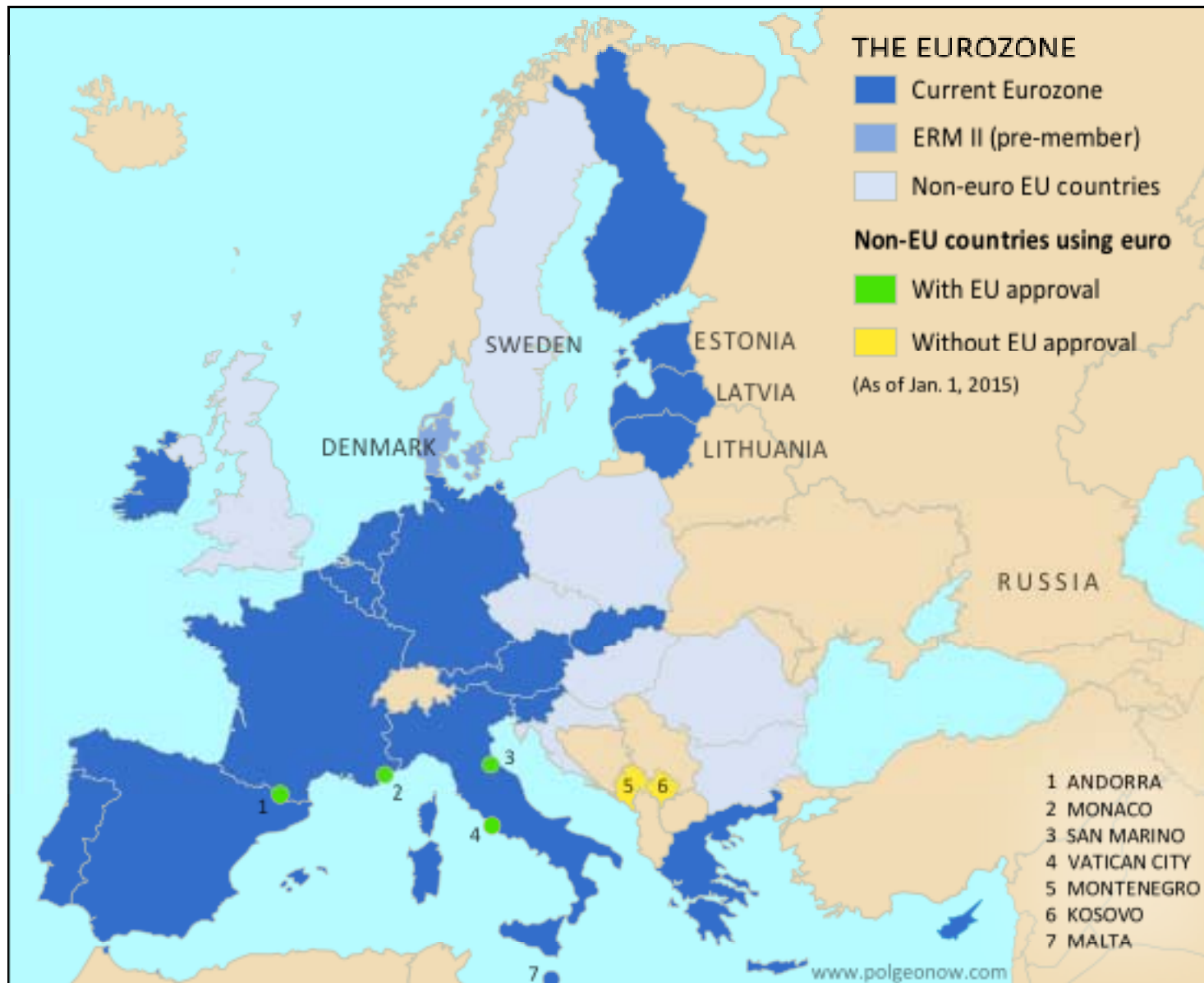
The Court at work

Other institutions

. 6. European Central Bank (Frankfurt)

- Management of the Euro (19 MS) and control of inflation (model of the Deutsche Bundesbank)
- President Draghi and the Governing Council
- Important role in the financial crisis
- Since 2013, possible « bailouts » in failing MS. Controversies on Greek bailouts

- **7. Court of Auditors (Luxemburg)**:
- Control the legality of all the resources and expenditures of the EU/ Reports

The 19 Eurozone states

THE EUROZONE

- Current Eurozone
- ERM II (pre-member)
- Non-euro EU countries

Non-EU countries using euro

- With EU approval
- Without EU approval

(As of Jan. 1, 2015)

SWEDEN

ESTONIA

LATVIA

LITHUANIA

DENMARK

RUSSIA

1 ANDORRA
2 MONACO
3 SAN MARINO
4 VATICAN CITY
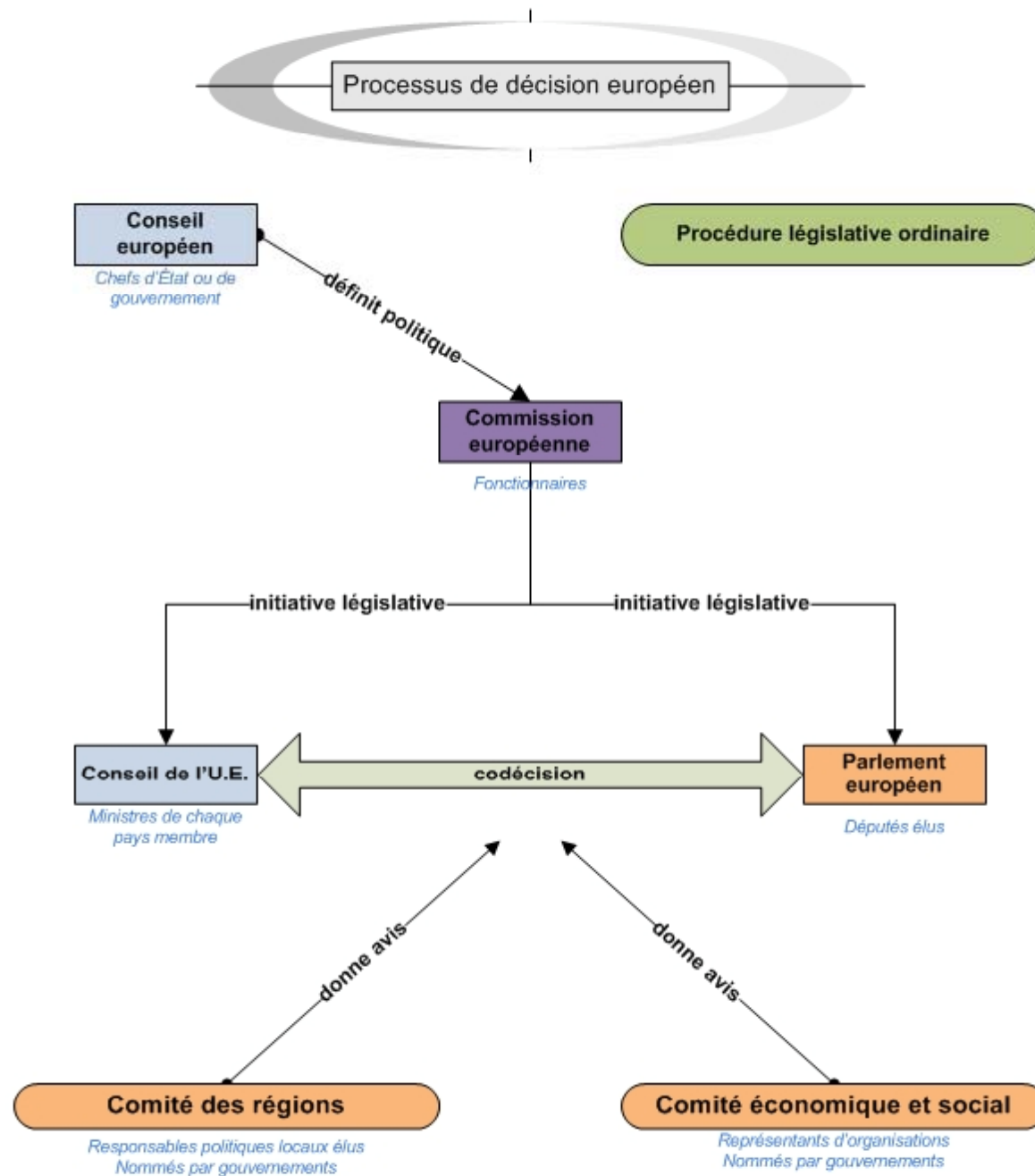5 MONTENEGRO
6 KOSOVO
7 MALTA

www.polgeonow.com

ECB Governing Council   December 2014

- **7. Court of Auditors (Luxemburg)**:
- Appointed for 6 years by the Council of ministers of the EU
- Controls the legality of all the resources and expenditures of the EU/ Reports

- Two advisory bodies: 344 members each

- **Economic and Social Committee** (1957)
  Brussels

- **Committee of the Regions** (1992)
  Brussels

Processus de décision européen

Procédure législative ordinaire

Conseil européen
Chefs d'État ou de gouvernement

définit politique →

Commission européenne
Fonctionnaires

initiative législative   initiative législative

Conseil de l'U.E.
Ministres de chaque pays membre

← codécision →

Parlement européen
Députés élus

donne avis   *donne avis*

Comité des régions
Responsables politiques locaux élus
Nommés par gouvernements

Comité économique et social
Représentants d'organisations
Nommés par gouvernements

Negotiating practices

- Intensity of EU negotiations is beyond question

- No negative effect of enlargement on the decision making speed

- Decision - making rules: more and more majority rule: qualified majority

- Range of EU negotiations continues to expand

- Package deals based on « positive sum games »
- Differentiation is tolerated by the system
- Tolerance also with compensations
- Limits to hegemony
- Coalition patterns because of majoritarian rule: small players extract relatively high pay-offs

- « Multiple bilateralism » between States: bilateral diplomacy has not disappeared
- Veto has not totally disappeared: unanimous vote (taxes, welfare policies, foreign policy)

In conclusion: not to forget

- 28 Member States
- 7 supranational institutions which have a certain autonomy: not only "agents" of "principals"
- Negotiation and compromise: key words
- Complexity for the citizen: legitimacy gap